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Sefton Council 

MEETING: PLANNING COMMITTEE
DATE: 1st June 2022
TIME: 6.30 pm
VENUE: Assembly Hall - Bootle Town Hall, Trinity Road, Bootle, L20 7AE

Member

Cllr. Daren Veidman (Chair)
Cllr. Brenda O'Brien (Vice-Chair)
Cllr. John Dodd
Cllr. James Hansen
Cllr. David Irving
Cllr. John Kelly
Cllr. Sonya Kelly
Cllr. Carol Richards
Cllr. Joe Riley
Cllr. Michael Roche
Cllr. Paula Spencer
Cllr. Lynne Thompson
Cllr. Paul Tweed
Cllr. Carran Waterfield

Substitute

Cllr. Natasha Carlin
Cllr. Leslie Byrom C.B.E.
Cllr. Gareth Lloyd-Johnson
Cllr. Anne Thompson
Cllr. Maria Bennett
Cllr. Janet Grace
Cllr. Gordon Friel
Cllr. Dave Robinson
Cllr. Mike Morris
Cllr. Linda Cluskey
Cllr. Liz Dowd
Cllr. Gareth Lloyd-Johnson
Cllr. Sean Halsall
Cllr. John Joseph Kelly

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

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

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 ian.barton@sefton.gov.uk by no later than **12:00 (noon) on the day of the meeting.**

Please include in your email –

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

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

AGENDA

1. Apologies for Absence

2. Declarations of Interest

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

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

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

3. Minutes of the meeting held on 13 April 2022 (Pages 5 - 12)

4. Applications for Planning Permission - Petitions

A DC/2021/01739 - 102 Serpentine North, Blundellsands (Pages 13 - 40)
Report of the Chief Planning Officer

B DC/2022/00087 - Land At Crosby Coastal Park, Crosby (Pages 41 - 64)
Report of the Chief Planning Officer

C DC/2022/00454 - 14 College Road, Crosby (Pages 65 - 72)
Report of the Chief Planning Officer

D DC/2022/00569 - 6 Roehampton Drive, Crosby (Pages 73 - 78)
Report of the Chief Planning Officer

5. Applications for Planning Permission - Approvals

A DC/2022/00375 - Deyes High School Deyes Lane, Maghull (Pages 79 - 106)
Report of the Chief Planning Officer

6. Planning Appeals Report (Pages 107 - 126)

7. Visiting Panel Schedule

(Pages 127 -
128)

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

PLANNING COMMITTEE

MEETING HELD AT THE BOOTLE TOWN HALL ON 13 APRIL 2022

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

Councillors Corcoran, Dutton, Sonya Kelly,
McGinnity, Riley, Roche, Spencer, Lynne Thompson
and Tweed.

90. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Kelly, Anne Thompson and Waterfield and Councillors Cluskey and Murphy (Substitute Members).

91. DECLARATIONS OF INTEREST

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

92. MINUTES OF THE MEETING HELD ON 16 MARCH 2022

RESOLVED:

That the Minutes of the meeting held on 16 March 2022 be confirmed as a correct record.

93. DC/2021/00417 - LAND OFF HOLGATE, THORNTON

Further to Minute No. 40 (20 October 2021) and Minute No. 51 (17 November 2021) the Committee considered the report of the Chief Planning Officer recommending that the above application for the proposed development of 206 dwellings, including access from Park View, car parking, landscaping and public open space, following the demolition of Orchard Farm and outbuildings, be granted subject to the conditions and for the reasons stated or referred to in the report.

A late submission from Thornton Parish Council requesting a deferment of the application and a letter from Natural England confirming agreement with the overall conclusions of the Habitats Regulations Assessment undertaken by Merseyside Environmental Advisory Service, subject to appropriate mitigation being secured through the planning permission, were submitted at the meeting and considered by Members.

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RESOLVED:

That the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report and subject to the completion of a S106 Legal Agreement securing the following:

- 62 affordable dwellings (including two thirds social/ affordable rented and one third discount market);
- 20% of market dwellings to qualify as 'accessible and adaptable' under Building Regulations;
- £459,380 in contributions towards primary education in the Thornton/ Crosby area;
- Supplementary feed for bird species on an adjacent field to be agreed by the Chief Planning Officer in consultation with Merseyside Environmental Advisory Service and Natural England in perpetuity (£2,500 per year for purchase of supplementary feed and labour for spreading, with the sum to rise by inflation on an annual basis);
- £118,939 sinking fund, equivalent to a further £2,500 (interest index linked), available to the landowner to secure the ongoing mitigation of the site – thus allowing the provision of additional finance in the event that the site should need additional security or to deal with any other unexpected future events and a £60,000 monitoring fee;
- £61,594 (recreational pressure fee, as determined via the Sefton Information Note core zone as 299(£) x 206 (dwellings));
- The management of public open space and sustainable drainage systems;
- Contributions towards the A565 Route Management Strategy; and
- £6,658 to monitor compliance with the Agreement.

94. DC/2021/02499 - 326 LIVERPOOL ROAD SOUTH, MAGHULL

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of Retirement Living Housing of 44 residential units (Category II type accommodation) with associated communal facilities, landscaping and car parking following the demolition of the existing building (alternative to DC/2020/00418, refused 14 April 2021, Minute No. 129 refers). be granted subject to the conditions and for the reasons stated or referred to in the report.

RESOLVED:

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

- (a) the completion of a Section 106 Legal Agreement securing the following:

- a financial contribution towards off-site affordable housing;
 - a financial contribution towards mitigating recreational pressure on the Sefton coast; and
 - a fee to monitor compliance with the legal agreement;
- (b) the submission of bat surveys to enable the local planning authority to assess the proposals against the three tests (Habitats Regulations);
- (c) the submission of additional information to enable the local planning authority to complete a Habitats Regulations Assessment which considers impacts of recreational pressure on the Sefton coast;
- (d) the agreement of Natural England to the findings of the completed Habitats Regulations Assessment; and
- (e) the Chief Planning Officer be delegated authority to impose planning conditions and/or Section 106 requirements recommended by Merseyside Environmental Advisory Service and/or Natural England on the additional information.

95. DC/2021/01317 - 5-7 BURBO BANK ROAD SOUTH, BLUNDELLSANDS

Further to Minute No. 52 (17 November 2021), the Committee considered the report of the Chief Planning Officer giving an update on the above application for the erection of 8 dwellinghouses and associated infrastructure following demolition of the existing dwellings.

At Minute No. 52 (17 November 2021) it had been resolved to grant planning permission subject to conditions and the completion of a Section 106 legal agreement towards education provision. The legal agreement was under preparation, so the planning permission had not yet been issued. Meanwhile, the applicant had tried to satisfy proposed condition 3 of the planning permission, which involved a scheme for the translocation of dune grassland, but had not been successful.

The report therefore sought approval to delete condition 3 and replace it with a financial contribution to be incorporated into the Section 106 legal agreement.

RESOLVED:

That the recommendation be approved, and the Application be granted subject to the conditions and for the reasons stated or referred to in the report previously approved at Minute No. 52, except for condition 3 which is to be deleted, and subject to the completion of a Section 106 Legal Agreement to secure commuted sum payments towards education provision and biodiversity net gain.

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96. DC/2022/00011 - 2 CHIPPING AVENUE, AINSDALE

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of a part two/single - storey extension to the rear/ side, a first floor extension to the side, a single-storey porch to the front, alterations to front and side roof from flat to pitched, and insertion of 2 first floor windows and roof-light to side (west) elevation of the dwellinghouse be granted subject to the conditions and for the reasons stated or referred to in the report.

Arising from the discussion Members expressed concern regarding the overbearing impact on nearby properties, in particular 26 and 28 Westminster Drive and 4 Chipping Avenue where they felt there would be a loss of light within the garden areas and some windows.

RESOLVED:

That the recommendation be not approved and the application be refused for the reason that the proposed extension would have an overbearing impact on the garden and rear windows of both 28 and 26 Westminster Drive and the overshadowing of the garden and loss of light to No 28 Westminster Drive and would therefore be contrary to Policy HC4 and the House Extensions SPD paragraph 4.3.

97. DC/2021/01677 - 26 ELSWORTH CLOSE, FORMBY

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of a part two storey, part first floor extension to the front incorporating a porch, first floor extension to the side incorporating a Juliette balcony to the rear, a single storey extension to the rear and the raising of the ridge height of the dwelling be granted subject to the conditions and for the reasons stated or referred to in the report.

Arising from the discussion Members expressed concern at the size and massing of the proposed development, felt that there would be overlooking and loss of light to neighbouring properties and that the development affected the overall appearance of the street scene.

RESOLVED:

That the recommendation be not approved and the application be refused for the reason that the development would be overbearing with the size and scale not in keeping with the original dwelling and the surrounding area and as such would be contrary to Policy HC4 (1) b.

98. DC/2021/02862 - 12 WRIGHT STREET, SOUTHPORT

The Committee considered the report of the Chief Planning Officer recommending that the above application for the proposed conversion from office to a residential dwelling, comprising of 2 No. bedrooms, and

alterations to windows be granted subject to the conditions and for the reasons stated or referred to in the report.

RESOLVED:

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

99. DC/2022/00111 - POPLAR LODGE 15B GREEN LANE, FORMBY

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of a two storey side extension, a porch to the front, a first floor extension and first floor glass balustrade to the rear, alterations to the roof to form a double pitch and insertion of sunken swim spa and hot tub to the rear following the demolition of the existing garage be refused for the reasons stated or referred to in the report.

A letter from the residents of a neighbouring property to the proposed development site in support of the application was submitted at the meeting by the applicant and considered by Members.

RESOLVED:

That the recommendation be approved and the application be refused for the reasons stated or referred to in the report.

100. PLANNING APPEALS REPORT

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

Appellant	Proposal/Breach of Planning Control	Decision
Mr Kris Paton	DC/2021/01455 - 31 Harbord Road Waterloo Liverpool L22 8QG. Appeal against refusal by the Council to grant Planning Permission for the erection of a single storey extension to the rear of the dwellinghouse, after demolition of existing conservatory	Dismissed 18/03/2022
Mrs M Lloyd	DC/2021/01858 - 27 Fell View Southport PR9 8JX. Appeal against refusal by the Council to grant Planning Permission for the erection of a fence in the rear garden (retrospective completed 27/04/2021).	Dismissed 11/03/2022

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Chantelle Power	DC/2021/01572 - 77 Cherry Road Ainsdale Southport PR8 3SF. Appeal against refusal by the Council to grant Planning Permission for the erection of 1660mm high boundary timber fencing to the front and both sides including pillars and gates to the front of the dwellinghouse (retrospective completed 10/05/2021).	Dismissed 10/03/2022
Mrs Jane Maloney	DC/2021/01099 - 7 Claremont Avenue Maghull Liverpool L31 8AD. Appeal against refusal by the Council to grant Planning Permission for the erection of a two storey extension to the side, single storey extension to the front and first floor extension to the side and rear of the dwellinghouse.	Allowed 11/02/2022

RESOLVED:

That the report be noted.

101. VISITING PANEL SCHEDULE

The Committee considered the report of the Chief Planning Officer which advised that the undermentioned sites had been inspected by the Visiting Panel on 11 April 2022.

Application No.	Site
DC/2021/02499	326 Liverpool Road South, Maghull
DC/2021/01677	26 Elsworth Close, Formby
DC/2022/00111	Poplar Lodge 15B Green Lane, Formby
DC/2022/00011	2 Chipping Avenue, Ainsdale

RESOLVED:

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

102. MR. S FAULKNER - TEAM LEADER

The Chair informed Members that this would be the final meeting which Mr. S. Faulkner, would be attending owing to him being appointed to a post in a neighbouring Local Authority. The Chair paid tribute to the excellent service provided to the Committee by Mr. Faulkner throughout his 17 Years with Sefton Council.

RESOLVED:

That the appreciation of the services of Mr. Faulkner and the Committee's best wishes for the future be placed on record.

103. THANKS TO MEMBERS AND OFFICERS

The Chair referred to the work of the Committee during the past Municipal Year and wished to formally place on record sincere thanks and appreciation to all Members and Officers for their sterling efforts throughout another challenging Municipal Year.

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Report to: PLANNING COMMITTEE **Date of Meeting:** 1 June 2022

Subject: [DC/2021/01739](#)
[102 The Serpentine North, Blundellsands, L23 6TJ](#)

Proposal: Erection of a two storey extension to one side, a part two storey/part single storey extension to the opposite side, a two storey extension to the rear, single storey extensions to the front and rear of the dwellinghouse, a roof terrace and partial conversion of the existing garages.

Applicant: Mr & Mrs. Paul & Holly Finnegan **Agent:** Diaz Associates

Ward: Blundellsands Ward **Type:** Householder application

Reason for Committee Determination: Petition endorsed by Councillor Roscoe

Summary

The proposal is for various extensions to the dwelling in an Art Deco style. The property lies within Blundellsands Park Conservation Area, therefore the main issues to consider are design and impacts on heritage alongside matters relating to living conditions of existing neighbours. The existing post-war property makes a neutral contribution to the character and appearance of the Conservation Area.

The proposed extensions would substantially alter the appearance of the dwelling and give rise to a considerably greater overall footprint. However, considerable works would also take place to the existing dwelling and it would read as a single, coherent form, such that the extensions would not appear disproportionate in visual terms to the original post war dwelling. It would also reflect a number of other recent additions identified both within and outside the conservation area. The proposals confirm no harm to surrounding tree cover and have also been assessed in relation to the impacts on ecology (most notably, sand lizard habitat).

The proposal would preserve the character and appearance of the Conservation Area in line with local and national policy requirements. No harm arises to heritage assets and given the design is acceptable, and there is no significant harm to the living conditions of neighbouring residents, the application is recommended for approval.

Recommendation: [Approve with Conditions](#)

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Case Officer Steven Faulkner

Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QVRVPUNW08800>

Site Location Plan



Reference: Map reference
Date: 23/05/2022
Scale: Scale: 1:1250
Created by: Initials

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The Site

The application site comprises a detached 1960s two-storey dwellinghouse with east-facing garden located at 102 The Serpentine North within Blundellsands Park Conservation Area.

History - None

Consultations

Conservation Officer

Impact on Heritage Assets

As set out, the application is for extensions to the existing property at 102 The Serpentine North. However the proposal would in effect create the appearance of an entirely new dwelling. The proposed style has been described as contemporary Art Deco within the Design and Access Statement. Although this is not characteristic of Blundellsands Park Conservation Area, it is a style found elsewhere along Sefton's coast contributing positively to the respective localities. Modern materials proposed such as render do feature on some older properties within the Conservation Area such as Baringo, 61 Burbo Bank Road, as well as on more recent additions such as the nearby Admirals Quay apartments and 55 Burbo Bank Road, also located within the Conservation Area.

The proposal does make a number of substantial changes to the existing property which would have a significant visual impact on the Conservation Area. However, the changes are such that they would have the potential to enhance the existing property which is of neutral interest. In terms of plot to dwelling ratio, visually at least, the proposal would maintain the spacious character which defines the Conservation Area, the first floor and terrace being notably set in from either side, this maintaining the existing rhythm of the streetscape.

In spatial terms, it is noted that the extensions would take up a large portion of the plot, although it and its closest modern neighbours already occupy a large portion of their plots which themselves are smaller than historic plots which are identified in the Conservation Area Appraisal to contribute to the character of the conservation area. Indeed, the application site forms part of a previous subdivision dating back to the 1950s with the loss of 'Seacroft'. The existing plot does not therefore contribute positively to the character of the Conservation Area, as it does not have any historic significance by contrast with those larger plots that remain which do contribute positively.

Concerns have been raised over impacts on views in and out of the Conservation Area. Given existing built form and boundary treatment at ground level and the setting in of the building at first floor level, the proposed works would have no greater impact than the existing dwelling which does not allow for important views through the Conservation Area. There are longer distance views from the coastal path looking north and east towards the dwelling, but these are not considered to materially obscure existing views of 108 Blundellsands Hall, or the adjoining neighbour to the north, which is

set a substantial distance from the southern boundary. These views also contain a number of modern buildings as highlighted on Plan 6 of the Conservation Area Appraisal showing relative ages of buildings. The number of modern buildings seen within the view from the coast is also highlighted in Section 4.3 Views and Vistas Within the Conservation Area.

Views of the Conservation Area obtained from within the Key Park would also have no greater impact than existing, with long distance views still perceptible with no material difference through mature woodland and foliage.

Overall while it is clear that there are concerns regarding the style of the proposed works being out of character with the Conservation Area, it is considered that the unique design would as a minimum preserve the character and appearance of Blundellsands Park Conservation Area as required by policies NH9 and NH12.

There are a variety of modern properties of different ages and designs within the Conservation Area as it stands. Although it would clearly contrast in style with historic neighbouring properties such as 108 Blundellsands Hall, it is not considered that this extension would compete in a harmful manner which detracts from those buildings which make a positive contribution to the appearance and character of the Conservation Area. In terms of the St Nicholas fountain, the extended dwelling would present a different backdrop when viewed front on, but the fountain is already seen within the setting of the existing 1960s property and other substantial modern residential development along the Serpentine and Burbo Bank Road North. As such there is no harm resulting to the fountain or its setting, and the proposal does not harm the significance of the fountain or affect its character as a building of special architectural or historic interest.

A number of residents in their objections have also referred to applications refused and dismissed on appeal within Blundellsands Park Conservation Area, including at 'Emrow' and more recently at 'Hawkstone'. Both of these involved the subdivision of historic plots to create new dwellinghouses and thus cannot be directly compared to the current application as these historic buildings positively contribute to the Conservation Area and retain the character of large houses set in large spacious plots, an important element of the Conservation Area and of buildings which contribute to its significance.

Recognised Non-Designated Heritage Assets (NDHA)

Dating from 1963, a property known as Maeldune stands further along at No.90 Serpentine North and is of sufficient significance to be included on the Merseyside Historic Environment Record and is therefore classed as a NDHA under reference MME18544 with MEAS. The distance between this property and the application site is as such as to have no impact upon the setting of the NDHA which itself stands within its own spacious plot adjacent to substantial modern residential development known as Holyrood Apartments which were constructed in the late 20th century.

The application property is not a recognised NDHA, nor are any of its immediate neighbours. The planning authority identifies recognised NDHAs through the Merseyside Historic Environment

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Record and makes accessible to the public their location and relevant information in accordance with Paragraph 40 of the Planning Practice Guidance Note 'Conserving and Enhancing the Historic Environment'. The property does not feature on the Historic Environment Record and is therefore not considered to be an NDHA. The building is not described in the Appraisal as being the work of any notable architect, but the Appraisal does describe the building as a Secondary Landmark. However, this does not automatically bestow the building NDHA status.

It is noted that objectors consider 108 The Serpentine North (Blundellsands Hall) to be an NDHA and they have made a request that the property be considered an NDHA. Whilst the Conservation Area Appraisal describes the property as a secondary landmark building, the intention here is outlined in the Appraisal for such properties to provide a visual point of reference to visitors, adding interest to the streetscene and are important as landmarks. The Appraisal also does not identify the dwelling in Section 6.2 Leading Architects, which details prominent designers whose work within the Conservation Area may add to the architectural significance of the Conservation Area.

Local planning authorities may identify NDHA as part of the decision-making process on planning applications, for example, following archaeological investigations, and equally, MEAS would also consider all evidence-based requests for NDHA classification for any building across the region. There are no archaeological implications for this site and to consider a new NDHA would require clear and convincing research and justification.

Without having the detailed heritage assessment and justification for inclusion of 108 The Serpentine North as a NDHA, it would be difficult to discern what the essential significance of the asset would be in order to discern how its significance is harmed, and as a result weigh a balanced judgement against it as set out in NPPF paragraph 203.

Through a 2020 appeal also within this Conservation Area, the Planning Inspectorate stated that NDHAs may be identified through the planning process, if accompanied by sufficient evidence of merit to do so. A positive contribution to a Conservation Area alone is not enough:

Appeal Ref: APP/M4320/W/20/3252390 23 Park Drive, Blundellsands L23 6TN
Decision date: 17 September 2020

11. The PPG does state that "in some cases" NDHAs may be identified during the application process, for example, following archaeological investigations. Based on the evidence submitted, the planning application was not accompanied by any assessment of historical significance and nothing of that nature has been presented by the Council. Consequently, the process by which the Council has arrived at its conclusion regarding the NDHA is not transparent. Thus, whilst the property makes a positive contribution to the area and its design as well as its origins of a gate lodge are of interest, it is questionable whether it should be considered as a NDHA.

No evidence to advocate that 108 Blundellsands Hall merited NDHA status was supplied at the time of submission or since, and the application was assessed accordingly against policy on the known facts. This approach is supported by the findings of the Inspector in the above appeal.

If it was determined that 108 Blundellsands Hall is worthy of NDHA status, then Policy NH15 Non-Designated Heritage Assets would be relevant. It states:

“Development affecting a locally listed asset or its setting, or a non-designated heritage asset or its setting, will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced.”

Without supporting evidence, the prima facie aspects which contribute to the significance of 108 Blundellsands Hall appear to be found within its exterior materiality and setting within a large and spacious plot. The proposed development at 102 The Serpentine North would have no impact on the materiality of 108 Blundellsands Hall, nor would the proposed development impact upon the setting of the building which would retain its large and spacious plot. The development would therefore conserve those aspects which contribute to the significance of 108 Blundellsands Hall and would be compliant with the aims of policy NH15 (if applied).

Assessment of impacts on Heritage Assets

As noted above, though the application is for extensions to the existing property, the proposal would in effect create the appearance of an entirely new dwelling. The proposed style has been described as contemporary Art Deco within the Design and Access Statement. Although this is not characteristic of Blundellsands Park Conservation Area, it is a style found elsewhere along Sefton’s coast, where it contributes positively to the respective localities.

While the proposal would have a significant visual impact on the Conservation Area, it would not in turn give rise to a negative impact on its character and appearance. In terms of plot to dwelling ratio, visually at least, the proposal would maintain the spacious character which defines the Conservation Area, the first floor and terrace being notably set in from either side, thus maintaining the existing rhythm of the streetscape. In spatial terms, the extensions would give rise to a more significant building to plot ratio, but the dwelling already assumes a large part of what is already a much smaller plot following its previous subdivision as set out above. As such, the key characteristics of the conservation area as identified by the appraisal are not undermined as a result of the extensions as proposed.

The applicant has amended the scheme to omit painted render (i.e. not in white) and glazed balustrades which were considered to be uncharacteristically modern given the style of the dwelling. A large rooftop pergola has also been omitted from the original proposals.

The applicant has also submitted a street scene elevational drawing which shows the development sitting comfortably within the context of the height, scale and massing of neighbouring dwellings. While the extensions are substantial and do not complement the style of the existing dwellinghouse, given the total re-design the proposals are deemed acceptable.

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The existing building and boundary treatment of the application site does not allow for significant views through the CA and any potential importance of views of the adjacent 108 Serpentine North is not mentioned in the Conservation Appraisal in Section 4.3. Views of 108 The Serpentine North will not be obscured by the proposal so its value as a visual reference will not be diminished. 108 The Serpentine North is also set within its own large plot with a substantial garden between it and the application boundary.

The existing boundary treatment will not be affected by the proposal, so any views from ground level will be preserved. Above a large double garage, the existing building features a substantial terrace at first-floor level bordered by timber fencing. The proposal seeks to build up the terrace, however the first-floor level is proposed to be set in further than the existing terrace. This will preserve the existing long-range views through the site obtained from the coastal path.

There are longer distance views from the coastal path looking north and east towards the dwelling, but these are not considered to materially impact on existing views of 108 The Serpentine North, or the adjoining neighbour to the north, which is set a substantial distance from the southern boundary. These views also contain a number of modern buildings as highlighted on Plan 6 of the Conservation Area Appraisal showing relative ages of buildings. The number of modern buildings seen within the view from the coast is also highlighted in Section 4.3 of the CAA: Views and Vistas Within the Conservation Area.

Overall while it is clear that there are concerns regarding the style of the proposed works being out of character with the Conservation Area, it is considered that the unique design provides a betterment which would not have a negative impact on the character and appearance of the conservation area. Given the neutral interest and contribution of the existing dwelling it is considered that the proposal would as a minimum preserve the character and appearance of Blundellsands Park Conservation Area as required by policies NH9 and NH12. The proposal is of a high-quality design which responds positively to the local area in terms of its scale, height, form and massing. It also has no adverse impact on the layout and historic pattern of development in the Conservation Area.

Although it would clearly contrast in style with historic neighbouring properties such as Blundellsands Hall, on balance it is not considered that this would compete in a harmful manner which detracts from the buildings which do make a positive contribution to the appearance and character of the Conservation Area. This is in part due to the variation brought by taller, bulkier, and more modern approaches to design within the immediate vicinity.

The proposal would not harm the setting of the Grade II listed drinking fountain, which is already undermined by the application property, which does not possess any historic interest relative to the fountain. This dates back to 1881 and its listing description confirms it to be of Ashlar sandstone on polished granite base, of vaguely Gothic style and square plan with bowls on each side. It has an admonitory biblical inscription round base.

The fountain is situated in the middle of a busy 3-way road junction between The Serpentine, The Serpentine North and Burbo Bank Road North, sitting approximately 12 metres in front of the application site. The fountain is surrounded by tarmac and road markings on all sides, with any historic interest or character limited to the fountain itself. There is a significant distance between the fountain and the proposed building which will sit back further still beyond the existing boundary fence. The proposal would not harm the setting of the listed drinking fountain, which is already undermined by the host property and modern boundary treatment, which does not possess any historic interest relative to the fountain.

Given these reasons, it is not considered that the proposal will affect the special architectural or historic interest of the listed fountain or impact upon its setting. The proposal complies with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal has been given careful consideration with regard to the desirability of preserving or enhancing the character or appearance of that area. It is considered that the proposal will preserve the neutral contribution this site makes to the conservation area and preserve aspects of the conservation area which contribute to its character and appearance. As such the proposal complies with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In summary, it is considered that there is no harm to heritage assets that would require consideration of the wider public benefits brought by the proposal. There is no conflict with the provisions of the National Planning Policy Framework, or relevant Local Plan policies set out above.

Merseyside Environmental Advisory Service

Consultation response dated 6 September 2021

The development site is near to the following European sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan policy NC2 applies:

- Sefton Coast SAC;
- Ribble and Alt Estuaries SPA; and
- Ribble and Alt Estuaries Ramsar site;

I have considered the proposals and the possibility of likely significant effects on European national and international sites using the source-pathway-receptor model. I advise that there is no pathway that could result in likely significant effects on the European sites and the proposals do not warrant a detailed Habitats Regulations Assessment for the following reasons:

- The development is contained within the curtilage of an existing dwelling. There will be no land take;
- The site is separated from the European sites by a road and expanse of amenity grassland that is subject to high levels of recreational disturbance. Qualifying features using the

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European sites are exposed to high levels of disturbance closer to them than the development site. Any noise or human activity within the development site is highly unlikely to disturb them over the 150 metre distance as it is unlikely to significantly increase existing levels of disturbance. In addition, the development site is well screened by fences and tall vegetation; and

- It is highly unlikely the proposals would generate pollution that would reach the European sites (dust, run-off) due to separation by a road and the amenity grassland.

Protected Species

Bats

The applicant has advised that bat emergence /re-entry surveys are underway and the final report will be submitted to the Council to support the application. Bats are protected species and a material consideration. Local Plan policy NH2 applies. I advise that the report is required prior to determination.

Reptiles

Sand Lizard has been recorded within the nearby Key Park LWS, this species is protected and Local Plan policy NH2 applies. Slow worm and common lizard have also been recorded within the LWS boundary. The proposed works on site have potential to impact reptile species if they are present. I recommend that an ecologist with experience of sand lizard is commissioned to assess the site and to determine likely potential impacts on sand lizard and other reptile species. The survey and report are required prior to determination.

Red Squirrel

The application site is within the Sefton Coast Red Squirrel Refuge and Buffer Zone which has been adopted by the Council. I advise that any landscaping is with small seed-bearing species which encourage red squirrels and discourage grey squirrels, in accordance with Local Plan policy NH2. Details of tree planting can be provided within a landscaping / planting plan for the site which can be secured by a suitably worded planning condition. Part Two provides further details.

Breeding Birds

Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected and Local Plan policy NC2 applies. The following planning condition is required.

CONDITION

No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub,

hedgerows, and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Archaeology

The focus of the Heritage Assessment (Landor Planning July 2021) is the history and impact to the Blundellsands Park Conservation Area. There are no heritage assets recorded on the Merseyside Historic Environment Record within the proposed development.

The proposed development site is considered to have negligible archaeological potential. I advise that archaeology does not need to be considered further for this application.

Sand Lizard

The site contains habitats that could support Sand Lizard, and this species is known to be present on the adjacent Key Park LWS site. A suitably qualified ecologist should be commissioned to produce a report detailing potential impacts of the proposals on this species. The report should include:

- Assessment of the value of habitats on site for reptiles
- Any further survey requirements
- Mitigation/compensation measures

If the report deems that further surveys for reptiles are required, then these are time restricted (optimum survey period April/May and September) and this may have an impact on determination timescales.

Red Squirrel

Suitable tree species for red squirrel include:

- Scots pine (*Pinus sylvestris*);
- Willow (*Salix* spp.);
- Rowan (*Sorbus aucuparia*);
- Birch (*Betula pendula* or *B. pubescens*);
- Hawthorn (*Crataegus monogyna*);
- Blackthorn (*Prunus spinosa*);
- Alder (*Alnus glutinosa*); and
- Holly (*Ilex aquifolium*).

Waste

The proposals comprise householder development which is unlikely to generate significant volumes of waste. The Merseyside and Halton Joint Waste Local Plan (WLP) Policy WM8 Waste Prevention and Resource Management, National Planning Policy for Waste (paragraph 8) and Planning Practice

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Guidance (paragraph 49) require the use of construction and demolition methods that minimise waste production and maximise re-use, recycling of materials on-site and minimise off-site disposal where practicable. I advise the use of waste audits or a similar mechanism such as a site waste management plan to monitor waste minimisation, recycling, management, and disposal.

Consultation response dated 1 November 2021

The applicant has submitted the following reports in accordance with Local Plan policy NC2 which meet BS42020:2013:

- *Inspection and Assessment in relation to Bats, Breeding Birds and Sand Lizards, Tyrer Ecological Consultants, October 2021; and*
- *Dusk Survey Results, Tyrer Ecological Partnership, October 2021.*

The bat emergence survey has minor limitations in that the surveys were carried out during September. However, the report provides adequate explanation as to why this does not affect the conclusions and the report is accepted.

Protected Species

Bats and Sand Lizard

The report states that no evidence of bats or Sand lizard use or presence was found. The Council **does not** need to consider the proposals against the three tests (Habitats Regulations).

Previous comments regarding the Habitats Regulations, Red squirrel, breeding birds, archaeology and waste remain valid.

Consultation response dated 31 March 2022

The application has received objections from neighbours for several reasons. Objections regarding ecology matters are as follows:

- The objector believes Sand lizard, Natterjack toad and Bats may be harmed by the proposals as these species are said to be present in the neighbouring property;
- The ecological reports submitted to support the application do not do justice to the significance of ecological assets; and
- Tree removal will result in damage to ecological corridors, bat foraging habitat and dune grassland;

In response to these comments the applicant has submitted further information as requested *Letter from Tyrer Ecological Consultants Ltd to T Diaz, 30 March 2022*. The additional information states the following:

The report states that no evidence of Natterjack toad and Sand Lizard use or presence was found. The nearest confirmed records of these species are beyond 1 km of the site and there is no suitable habitat for these species within or immediately surrounding the site and no habitat connectivity between the nearest records and the proposed development site. The Council **does not** need to consider the proposals against the three tests (Habitats Regulations).

The report recommends replanting of native woody species, which will add to the local commuting lines, to be planted along the boundary features, particularly along the eastern boundary. This is accepted and native species can be included within a landscape planting plan that should be submitted to the Council for approval. Any planting plan should be in accordance with previous comments regarding Red squirrel. This can be secured by a suitably worded planning condition.

As stated within the report, habitats on site or adjacent to the site may provide roosting, foraging, commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitats, areas in line with NPPF (paragraph 180). This can be secured by a suitably worded planning condition. It would be helpful for the applicant to refer to *Bat Conservation Trust website* <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> All previous comments regarding Red Squirrel, Breeding birds, Archaeology and Waste remain valid.

Tree Officer

No objection following receipt of revised plans and tree survey details, subject to conditions.

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Neighbour Representations

A petition of 80 signatures endorsed by Councillor Roscoe has been received by Planning Services opposing the development on the grounds of inappropriate design within a Conservation Area, conflicts with the Council's heritage policies and potential to set a precedence.

Objections received from 26 individual addresses on the following grounds.

Design and Character

- Proposal would conflict with heritage policies as it would not preserve or enhance the Conservation Area
- Harm to Blundellsands Park Conservation Area and reduce characteristic openness, interrupt rhythm and density which generally sees dwellings take up 10-15% of plots
- Proposal is contrary to all the qualities which contribute to the Conservation Area as identified within the 2008 appraisal
- Advisory leaflet for Conservation Area states original features and materials should be retained
- Height and flat roof are detrimental to Conservation Area as identified within appraisal
- Design does not respond positively to its surrounding
- Heritage Statement does not fully consider nearby assets
- Applicant incorrectly states a similar property, Maeldune, is listed
- Impact on and loss of trees and vegetation
- Proposal would impact on listed drinking fountain
- Proposal would block views into Conservation Area from the Serpentine
- Similar schemes have been refused in the vicinity at Emrow and Hawkstone
- Uncertainty regarding boundary treatment
- Large scale, height and massing of proposal would dominate the area
- Modern incongruous design, extent of glazing and style out of keeping
- Unsuitable choice of materials
- Conflicting architectural style would harm setting of historic properties and compete with heritage assets in terms of visual dominance
- Proposals incorrectly described as extensions

Residential Amenity

- Terrace would overlook neighbouring gardens and windows, there is no existing terrace
- Potential damage to boundary wall and existing planting which protects privacy
- Loss of light and overshadowing
- Loss of view

Other Matters

- No benefits to development aside from personal gain
- Lack of notification

- Proposal does not constitute permitted development as alleged
- Proposal would set a precedent for further inappropriate development
- Disturbance during construction
- Development encroaches on neighbouring land and incorrect ownership certificate has been signed
- The behaviour of the local planning authority does open itself up to potential challenge through Judicial Review.

The proposal has also given rise to 17 letters of support, which generally support investment in the property and comment that the design is exciting, interesting and would improve its overall appearance. It is also commented that the existing building would not be a significant or important loss and overall modernising is welcomed.

Policy Context

The application site lies within a Primarily Residential Area as designated by the Sefton Local Plan which was adopted by the Council in April 2017. The National Planning Policy Framework (revised July 2021) is also a relevant material consideration.

Key relevant policies are explained during the course of the report.

Assessment of the Proposal

The proposal is to fundamentally remodel the existing dwelling by constructing two storey extensions to the sides and rear, with single storey extensions and a roof terrace also included. While the extensions are significant and would result in the appearance of a new-build dwelling, the applicant has submitted a plan indicating that the majority of existing load bearing and exterior walls would be retained. As such, the main issues to consider are the impacts on heritage assets, design, tree, and ecology matters and impacts on the living conditions of existing neighbours.

Heritage - Statutory Tests Applicable to Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising its planning functions local Councils must pay special attention to the desirability of preserving or enhancing the character or appearance of the affected Conservation Area. Similarly, Section 66 of the Act contains a general duty to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

R (**Forge Field Society**) v Sevenoaks DC [2014] EWHC 1895 (Admin) paragraphs 48 and 49 set out as follows:

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48. ...the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.
49. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.

National Planning Policy Framework (NPPF) (revised July 2021) – Relevant Heritage Considerations

Paragraph 194 requires local planning authorities to ask an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Paragraph 195 requires Local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199 confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 203 states that the effect of an application on the significance of a Non-Designated Heritage Asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect Non-Designated Heritage Assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Heritage - Relevant Local Plan Policies

There are a number of Local Plan policies which apply to the proposed development in terms of heritage.

Policy NH9 (Heritage Assets) states:- ‘Key elements which contribute to the distinctive identity of Sefton, and which will therefore be a strategic priority for safeguarding and enhancing into the future, include the spacious planned character of Victorian and Edwardian suburban conservation areas such as those in Birkdale, Blundellsands, Christ Church, Moor Park and Waterloo Park’.

Policy NH11 (Works Affecting Listed Buildings) states, amongst other things: - ‘Works affecting a Listed Building or its setting will only be permitted where: any alterations preserve the historic fabric and features of the building and/or its setting which contribute to its significance; and new development affecting the building’s setting respects and conserves historic and positive existing relationships between the listed building and its surroundings’.

Policy NH12 (Conservation Areas) states: - ‘Development within conservation areas will only be permitted where the proposal is of high-quality design and preserves or enhances the character or appearance of the conservation area. Development must ensure that:

- a) Replacement or new features are of an appropriate style and use materials which are sympathetic to the age, architecture and features of the affected property,
- b) Extensions, alterations or additions respect the layout and historic pattern of development in the conservation area affected,
- c) Hard and soft landscape features which contribute to the historic value of the site to the conservation area are retained (including historically significant features from previous uses),
- d) The character of historic boundary treatments, patterns of trees and planting in the conservation area are retained and enhanced.’

Policy NH15 (Non-Designated Heritage Assets) states that development affecting a locally listed asset or its setting, or a non-designated heritage asset or its setting, will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced.

Impact of proposals on Heritage Assets

The Conservation Officer has commented in considerable depth regarding matters relating to heritage assets and in doing so is aware of the various objections relating to the impact on these.

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With regard to the importance of views into and out of the Conservation Area, the extension is not considered to give rise to adverse impacts. Though the first floor extension does increase the extent of first floor development fronting The Serpentine North, it is well set back in the street scene and set in from the side boundary to no. 108 such that views of the neighbouring property from the coastal path to the south and west of the site would remain, which is further emphasised by the substantial distance between the side elevation of no. 108 to the site boundary. These views also take in the three storey flat blocks at Fountain Court, to the junction of The Serpentine North / Burbo Bank Road North, which are adjacent to the conservation area and are considered to impact starkly on no. 108.

From front on, there would remain views across the frontage towards the treed setting of Blundellsands Park to the rear. Heading southward from The Serpentine North towards the site, the buildings of Fountain Court are again experienced within views of no. 108 The Serpentine North to the left hand side, and it is only once past this property that the application site comes into view, due to the gentle inward curvature of the road away from the seafront. The bulk and mass of the extension is not therefore considered to disrupt these key views both into and out from the conservation area.

The Conservation Officer has accepted that the design approach would have a significant impact on the character and appearance of the conservation area, and this is agreed. However, this proposal gives rise to the remodelling building identified to be of neutral interest, and whilst the resulting appearance will prove more eye catching following completion of development, the new building would on completion offer a neutral contribution to the CA, as does the existing building today. It is agreed that the remodelled building will present no. 108 within the setting of a more contemporary, Art Deco influenced design. However, it will not do so in a manner that causes harm to its setting given the physical distance between the application property to no. 108 and the clear interspersing of traditional and more modern development prevalent both within and adjacent to the conservation area.

With regard to the adjacent St Nicholas Fountain (Grade II listed), the Conservation Officer concludes that there is adequate distance between the proposed development and the fountain (in excess of 12 metres) such that whilst the proposed works will fall within the setting of the monument, the works will not have an adverse impact on its setting. Fountain Court, a three storey flatted development of no discernible merit, also serves as an additional backdrop to the monument when viewed from the south. As has been highlighted by the conservation officer, the key interest relates to the actual monument itself rather than its wider setting. There is as such no adverse impact on this heritage asset.

As is stated by the conservation officer, no. 108 is not considered to be an NDHA for the purpose of assessing this application, as such assets are identified by the Historic Environment Record maintained by the Merseyside Environmental Advisory Service (MEAS). However, notwithstanding the lack of informed analysis, even were this to be the case, the proposal would not cause harm to its setting for the reasons listed above, notably, the distance of the main property from the

development proposed and the particular features of interest relating primarily to no. 108's external construction.

Having regard to the above considerations, there are no objections to the proposal in respect of its impact on heritage assets, and thereby no conflict with the statutory tests set out by Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policies NH11, NH12 or NH15 of the Sefton Local Plan. Nor does conflict arise with the relevant paragraphs of the National Planning Policy Framework.

Design and appearance

The following policies are of most relevance in respect of design and appearance.

Policy HC4 (House Extensions) states:- 'Extensions and alterations to dwelling houses will be approved where they are of a high quality of design that matches or complements the style of the dwelling and the surrounding area and the size, scale and materials of development are in keeping with the original dwelling and the surrounding area'.

Policy EQ2 (Design) criterion 1(a) states:- 'In relation to the design of buildings and structures: proposals make a positive contribution to their surroundings through the quality of their design in terms of scale, height, form, massing, style, detailing, landscaping and use of materials'.

With regard to Policy HC4, it is worth noting that the extensions are in addition to a complete remodelling of the existing dwelling, and whilst the existing property is for the large part retained, the proposal will largely resemble a replacement dwelling in appearance once various works to the existing exterior take place. The building would not therefore take on the appearance of an extended dwelling and there would be no discernible impression of a building that does not complement the style of the existing dwelling.

As such, whilst the ground floor footprint of the built form is around 75% greater than the existing, and the first floor close to doubling the overall footprint, the appearance viewed from the frontage will not be of a dominant, overbearing built form. There is ample space remaining to no. 108 to the north, and little perception of additional bulk to the adjoining southern boundary.

The majority of the additional footprint is contained to the side and rear of the existing property and, in pure design terms, the footprint is not disproportionate to the plot within which it sits, maintaining more than acceptable outdoor spaces to front and rear. The design approach is informed by a preference for an Art Deco design.

Turning to Policy EQ2, the existing dwelling is an attractive property of its time, dating back to the 1960s, but it is not of such merit that there would be harm resulting from a wholesale remodelling. There are other similar design examples within range of the application site, notably, fronting Burbo Bank Road to the north, and in respect of nearby works to 'Maeldune', to the south, which are similarly influenced.

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The proposal does comprise a series of balconies, but these are already widely present across other nearby properties too. The general variation in design prevalent across a range of properties is such that this approach can be considered to comfortably sit within its general context, providing a positive enhancement to the area's general character, and there are no objections having regard to the provisions of these policies. A number of letters supporting the application have also offered support for the chosen design approach.

As such there are no objections to the proposal in respect of its design and appearance, and no conflict with Policies HC4 or EQ2.

Impact on Living Conditions of Neighbours

The proposal has the potential to impact on a number of neighbouring properties. The closest is 98 The Serpentine North to the south, which features numerous later side and rear extensions. The proposed extensions to the application dwelling at first floor level would not harm the living conditions of no. 98. There would be fewer side-facing windows, with only two serving non-habitable rooms which would look onto the blank side gable of number 98. The rear extensions would be blank to the side and at a distance so as to not cause a loss of outlook or overshadowing to the rear and side-facing windows of no. 98.

At ground floor level the extensive pool room/gym/guest room would run along the boundary for over 26m. The main room within number 98 which would be impacted is a glazed conservatory, however its outlook is already restricted by boundary treatment and dense vegetation. Although the latter would most likely be removed, the applicant amended the ground floor side extension to introduce a pitched roof which slopes away from number 98 with an eaves height of 2.5m and maximum height of 3.3m. Taking these factors into account it is not considered that significant harm would be caused to the occupiers of number 98.

In considering the impacts on number 108 The Serpentine North, there would only be one side-facing window at first floor level serving a non-habitable room – at a distance of over 19m from the dwelling at number 108. The side extension at first floor level would come close to the boundary of number 108 however there is an extensive garden area which separates the application dwelling from the dwelling at number 108. It is also noted that there is a substantial roof terrace on the current building affording clear, open views across no. 108, which could be used lawfully in a manner resulting in significant loss of privacy to this property. The proposals would remove this terrace.

Given these factors it is not considered that significant harm would arise as a result of a poor outlook or overshadowing of either garden or internal areas. To the rear the first-floor extension would be almost 21m from the boundary of 17 Park Drive so as to not cause harm to the living conditions of this property either.

The second-floor roof terrace is positioned central to the dwellinghouse at a distance of around 28m from the rear boundary. The internal staircase which leads to the terrace would shield 108 The

Serpentine North and prevent overlooking of their garden area. The terrace would also be over 10m from the boundary to number 98 and the small patio area which separates the abovementioned conservatory. Given these separation distances it is not considered there would be an unacceptable loss of privacy. However due to the extensive areas of flat roof it is necessary to attach a condition ensuring that it is only the hatched second floor terrace shown on the submitted plans that is used as amenity space for the occupiers.

Environmental Matters

Trees and Landscaping

The proposal does not include any changes to the existing built boundary treatments but will involve the pruning or felling of a number of trees. The applicant has submitted a Tree Survey which has been subject to detailed review by the Council's Tree Officer. Though it has been noted that the original tree survey contained certain errors, for example, referring to inaccurate tree species, and identifying trees to be taller than they are in reality, these inaccuracies have been addressed and acknowledged and the errors identified do not materially affect the conclusion that there is no unacceptable tree loss. No trees were identified in the applicant's tree survey to be Category 'A' (of the highest standard) and these findings are endorsed by the Council's Tree Officer.

The Tree Protection Plan, which would form one of the approved documents to be adhered to throughout the construction period, details the following:

- Root Protection Areas (RPAs) of the retained trees to be measured out and marked up.
- 'Heras' fencing should be installed around the front and rear areas prior to demolition and be retained for the duration of the construction.
- The demolition and removal of the existing garage and internal walls should be brought back through a designated area
- Specialised Temporary Surface is to be installed upon any exposed RPAs.
- The incurred RPAs must be excavated with hand tools only to ascertain no roots greater than 25mm are to be damaged. This should then be lined with a non-permeable membrane.
- Pile foundation along the norther boundary of the proposed development.
- The RPAs of the retained trees are a Construction Exclusion Zone (CEZ) unless protected by the aforementioned.
- Specialised containers and/or sandbags can prevent building materials from contaminating the soil profile.

In addition, further clarification has been supplied in relation to foundation design, and this falls within the parameters of the Tree Officer's required specification which ensures that the below ground intervention does not give rise to extensive damage to tree roots. To further assist, the applicant has agreed that no works will take place to boundaries involving the construction of walls (and associated foundations) and will therefore retain existing boundary treatments.

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As such, should the application be recommended for approval a planning condition is attached, requesting the submission and approval of an arboricultural method statement which includes site supervision for the tree related aspects of the construction. In respect of tree matters, there will be some tree loss but this would not adversely affect wider visual amenity and subject to replacement planting on a 1:1 basis, which can be secured by planning condition, there can be no objection sustained having regard to the provisions of Local Plan policy EQ9.

Ecology

The applicant has submitted various ecology reports which have been reviewed by the Council's ecological advisors, MEAS. At an advanced stage of the process, a representation received from a neighbouring property, supported by a recognised ecological professional, pointed to the possibility of further affected habitat, notably, sand lizard, common lizard and Slow worm, Natterjack toad and roosting/hibernating bats in a nearby air raid shelter. This resulted in the applicant being asked to undertake further survey work.

The applicant had approached the objector with a view to completing the work but was unable to obtain access to undertake the survey, so the required surveys were carried out on a limited basis from the application site. Following review of these surveys, and accepting their limitations, MEAS have accepted the conclusions set out in the applicant's latest report that no evidence of Natterjack toad and Sand Lizard use or presence was found. The nearest confirmed records of these species are beyond 1 km of the site and there is no suitable habitat for these species within or immediately surrounding the site and no habitat connectivity between the nearest records and the proposed development site. The Council does not therefore need to consider the proposals against the three tests (Habitats Regulations).

The report recommends replanting of native woody species, which will add to the local commuting lines, to be planted along the boundary features, particularly along the eastern boundary. This is accepted and native species can be included within a landscape planting plan that should be submitted to the Council for approval. Any planting plan should be in accordance with previous comments regarding Red squirrel. It is agreed that a planning condition should be attached to secure further planting along the eastern boundary.

As stated within the report, habitats on site or adjacent to the site may provide roosting, foraging, commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitats, areas in line with the National Planning Policy Framework (paragraph 180). This is also capable of being secured by a suitably worded planning condition.

MEAS has ruled out likely significant effects on designated sites, in this case the Sefton Coast. Protective measures are recommended during the construction phase in relation to breeding birds which is reasonable and can be secured by condition.

Other Matters

Neighbour Comments

Objectors have raised detailed concerns in multiple representations, of substantial volume, over the accuracy of certain statements across a range of professional documents. For example, there is clear disagreement between the applicant and the objector's own tree survey as to the value of certain trees, their true height, and the actual species.

The occupiers of 108 The Serpentine North consider their property to be a non-designated heritage asset (NDHA) and believes that this lends greater impact to the significance of the development proposed in respect of the setting of their property. The LPA currently identifies recognised NDHAs through the sound evidence provided from the Merseyside Historic Environment Record (maintained by MEAS) and makes accessible to the public their location and relevant information in accordance with Paragraph 40 of the Planning Practice Guidance Note 'Conserving and Enhancing the Historic Environment'.

As part of this planning application, a request has been submitted to include 108 Blundellsands Hall as a NDHA. Planning authorities may identify NDHA as part of the decision-making process on planning applications, for example, following archaeological investigations. There are no archaeological implications for this site and to consider a new NDHA would require clear and convincing research and justification.

However, if such justification was provided and accepted, then Policy NH15 would be applicable. Without having the detailed heritage assessment and justification for inclusion as a NDHA as part of this planning application, it would be difficult to discern what the essential significance of the asset would be in order to discern how its significance is harmed, and as a result weigh a balanced judgement against it as set out in NPPF paragraph 203.

Whilst the Conservation Area Appraisal describes the property as a secondary landmark building, the intention here is outlined in the Appraisal for such properties to provide a visual point of reference to visitors, adding interest to the streetscene and are important as landmarks. The Appraisal also does not identify the dwelling in Section 6.2 'Leading Architects', which details prominent designers whose work within the Conservation Area may add to the architectural significance of the Conservation Area.

There is also objection to sustained reference to a "high stone wall" around the site which is stated to minimise the accessibility of wildlife to various habitats. It has clearly been established via site inspection by several officers that this is not the case, and again, whilst the reports could be corrected accordingly, there is no question of any party being misled. The applicant has provided additional ecological survey work directly responding to the objections raised, which clearly demonstrates no adverse impacts on protected species or habitats.

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By way of further example, objectors are also critical of reference in the Design and Access Statement to the nearby property 'Maeldune' being a listed building, when in practice it is confirmed to be a non-designated heritage asset. However, a correction of this error would simply serve to reduce the significance of that asset, and the failure to do so is not considered to weigh against the application proposal. The applicant was invited by officers to undertake an inspection of the Historic Environment Record (HER) and has done so, following criticism of the initial failure to have regard to the adjacent St Nicholas Fountain, which has been identified as a Grade II listed fountain. It can therefore be demonstrated that officers have intervened only where issues of significance, which might have been potentially material to the application's outcome, have been identified.

Residents in their objections have also referred to applications refused and dismissed on appeal within Blundellsands Park Conservation Area, including at 'Emrow' and more recently at 'Hawkstone'. However, both of these proposals involved the subdivision of plots to create a new dwellinghouse which were found to adversely affect the character and appearance of the Conservation Area and are not comparable to the current application.

Overall, whilst a comprehensive exercise could, in theory, give rise to the correction of certain errors, it is felt that doing so would not remove the fundamental objections raised to the scheme, nor would it materially affect the point that the application, on its plain face, proposes extensions to the dwelling which have been fully assessed against the relevant provisions of the NPPF and the Local Plan, and the proposals would be compliant with their various aims, objectives and requirements. This is particularly following more detailed review and analysis of various matters relating to heritage assets, ecology, and tree preservation.

The majority of neighbour comments are addressed elsewhere within the above report. Concerns have been raised over a purported lack of notification of local residents, however the Council has notified in accordance with the adopted Statement of Community Involvement with the addition of Site and Press Notices.

Concerns have been raised over potential damage to neighbouring properties, however if this did occur it would be a civil matter between the relevant parties. The applicant has amended the elevational drawings where the eaves of the extension were shown to be oversailing the neighbouring property. It has been confirmed that all works are within the curtilage of the application site. While concerns regarding setting a precedent are noted, each planning application is required to be assessed on its own merits as is the case in this instance.

Finally, although construction works often create noise and disturbance this is only ever short term. Should 'Best Practicable Means' not be implemented during the construction phase, there are powers under Environmental Health legislation to address harmful issues.

Planning Balance and Conclusion

The proposal would result in a significant change to the appearance of the existing dwellinghouse, although it is clear from the walls to be retained that the development can be considered to constitute extensions as opposed to a new build.

The application site lies within Blundellsands Park Conservation Area, and the existing 1960s dwelling is identified within the Conservation Area's appraisal as making a neutral contribution. The proposed amendments while not of a prevailing Arts and Crafts or Gothic style, are of high-quality design which would not harm but preserve the character of the Conservation Area given the existing building's neutral interest. This is a matter of planning judgement and officers are satisfied that special attention has been given to the desirability of preserving or enhancing the character or appearance of the encompassing Conservation Area.

The proposal would not harm the setting of nearby Listed Buildings nor result in an unacceptable loss of tree coverage. The submitted plans have been amended at the request of Planning Services in order to minimise impacts on existing neighbours and what is now proposed is not considered likely to cause significant harm to local amenity. It is understood that there is significant opposition to the scheme locally, largely due to what is perceived to be a jarring architectural style. However, taking into account other design criteria such as massing, height and footprint, it is not considered that the proposal harms the Conservation Area or requires public benefit to be demonstrated which outweighs harm. Overall and on balance the proposal is considered acceptable and is recommended for approval.

Recommendation - Approve with Conditions

Conditions

Time Limit for Commencement

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

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

Approved Plans

- 2) The development shall be carried out in accordance with the following approved plans and documents: Site Plans (686-01-B), Proposed Ground Floor Plan (686-03-D), Proposed First Floor Plan (686-04-D), Proposed Roof Plan (689-09 C), Existing and Proposed West Street View (686-08-C), Proposed North & South Elevations (686-07-D), Proposed East & West Elevations

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(686-06-D), Treestyle Consultancy Survey updated 11 March 2022, Letter from Tyrer Ecological Consultants Ltd to T Diaz, 30 March 2022.

Reason: For the avoidance of doubt.

Pre-Commencement Condition

- 3) Notwithstanding the details contained in the approved Arboricultural Report, no development shall take place (including the pre-construction delivery of equipment or materials, or the creation of site access) until an Arboricultural Method Statement (AMS) and tree protection plan setting out measures for the protection of retained trees has been submitted to and approved in writing by the Local Planning Authority. The submission must as a minimum include the following:
- i. Tree protection fencing details and location;
 - ii. Removal of existing structures and hard surfacing;
 - iii. Installation of temporary ground protection;
 - iv. Retaining structures to facilitate changes in ground levels;
 - v. Preparatory works for new landscaping;
 - vi. Auditable system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision including reporting to LPA at appropriate timings.

The AMS must be carried out by a competent arboriculturist in line with BS5837:2012 (Trees in relation to design, demolition, and construction – Recommendations). Any protection measures detailed in the method statement such as fencing and/or ground protection must be in place prior to the commencement of the works on site and shall be retained in place until the development hereby permitted is complete.

Reason: The condition is required prior to commencement as it will ensure there is no unacceptable tree damage or loss and is placed to safeguard interest of visual amenity of the area.

During Building Works

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

Reason: In order to prevent harm to protected species.

Pre-Occupation Conditions

- 5) No part of the development shall be occupied until a scheme detailing the planting of 15 trees on site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of their species, size, and location.

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

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

Reason: In the interest of visual amenity and in order to preserve the character and appearance of Blundellsands Park Conservation Area.

- 7) A lighting scheme ensuring the protection of ecology and avoidance of excessive light spill onto existing the habitats shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and retained at all times thereafter.

Reason: To prevent instances of light pollution and to safeguard existing identified habitats.

Ongoing Conditions

- 8) 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.

- 9) With the exception of the hatched areas indicated on the approved roof plan (689-09 C) no part of the dwellings flat roof(s) shall be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In order to protect the privacy of adjoining neighbours.

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Informatives

- 1) The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.
- 2) The applicant is advised that in respect of condition 5, the detailed submission should consider the provision of woody species and other species conducive to Red Squirrel population, along the eastern (rear) boundary of the site.

Report to: PLANNING COMMITTEE **Date of Meeting:** 1st June 2022

Subject: [DC/2022/00087](#)
[Land At Crosby Coastal Park Crosby](#)

Proposal: Proposed cycleway and footway through Crosby Coastal Park, starting at Blundellsands Road West to Crosby Lakeside Adventure Centre (on/off road shared use cycleway and footway), joining onto the existing cycle route on Great Georges Road/ Cambridge Road.

Applicant: Mr Peter Moore
Sefton Council **Agent:** Mr Andrew Dunsmore
Sefton Council

Ward: Church Ward and
Blundellsands Ward **Type:** Full Application

Reason for Committee Determination: Petitions endorsed by Councillor Webster and called in by Councillor Howard

Summary

This application seeks planning permission to construct a new cycleway and footway through Crosby Coastal Park.

The main issues to consider are the principle of the development, its impacts on heritage assets, the character of the area, local residents' living conditions and highway safety, also matters of flood risk, coastal change and nature.

It is concluded that the proposal complies with adopted Local Plan policy and, in the absence of any other material considerations, the application is recommended for approval subject to conditions.

Recommendation: Approve with Conditions

Case Officer Diane Humphreys

Email planning.department@sefton.gov.uk

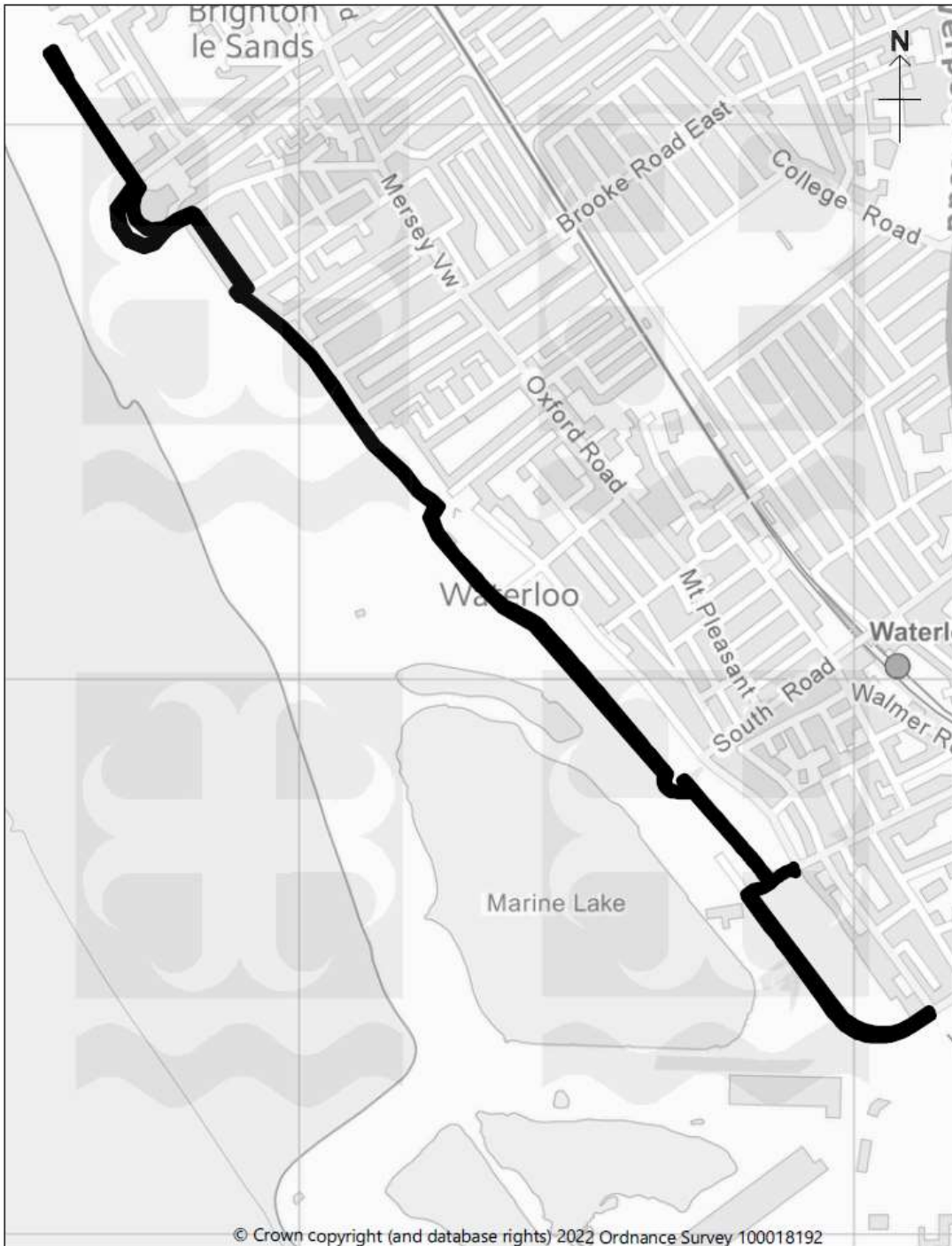
Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R5WBMRNWGF100>

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Site Location Plan



Reference: Map reference
Date: 23/05/2022
Scale: Scale: 1:10000
Created by: Initials

The Site

The application site forms part of Crosby Coastal Park. It extends from Blundellsands Road West in the north to Cambridge Road in the south.

History

None relevant

Consultations

Local Plans Manager

No objection

Conservation Manager

No objection

Highways Manager

No objection subject to conditions

Environmental Health Manager

No objection subject to conditions

Coast Protection Authority

No objection

Flooding & Drainage Manager

No objection

Natural England

No objection subject to appropriate mitigation

Merseyside Environmental Advisory Service

No objection subject to conditions

Neighbour Representations

Objections

Three petitions to speak at Planning Committee in opposition to the development have been submitted and are endorsed by Councillor Webster. The petitions have been signed by almost 300 mainly local residents and make the following objections:

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- No further allowance for extra paving on this scale under the terms of the Open Spaces Act 1906
- No need for additional path as existing one provides a scenic route and should be maintained
- Contrary to local plan policies such as conservation, residential amenity, green and open space
- Significant detrimental change to the landscape character and setting
- Introduction of bitmac into prominent green space with resultant destruction of natural habitats and unique open environment
- Visually unsympathetic to its surroundings
- Future status of the land would allow the highways department to erect structures without planning permission
- Detracts from wider setting including 'Another Place' artwork
- Will reduce residential amenity
- Destruction of historic sun terrace next to Marine Gardens
- High level lighting not needed and will cause problems
- No provision for drainage and raising of path would be visually detrimental
- No Heritage Impact Assessment
- Harmful impact on the setting and significance of heritage assets which would not be outweighed by its benefits
- Little enhancement of habitats proposed
- Poor consultation with residents and ignores residents' wishes
- Contrary to National Planning Policy Framework
- Conclude that development is unsustainable because the adverse impacts significantly outweigh its benefits

Over 60 individual written objections have been received predominantly from people living close to the coastal park and these are summarised below:

Safety Concerns

- Close to children's playground and some blind corners
- Could be used by scrambler bikes and illegal vehicles
- Conflicts between pedestrians and cyclists and between motorists and cyclists
- New path could be just for cyclists
- New path should be reduced in width to reduce speeds

Living Conditions

- Loss of privacy
- Increased light pollution
- Increased anti-social behaviour
- Negative impact on quality of life

- Too close to homes
- Increased noise and disturbance including during construction

Character of the Area

- Detrimental to conservation area
- Affects the setting of listed buildings and conservation area and a Heritage Statement is therefore required

Traffic

- Increased parking problems in the area

Environmental/Ecological

- Path is too wide/ excessive loss of greenspace
- Could be re-located/reduced in width and length to minimise its impact
- Wild grass area should be fenced off to protect it
- Increased flood risk
- Impact on wildlife
- Increased litter and dog dirt
- Environmental footprint of the proposed path is unsustainable

Other Issues

- New path is unnecessary and will lead to loss of the promenade path which is far superior and a tourist attraction with obvious benefits for mental health
- Concerned about maintenance budget/how will new path be managed?
- Money should be spent on sorting out problems with the existing path
- Not a good use of public funds
- Land given to the Council on the agreement it wouldn't be developed
- Object to any building or structure which unreasonably interferes with the view of the estuary from homes as stated in the Crosby Corporation Act 1968
- Covenants restrict the use of the land to walking
- Discrepancies in the planning application eg width of the path and type of street lighting
- Proposal is exaggerated
- Insufficient publicity for the planning application
- Flawed consultation process
- Reduction in property values

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Support

Five written support emails/letters have been submitted, principally from residents living close to the coastal park, the main points of which are summarised below:

- Proposal will be an improvement for the area
- The only option available to allow more people fuller enjoyment of the whole Sefton coastline
- Clearing the promenade is futile as the battle against the forces of nature is lost

Policy Context

The application site lies within an area designated as Crosby Coastal Park in the Sefton Local Plan which was adopted by the Council in April 2017. It is also within a Coastal Change Management Area.

Assessment of the Proposal

Background

This application seeks planning permission to construct a new cycleway and footway through Crosby Coastal Park. The proposal will be funded by the Liverpool City Region Combined Authority as part of its strategic walking and cycling network. The route will provide an additional option to the promenade which can be affected by windblown sand.

The main issues to consider are the principle of the development, its impacts on heritage assets, the character of the area, local residents' living conditions and highway safety, also matters of flood risk, coastal change and nature.

Principle

The site lies within Crosby Coastal Park which is designated as open space under Local Plan policy NH5 'Protection of open space and Countryside Recreation Areas' and as one of Sefton's four strategic tourism locations in policy ED5 'Tourism'.

Most of the route lies within the Coastal Change Management Area designated in policy NH4 'The Sefton Coast'. Much of the site is also subject to nature conservation designations, some is also subject to heritage designations.

The proposal is acceptable in principle in terms of Local Plan policies SD2 'Principles of Sustainable Development', EQ1 'Healthy Sefton', NH5 'Protection of open space and Countryside Recreation Areas', ED5 'Tourism', IN2 'Transport', part 2 of policy NH4 'The Sefton Coast' and policy EQ9 'Provision of public open space, strategic paths and trees'.

This is subject to compliance with other policies in the Local Plan which are assessed below.

Heritage Assets

A Heritage Statement has been submitted to support the application. This shows that the section of the route between Harbord Road and Great George's Road lies adjacent to the Waterloo Conservation Area, namely the seafront gardens, and beyond these lie listed buildings overlooking Beach Lawn, Adelaide Terrace, Marine Crescent and Marine Terrace.

The Heritage Statement confirms that the proposed route does not directly impact any assets listed within Merseyside's Historic Environment Record. It also concludes that the route will be of sufficient distance from heritage assets such that they are not adversely affected. New lighting columns are proposed along the section of the route which runs alongside Marine Gardens (within the conservation area) and these are shown as decorative Victorian style street lights. The Heritage Statement concludes that due to the path being lower than Marine Terrace and natural shielding from the vegetation bordering Marine Gardens, the new lighting is unlikely to cause harm to the listed buildings or adversely impact any heritage assets.

The application has been reviewed by the Conservation Manager who confirms that the proposals are not within a conservation area, listed building or non-designated heritage asset. The main issues to consider would be any affect the proposals would have on the character and appearance of the Waterloo Conservation Area, the views and setting of the listed buildings in the area and whether any non-designated heritage assets and their setting would be affected.

The most sensitive section of the scheme is considered to be closest to the listed buildings between South Road and Great Georges Road with a distance of approximately 55 metres at the nearest point on the corner of Marine Terrace and South Road. This section of the scheme proposes vertical street lighting columns of a Victorian style copying those already within the conservation area. As the proposed lights will be further away from the listed buildings than the existing street lights and lower in topography it is considered that no additional harm would be caused to the heritage assets.

The replacement path extending alongside Marine Gardens between South Road and Great Georges Road is also not considered to be more harmful than the existing route.

The Conservation Manager concludes that the proposals' effect on the views and settings of the heritage assets would not be more harmful than the existing situation. However, if it is deemed that any additional harm would be caused this would need to be balanced against the public benefits of the scheme in accordance with the National Planning Policy Framework and Local Plan policies NH9, NH11, NH12 and NH15. The scheme is considered to have significant public benefit in terms of providing improvements to cycling and walking routes and natural habitats along the Crosby Coastal Park. These public benefits are considered to outweigh any perceived additional harm on heritage assets.

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Character of the Area

Some sections of the proposed route follow existing footways and sections of carriageway. The path will have a grey bituminous macadam surface for all of the shared use sections and the cycle only sections will have a light buff coloured surface. The route ranges in width from 3 metres for cycle only lanes and shared pedestrian/cycle lanes, to 4 metres for shared pedestrian/cycle lanes and 5 metres for the segregated pedestrian/cycle route alongside Marine Gardens between South Road and Great Georges Road.

The proposals include the relocation of existing lighting columns at the sections close to Westward View and Cambridge Road as well as the provision of new lighting columns alongside Marine Gardens.

The scheme has been designed so that the amount of land taken for the route is minimised whilst addressing safety concerns and the need to provide an accessible and multi-functional route. On this basis, the impact of the proposal on the character of the coastal park is considered acceptable.

Living Conditions

Residents living close to the Coastal Park have raised objections concerning noise and disturbance both during the construction phase and whilst the path is operational as well as a loss of privacy. Concerns about light pollution and nuisance from the proposed street lighting and anti-social behaviour are also raised.

The application has been reviewed by the Environmental Health Manager who recommends a condition to secure a Construction Environmental Management Plan (CEMP) so that impacts from dust, noise and vibration during the construction phase are minimised. A separate condition is recommended to ensure that light spill and glare does not affect neighbouring properties.

Whilst it is acknowledged that the proposed cycleway/footway will be sited closer to residential properties than the promenade path it is not considered that its use will cause significant harm to local residents over and above that already experienced as the Coastal Park is a public space. Similarly, it is not considered that the proposal will cause significant anti-social behaviour issues.

Highway Safety

The proposal involves the creation of a new cycle route which will be shared with pedestrians in places. The route will pass through Crosby Coastal Park, Crosby Leisure Centre and along existing highways at Westward View, Endsleigh Road and across Mariners Road. The proposals include the construction of a new cyclepath/footpath within Crosby Coastal Park in parts and in parts the widening of an existing shared use cyclepath/footpath within the Park.

The proposed route will connect to and cross existing footpaths and cyclepaths. There will be directional signs and markings along the route, however, where the route crosses other paths there

is the likelihood of conflict between users. The applicant has indicated that as well as the directional signage information signs and warning signs will be erected as part of a wider Crosby Coastal Park signing strategy. To reduce the likelihood of any conflicts a scheme for providing warning signs will be required prior to the path coming into use. This can be secured by a suitably worded condition.

Given the location of the site, a Construction Traffic Management Plan will be required to cover the construction of the proposed cycle route.

Following a review of the proposal, the Highways Manager considers the proposal to be acceptable and, as such, there are no objections in principle to the proposal subject to conditions.

Flood Risk and Coastal Change

The submitted Coastal Change Vulnerability Assessment has been reviewed by the Local Plans Manager, Flooding and Drainage Manager and Coast Protection Authority and is considered to meet the requirements of policy NH4 'The Sefton Coast' regarding coastal change.

It states that the proposed development is unlikely to affect coastal processes or the ability of the coast to form a natural sea defence or to increase tidal flood risk. Drainage features have been considered throughout the scheme design and will be installed within the grassland close to the Crosby Lakeside Adventure Centre and along the edge of the road in this area. In addition, the path is designed to be slightly higher than the surrounding ground to keep it flood free.

The proposals will not increase flood risk from any sources within the site or elsewhere and therefore satisfy Local Plan policy EQ8 'Flood Risk and Surface Water'.

Nature

The applicant has submitted an Ecological Appraisal in accordance with Local Plan policy NH1, NH2, NH3 and NH4. This has been reviewed by Merseyside Environmental Advisory Service (MEAS) who advise it is acceptable.

Habitats Regulations Assessment

The proposed cycleway is adjacent or near to the following national and international sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan policy NH1, NH2, NH3 and NH4 applies:

- Sefton Coast Special Area of Conservation (SAC);
- Ribble & Alt Ramsar Estuaries Special Protection Area (SPA) and Ramsar;
- Mersey Narrows and North Wirral Foreshore SPA and Ramsar;
- Liverpool Bay SPA;
- Dee Estuary SAC.

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Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. Appendix C of the Ecological Appraisal comprises a shadow Habitats Regulations Assessment report which is accepted by MEAS who advise it can be adopted by the Local Planning Authority as the Competent Authority in determining this application.

The Habitats Regulations Assessment (HRA) summary table is included as Appendix 1 of this report.

Natural England has reviewed the Shadow HRA and provided advice on the basis that the local planning authority intends to adopt this HRA to fulfil its duty as competent authority under the Habitats Regulations. Natural England's advice forms Appendix 2 to this report and concludes no objection subject to appropriate mitigation measures being secured by planning conditions. These comprise the production and implementation of a detailed Construction Environmental Management Plan (CEMP) to include pollution prevention control measures and noise reduction measures; the erection of visitor information boards which explain the sensitivities of the nearby designated sites; and the erection of fencing to cordon off the mobile dunes north of Crosby Leisure Centre to minimise recreational pressure at this section of the pathway.

The shadow Habitats Regulations Assessment report includes an assessment of likely significant effects which is based upon the essential features and characteristics of the project only. This concludes that, without avoidance and mitigation measures, there will be 'likely significant effects' on the following sites: the Sefton Coast SAC, the Ribble & Alt Ramsar Estuaries SPA and Ramsar, the Mersey Narrows and North Wirral Foreshore SPA and Ramsar and the Liverpool Bay SPA.

An Appropriate Assessment will therefore be required in accordance with Regulation 63 (Habitats Regulations 2017). The shadow Habitats Regulations Assessment report (section 4) concludes that, with avoidance and mitigation measures, there will be no adverse effect upon the integrity of national and international sites.

Avoidance and Mitigation Measures

The avoidance and mitigation measures include the preparation of a Construction Environmental Management Plan (CEMP) to manage and mitigate the main environmental effects during the construction phases of the development. The CEMP should address and propose measures to minimise the main construction effects of the development in accordance with those measures set out in the shadow Habitats Regulations Assessment. In addition, the CEMP should include agreed method statements to mitigate or avoid adverse environmental impacts including the appointment of an Ecological Clerk of Works to supervise the noisiest activities, an invasive species remediation scheme, a Waste Audit or similar mechanism for management of construction waste as well as non-HRA measures to include reasonable avoidance measures for reptile, amphibians and terrestrial mammals, and avoidance of the breeding bird season or a pre-start check for nesting birds.

The preparation and implementation of the CEMP can be secured by condition.

The Ecological Appraisal sets out proposals for habitat creation and enhancement which have the potential to deliver a 28% biodiversity net gain and is welcomed. The Appraisal sets out a scope of predominantly enhancement measures which MEAS advises are acceptable. It is recommended that the production of a detailed Habitat Management Plan, which covers management of the site for a period of 30-years followed by review, can be secured by planning condition.

Other Issues

The Environmental Health Manager recommends that an informative is placed on any decision notice should tin slag material be found during ground works.

Local residents have raised concerns about the level of public consultation. The submitted Statement of Community Involvement reports that the scheme was initially consulted upon in May 2021 for a 6 week period with further engagement undertaken with interested parties. The consultation involved an online survey together with posters displayed locally and leaflets distributed to residential properties and businesses adjacent to the site. Focus group meetings and a social media campaign were also arranged.

Objections have been raised about the proposal's effect with regards to various legislation and covenants including the Crosby Corporation Act 1968. However, the planning application must only be assessed against relevant planning legislation and policies and cannot be considered against separate legislation.

Matters relating to the need for the path, the use of public money and property values are not material planning considerations which can affect the decision made on this planning application.

Planning Balance and Conclusion

The proposal is acceptable in principle and in respect of its impacts on heritage assets, the character of the area, living conditions, highway safety, flood risk and coastal change, and nature. This is subject to conditions. Whilst objections have been raised, impacts of the proposal are not considered so significant as to justify a refusal on planning grounds for the reasons outlined in this report.

Recommendation - Approve with Conditions

Time Limit for Commencement

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

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

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Approved Plans

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

Drawing No. DES/JA1353/100/01 Location Plan - Route Extents
Drawing No. DES/JA1353/100/02 Scheme Information Board
Drawing No. DES/JA1353/100/03 Works Areas
Drawing No. DES/JA1353/100/04 Location Plan
Drawing No. DES/JA1353/200/01 Site Clearance Details 1 of 8
Drawing No. DES/JA1353/200/02 Site Clearance Details 2 of 8
Drawing No. DES/JA1353/200/03 Site Clearance Details 3 of 8
Drawing No. DES/JA1353/200/04 Site Clearance Details 4 of 8
Drawing No. DES/JA1353/200/05 Site Clearance Details 5 of 8
Drawing No. DES/JA1353/200/07 Site Clearance Details 7 of 8
Drawing No. DES/JA1353/200/08 Site Clearance Details 8 of 8
Drawing No. DES/JA1353/1100/01 rev A Construction Details 1 of 8
Drawing No. DES/JA1353/1100/02 Construction Details 2 of 8
Drawing No. DES/JA1353/1100/03 Construction Details 3 of 8
Drawing No. DES/JA1353/1100/04 Construction Details 4 of 8
Drawing No. DES/JA1353/1100/05 Construction Details 5 of 8
Drawing No. DES/JA1353/1100/06 Construction Details 6 of 8
Drawing No. DES/JA1353/1100/07 Construction Details 7 of 8
Drawing No. DES/JA1353/1100/08 Construction Details 8 of 8
Drawing No. DES/JA1353/1100/10 Typical Details 1
Drawing No. DES/JA1353/1100/11 Typical Details 2
Drawing No. DES/JA1353/1100/12 Typical Details 3
Drawing No. DES/JA1353/1100/13 Glenwood Bollard Detail
Drawing No. DES/JA1353/1200/01 rev A Traffic Signs and Road Marking Details 1 of 8
Drawing No. DES/JA1353/1200/02 rev A Traffic Signs and Road Marking Details 2 of 8
Drawing No. DES/JA1353/1200/03 Traffic Signs and Road Marking Details 3 of 8
Drawing No. DES/JA1353/1200/04 Traffic Signs and Road Marking Details 4 of 8
Drawing No. DES/JA1353/1200/05 Traffic Signs and Road Marking Details 5 of 8
Drawing No. DES/JA1353/1200/06 Traffic Signs and Road Marking Details 6 of 8
Drawing No. DES/JA1353/1200/07 Traffic Signs and Road Marking Details 7 of 8
Drawing No. DES/JA1353/1200/08 Traffic Signs and Road Marking Details 8 of 8
Drawing No. DES/JA1353/SIGNS/01 rev A Sign Schedule
Drawing No. DES/JA1353/1300/01 Street Lighting Details 1 of 3
Drawing No. DES/JA1353/1300/02 Street Lighting Details 2 of 3
Drawing No. DES/JA1353/1300/03 Street Lighting Details 3 of 3
Ecological Assessment Appendix C Shadow Habitats Regulations Assessment 8790.001 September 2021

Reason: For the avoidance of doubt.

Before the Development is Commenced

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

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

4) No development shall commence, including any works of demolition, 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:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Pollution Control Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Commitment to 'Considerate Contractors' charter when working in the borough being aware of the needs of neighbours and the environment.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Measures for any vibration monitoring.
- Pollution prevention control measures to ensure no construction related pollutants or run-off enter the nearby designated sites of nature importance, including spillage from construction machinery.
- Noise reduction measures to minimise any visual and noise disturbance impacts on the qualifying features of the nearby designated sites of nature importance.

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- Appointment of an Ecological Clerk of Works to supervise noisiest activities e.g. asphalt paver on cycleway sections near to the marine and boating lake and seasonally wet grassland if works are to be undertaken during the wintering period (October to March).
- An invasive species remediation scheme.
- A Waste Audit or similar mechanism for management construction waste.
- Reptile, amphibians and terrestrial mammals' reasonable avoidance measures (RAMs).
- Avoidance of the breeding bird season or a pre-start check for nesting birds.

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

During Building Works

5) All lighting installations shall be positioned, angled and orientated so that light glare and overspill does not affect neighbouring properties.

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

Before the Development is Occupied

6) Before the proposed development becomes operational, visitor information boards shall be erected across the new proposed cycleway and footway and retained as such thereafter. The visitor information boards shall include information which explain the sensitivities of the nearby designated sites and their qualifying features.

Reason: To ensure recreational pressure impacts are minimised.

7) Before the proposed development becomes operational, fencing shall be erected to cordon off the mobile dunes north of Crosby Leisure Centre as stated in Section 4.50 of the Shadow Habitats Regulations Assessment and retained as such thereafter.

Reason: To ensure recreational pressure impacts at this section of the pathway are minimised.

8) Before the proposed development becomes operational, a detailed Habitat Management Plan which covers management of the site for a period of 30 years follow by review shall be submitted to and approved in writing by the Local Planning Authority. This detailed scheme shall include:

- Description and evaluation of the features to be managed.
- Ecological trends and constraints on site which may influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions
- Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually).

- Personnel responsible for implementation of the plan.
- Confirmation of funding and ownership.
- Details of a programme of monitoring and remedial measures triggered by monitoring.

Thereafter, the scheme shall be completed in accordance with the approved plans and programme to the satisfaction of the Local Planning Authority and the management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

Reason: To safeguard and enhance conservation of species/habitats.

9) Before the proposed development becomes operational, a detailed signage scheme shall be submitted to and approved in writing by the Local Planning Authority. The signage scheme shall be implemented in accordance with the approved details before the development becomes operational and retained as such thereafter.

Reason: In the interests of highway safety.

Informatives

1) It is recommended that a watching brief is maintained for the presence of any tin slag material during ground works across the entire site. A radiological protection advisor should be consulted if tin slag is found.

2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.

Appendix 1 - Appropriate Assessment

Table 7 - Appropriate Assessment Summary Table

Designated Site (s) (inc. distance from Project)	Impact & Pathway	Assessment	Adverse Effect on Integrity?
Ribble and Alt SPA/Ramsar (0.04km west) Sefton Coast SAC (0.04km west)	<u>Construction</u> Loss or degradation of habitat and species from waterborne pollution during the construction stage.	There is limited potential that the proposals could result in pollution of adjacent habitats as a result of any fuel/spills that could occur from vehicles and machinery. This could result in pollutants entering the closest parts of the adjacent protected sites. A range of measures to prevent any waterborne pollutants from entering adjacent habitats and protected sites will therefore be implemented as part of a CEMP.	No There would therefore be no adverse effect on the integrity of this SPA.
Mersey Narrows and North Wirral Foreshore SPA and Ramsar (0.24km west)	<u>Construction</u> Loss or degradation of habitats or species associated with the SPA as a result of airborne pollution travelling to designations during the construction phase of the development.	There is potential for dust to be generated during the construction works that could potentially lead to impacts on nearby vegetated coastal habitats associated with the protected sites. A range of measures to limit any dust generation from the proposals will be implemented as part of a CEMP.	No There would therefore be no adverse effect on the integrity of this SPA



<p>Ribble and Alt SPA/Ramsar (0.04km west)</p> <p>Mersey Narrows and North Wirral Foreshore SPA and Ramsar (0.24km west)</p> <p>Liverpool Bay SPA (0.79km west)</p>	<p><u>Construction and Operation</u></p> <p>Disturbance to species associated with the SPA or loss of supporting habitat for these species.</p>	<p>Due to the low number and small size of vehicles and equipment to be used and the relatively low levels of noise generated by the works, as well as the tall dune ridge screening the proposed works from the SPA and Ramsar sites it is unlikely that any birds using the closest parts of the Ribble and Alt SPA/Ramsar or Liverpool Bay SPA would suffer any disturbance as a result of noise that would cause a disturbance response during the construction phase. The works are set back from wetter areas of nearby coastal grassland that are used by oystercatcher and black tailed godwit. It is highly unlikely that any birds within the Seaforth nature reserve which forms part of the Mersey Narrows and North Wirral Foreshore SPA and Ramsar would be disturbed by noise due to the distance from the proposed works, as well as the separation by buildings, a fence and a vegetated bank.</p> <p>It is possible that some SPA/Ramsar species that use the closer parts of the boating lake and Marine Lake could relocate elsewhere within these water bodies for the short periods when the works are closest to these locations. This impact could occur during the winter period when occasional significant numbers of sanderling and black-tailed godwit use the area as well as migratory ducks. Restrictions on the most noisy works would be put in place during prolonged periods of cold weather. Measures will be in the CEMP to further reduce noise and visual disturbance.</p> <p>There are unlikely to be any visual disturbance impacts on birds due to the current high level of visual disturbance from the high numbers of visitors that walk over a wide area of the seafront including within the SPA and Ramsar sites. However, significant numbers of black-tailed godwit and oystercatcher have been recorded using wetter areas of grassland near to Blucher Street car park, where currently not many walkers and dog walkers use. To mitigate for the potential disturbance impact information boards will be provided along the coastal path section, with one of these boards located as close as possible to Blucher Street car park, educating visitors on the sensitivities of the birds using this location and deterring walking and dog walking in the adjacent area.</p>	<p>No</p> <p>There would therefore be no adverse effect on the integrity of these protected sites.</p>
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Designated Site (s) (inc. distance from Project)	Impact & Pathway	Assessment	Adverse Effect on Integrity?
Sefton Coast SAC (0.04km west)	<u>Operation</u> Recreational Pressure impacts to habitats and species.	<p>There is some limited potential for numbers of visitors to increase at this section of Crosby shore in the future due to the new coastal path providing an attractive walking location and the potential for visitors to leave the coastal path.</p> <p>To mitigate for this potential impact, information boards will be provided along the coastal path section which will educate visitors about the protected sites and their sensitivities. In addition, an area of mobile dunes north of Crosby Leisure Centre, where erosion and bare sand is abundant will be cordoned off from public access, to aid with natural re-vegetation by reducing human impacts and disturbance. Signposts will also be installed along fenced desire lines to clearly direct people on best routes to the beach to further minimise erosion and sand blow.</p>	<p>No</p> <p>There would therefore be no adverse effect on the integrity of this SAC.</p>

Appendix 2 - Natural England Comments

Date: 11 March 2022
Our ref: 383307
Your ref: DC/2022/00087



Diane Humphreys
Sefton Council

Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 8GJ

BY EMAIL ONLY

T 0300 080 3900

Dear Ms Humphreys

Planning consultation: Proposed cycleway and footway through Crosby Coastal Park, starting at Blundellsands Road West to Crosby Lakeside Adventure Centre (on/off road shared use cycleway and footway), joining onto the existing cycle route on Great Georges Road/ Cambridge Road.
Location: Land At Crosby Coastal Park Crosby.

Thank you for your consultation on the above which was received by Natural England on 07 February 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on:

- Sefton Coast Special Area of Conservation (SAC)
- Ribble & Alt Estuaries Special Protection Area (SPA)
- Ribble & Alt Estuaries Ramsar
- Sefton Coast Site of Special Scientific Interest (SSSI)

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:

- The production and implementation of a detailed CEMP
- The erection of visitor information boards which explain the sensitivities of the nearby designated sites and their qualifying features
- The erection of fencing to cordon off the mobile dunes north of Crosby Leisure Centre

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites is set out below.

Agenda Item 4b

Internationally and nationally designated sites

The application site is within 60m of Sefton Coast SAC, Ribble & Alt Estuaries Ramsar and Sefton Coast SSSI. It is also within 160m of Ribble & Alt Estuaries SPA.

Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats (also referred to as functionally linked land/habitat) may be used by SPA populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the European site.

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects on functionally linked land can be ruled out. It is advised that the potential for offsite impacts needs to be considered for the surrounding fields in assessing what, if any, potential impacts the proposal may have on European sites.

Please see the subsequent sections of this letter for our advice relating to SSSI features.

Habitats Regulations Assessment (HRA)

Natural England has reviewed the Shadow HRA within Appendix C of the submitted Ecological Assessment (TEP, September 2021). We note that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

We advise the following mitigation measures should be secured via suitably worded planning conditions:

- The production and implementation of a detailed CEMP. The CEMP should include pollution prevention control measures to ensure no construction related pollutants or run-off enter the above designated sites, including spillage from construction machinery. The CEMP should also include appropriate noise reduction measures to minimise any visual and noise disturbance impacts on the qualifying features of the above designed sites.
- The erection of visitor information boards across the new proposed cycleway and footway. The visitor information boards should include information which explain the sensitivities of the nearby designated sites and their qualifying features.
- The erection of fencing to cordon off the mobile dunes north of Crosby Leisure Centre as stated in Section 4.5 of the HRA to ensure recreational pressure impacts at this section of the pathway are minimised.

We would be pleased to provide advice on the discharge of the planning conditions or obligations attached to any planning permission to address the issues above, including the locations and content of the visitor information boards.

Sefton Coast SSSI

Our concerns regarding the potential impacts upon the Sefton Coast SSSI coincide with our concerns regarding the potential impacts upon the international designated sites, therefore we are content that providing the application is undertaken in strict accordance with the details submitted and providing the above conditions are secured, the development is not likely to damage the interest features for which the site have been notified.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

If you have any queries relating to the advice in this letter please email consultations@naturalengland.org.uk quoting the reference number at the top of this letter.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Should the proposal change, please consult us again.

Yours sincerely

Alice Watson
Planning and Development Lead Adviser
Cheshire, Greater Manchester, Merseyside & Lancashire

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Report to: PLANNING COMMITTEE **Date of Meeting:** 1st June 2022

Subject: [DC/2022/00454](#)
[College Green Rest Home, 14 College Road, Crosby L23 0RW](#)

Proposal: Change of use from former Care Home to C2 drug and alcohol rehabilitation centre

Applicant: Ms F Price **Agent:** Mr David Lamb
Substance Rehabilitation Ltd Platt White Partnership

Ward: Victoria Ward **Type:** Full Application

Reason for Committee Determination: Petition endorsed by Councillor Byrom and called in by Councillor Byrom

Summary

This application seeks planning permission to change the use of a former care home to a drug and alcohol rehabilitation centre.

The main issues to consider include the principle of the development and impacts on the character of the area, living conditions and highway safety.

It is concluded that the proposal complies with adopted local plan policy and, in the absence of any other material considerations, the application is recommended for approval subject to conditions.

Recommendation: Approve with Conditions

Case Officer Diane Humphreys

Email planning.department@sefton.gov.uk

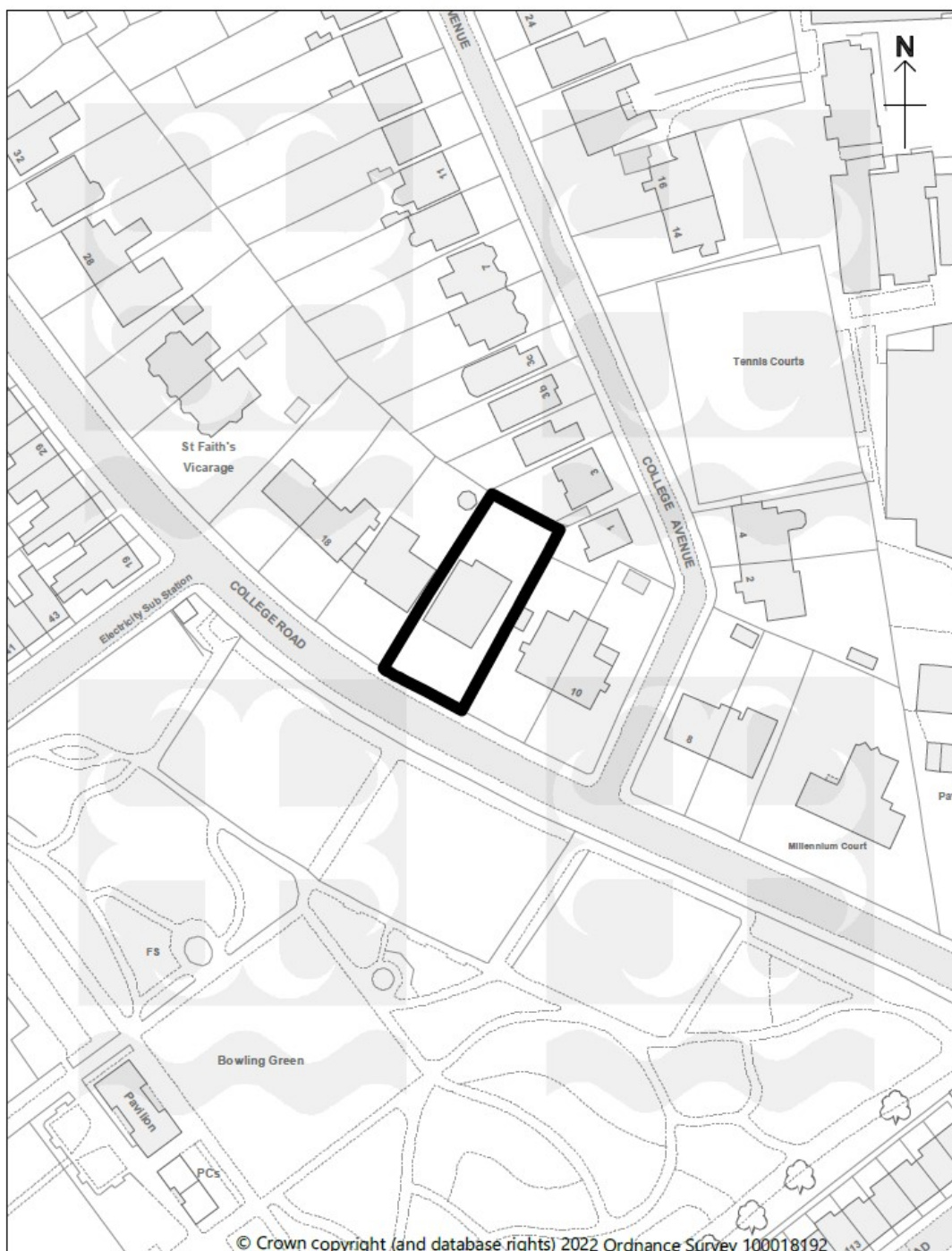
Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R8IRLANWH8V00>

Agenda Item 4c

Site Location Plan



Reference: Map reference
Date: 23/05/2022
Scale: Scale: 1:1250
Created by: Initials

The Site

The application site comprises a two storey detached property with third storey rooms located within the roofspace and served by dormer windows. The property lies on the north side of College Road opposite Victoria Park and is otherwise surrounded by residential properties.

History

S/24277 Change of use from residential to a home for the elderly mentally infirm and the erection of a fire escape at the side and a single storey extension at the rear of the property. Approved 03 July 1985

S/1988/0805 Erection of a two storey extension at the rear of the existing rest home. Approved 19 October 1988

S/1989/0760 Extension to the existing fire escape (Alternative to Ref: 88/0805/S, approved 19/10/88), Approved 18 October 1989

S/1989/1111 Erection of a lift shaft extension to the side of the existing rest home. Approved 14 February 1990

Consultations

Local Plans Manager

No objection

Adult Social Care Manager

No objection

Highways Manager

No objection subject to a condition

Environmental Health Manager

No objection

Police Architectural Liaison Officer

No objection

Merseyside Environmental Advisory Service

No objection

Agenda Item 4c

Neighbour Representations

Objections

A petition to speak at Planning Committee in opposition to the development has been submitted and is endorsed by Councillor Byrom. Some 25 of the signatories are residents of College Road and College Avenue.

The petition is made on the following grounds:

- The centre will face Victoria Park which is well used by families, children and elderly people and there are a number of schools nearby
- Reviews provided by clients of the company's Liverpool centre give cause for concern.

Approximately 64 individual written objections have also been received from residents of Crosby and Waterloo raising the following concerns:

Safety Concerns

- Lack of safety and security for local residents, park users and school children
- Children and vulnerable adults are at risk
- Lack of detail on type of patients, security measures and how the property will be managed

Living Conditions

- Anti-social behaviour, noise and disturbance and increase in crime and fear of crime
- Patients likely to resort to crime
- Nuisance lighting

Location/Suitability of Use

- Unsuitable location close to park where drug dealing already takes place
- Inappropriate location more suited to town or city centre or rural location
- Will lower the appeal of the area
- Is there a demand when Merseycare already have two facilities in Waterloo?
- Should be kept for elderly care
- No need for this use in this area

Highways Issues

- Extra traffic and lack of car parking
- Strain on access/egress for emergency vehicles

Other Issues

- Lack of consultation with local residents
- Strain on the local authority
- Devaluation of house prices and impact on house sales
- Clients will be given priority for housing
- Pressure on local services
- Company has no track record and has negative reviews

Support

Over 100 individual written support emails and letters have been submitted by residents of Crosby and the wider South Sefton area as well as some further afield in Liverpool and beyond. These make the following points:

- Positive community centred initiative
- People should be supported
- Ashamed residents are complaining
- Will benefit local people as well as those from further afield
- Supporting people in a pleasant environment will help them get better
- Better than flat developments
- Should show staff and residents we are a caring society
- Real need for this type of resource
- Job creation
- Once the facility is open locals won't notice the comings and goings
- Guaranteed ongoing use of a character property
- People will be paying for the facility not dealing in drugs or drinking alcohol
- Addiction is indiscriminate
- Will help to reduce crime, domestic abuse, and neglect of children
- Remember the campaign against the previous change of use to a care home

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

Introduction

The proposal seeks to use the former 18 bed care home as a drug and alcohol rehabilitation

Agenda Item 4c

centre. The service is available to private fee paying clients who are required to reside at the centre for the duration of their treatment which can be for 1 week up to 3 months but usually 1 to 4 weeks. The service is for adults and will employ up to 25 staff with approximately 9 members of staff present at any one time.

The main issues to consider include the principle of the development and impacts on the character of the area, living conditions and highway safety.

Principle

The site is within a primary residential area as defined in the Sefton Local Plan. The principle of a residential institution providing drug and alcohol rehabilitation is acceptable in this location under Local Plan policy HC3 'Residential Development and Primarily Residential Areas' subject to other considerations. These include impacts on living conditions of neighbouring residents and the character of the area, issues which will be considered below. The proposed change of use from a vacant care home to rehabilitation centre will not undermine Local Plan objectives regarding housing delivery.

Policy HC2 part 4 of the Sefton Local Plan sets out that proposals for residential care accommodation that would result in or exacerbate an existing oversupply will be refused. Adult Social Care have been consulted and advise that this type of service would not affect what the council commissions as it is a private service. It is therefore considered there are no issues of oversupply.

On the above basis, the principle of the proposal is considered acceptable.

Character of the Area

The proposal involves minimal change to the building's exterior. In addition, the proposed change of use from one residential institution to another within a primarily residential area is not considered to have a harmful impact on the overall character of the area.

Living Conditions

Many local residents are concerned that the proposed drug and alcohol rehabilitation centre will cause issues impacting on their living conditions such as noise, disturbance, anti-social behaviour and crime including the fear of crime. Other residents are supportive of the proposal. Local Plan policy EQ2 requires that a proposal "protects the amenity of those within and adjacent to the site" (part 2c). It is not considered that the proposal will give rise to significant harm for local residents over and above any issues arising from the property's recent use as a care home. No objections have been raised by the Environmental Health Manager.

The Police Architectural Liaison Officer has been consulted on the application and offers comments relating to security within the building for the residents similar to those given for an apartment block or house in multiple occupation. No concerns are raised about the proposal itself.

Highway Safety

The application has been reviewed by the Highways Manager who raises no objections on highway safety grounds subject to a condition to secure cycle parking facilities.

The existing access arrangements to the site will remain unchanged as part of the proposals. There are currently approximately 9 off-street car parking spaces with no additional car parking areas proposed in connection with this development. The applicant has indicated that there will be 25 full time members of staff, working on a 24 hour rota, with a total of 9 staff present at any one time. Also that clients will not bring their vehicles during their stay. On this basis, the 9 off-street car parking spaces are considered acceptable.

The site is in an accessible location in terms of public transport and amenities, given its proximity to Waterloo District Centre and public transport facilities on College Road and Crosby Road North.

The Highways Manager has confirmed that there is sufficient space for cycle parking facilities within the site and a condition is recommended to secure suitable cycle parking provision for the duration of the use in accordance with the 'Sustainable Travel and Development' Supplementary Planning Document.

Other Issues

Issues such as impacts on house prices, clients being given priority for housing, the company's track record and the need for the use are not material planning considerations in the assessment of this planning application.

Planning Balance and Conclusion

The proposed change of use is acceptable in principle and there is a significant level of support. Whilst local residents are concerned about impacts on their living conditions, highway safety and the character of the area, these are not considered so significant as to justify a refusal on planning grounds for the reasons outlined above.

Recommendation - Approve with Conditions

Time Limit for Commencement

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

Agenda Item 4c

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

Approved Plans

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

Drawing No. 4087/02 Proposed Elevations

Drawing No. 4087/03 Location and Block Plans

Drawing No. 4087/04 Car Parking

Drawing No. 023-02-03-003 rev A Proposed Floor Plans - GF and 1F

Drawing No. 023-02-03-004 rev A Proposed Floor Plans - 2F

Reason: For the avoidance of doubt.

Before the Development is Occupied

3) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained in perpetuity thereafter.

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

Report to: PLANNING COMMITTEE **Date of Meeting:** 1st June 2022

Subject: [DC/2022/00569](#)
[6 Roehampton Drive Crosby Liverpool L23 7XD](#)

Proposal: Erection of a two storey extension to the side and rear including a covered terrace at first floor level, a single storey extension to the rear of the dwellinghouse following demolition of the existing conservatory, alterations to the front elevation and a detached garden room to the rear garden.

Applicant: Mr Peter Foxcroft **Agent:** Mr Mark Wright
Forth Homes Construction Forth Homes
LTD

Ward: Blundellsands Ward **Type:** Householder application

Reason for Committee Determination: Petition (Endorsed by Cllr. Roscoe)

Summary

The main issues to consider are the principle of the development, its impact on living conditions and the character of the area.

It is considered the proposal would not cause significant harm to the living conditions of the neighbouring properties nor to the character and appearance of the street scene. It is acceptable on balance and is recommended for approval, subject to conditions.

Recommendation: Approve with Conditions

Case Officer John Kerr

Email planning.department@sefton.gov.uk

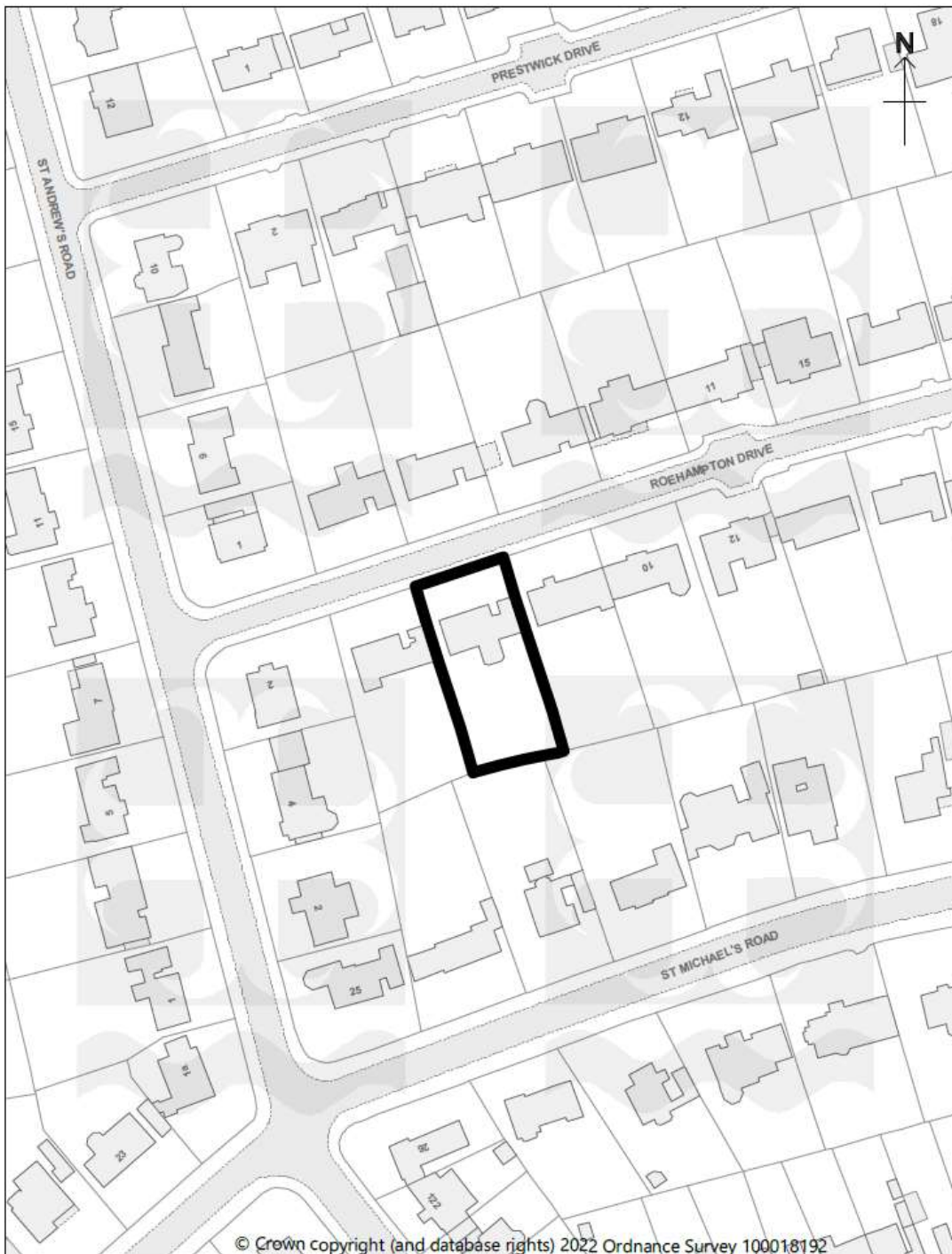
Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R97AWZNVHGV00>

Agenda Item 4d

Site Location Plan



Sefton Council



Reference: Map reference
Date: 23/05/2022
Scale: Scale: 1:1250
Created by: Initials

The Site

The application relates to a detached two storey dwelling on the south side of Roehampton Drive, Crosby.

History

S/2000/0512 – Erection of a conservatory at the rear of the dwelling house

Consultations

None

Neighbour Representations

A petition of 26 signatures has been submitted in objection to the application and is endorsed by Cllr. Diane Roscoe. The objections relate to the impact of the proposal on the living conditions of neighbouring properties:

- Loss of light/overshadowing habitable windows and garden
- Overshadowing of patio area to front and rear
- Impact on the heat efficiency of neighbouring property

Impact on heat efficiency is not considered to be a material planning matter.

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.

Agenda Item 4d

Assessment of the Proposal

The main issues to consider are the principle of the development, its impact on living conditions and the character of the area.

Principle

The proposal for a house extension is acceptable in principle subject to the criteria set out in policy HC4 (House Extensions) and the guidance in the 'House Extensions' Supplementary Planning Document (SPD). These are looked at in detail below.

Living Conditions:

Local Plan policy HC4.1.c states that house extensions should be designed so that there is no significant reduction in the living conditions of neighbouring occupiers through loss of outlook, loss of light/overshadowing, overbearing/over-dominant effect, or loss of privacy.

The third principle of the SPD 'effect on neighbours' expands on this.

Initial plans show the two-storey side extension being 3.9m away from the side elevation of number 8 Roehampton Drive. Amended plans have subsequently been submitted to increase this distance by a further 0.5m resulting in an overall distance between the two properties of 4.4m.

The proposed two storey side extension would project 4.4m from the rear elevation. This part of the extension passes the 45-degree daylight guide. This, combined with the distance from the neighbouring property, should ensure that the side extension would not significantly overshadow neighbouring habitable windows or be overbearing.

The side extension may result in some overshadowing of the garden area to the rear; however, these gardens are southeast facing and therefore any overshadowing is not considered to cause significant harm to the neighbour's enjoyment of the garden area. The side extension is also set back from the front elevation of number 8 so it would not be expected to overshadow the patio area in the front garden.

There is already limited overlooking into the neighbouring garden from the rear first floor windows. The first floor covered terrace in the two-storey extension to the rear would result in some indirect overlooking of number 8's garden. However, there is also high-level foliage (2.5 – 3 metres) just inside the boundary of no 8 which will reduce the impact of any overlooking, limiting the harm to neighbours.

The side elevation of number 8, facing the application site, does have windows. There are windows on the front and rear elevation that also serve the same room. Although the two side

windows on this elevation would be overshadowed, and there would also be a loss of outlook, these windows are secondary. Therefore, acceptable standards of light could still be afforded through the windows on the front and rear elevations of this room.

The single storey 4.7m rear extension is acceptable and does not affect the living conditions of any neighbouring occupiers.

The garden room to the rear of the property would be located within 1m of the boundary to the rear of 29 St Michaels Road and to the side of number 6 Roehampton drive. The building has an overall height of 2.6m and is not considered to affect the living conditions of either neighbouring occupiers.

Overall, it is considered that the proposed extensions to the side and rear will not cause significant harm through loss of outlook, overshadowing or overlooking.

Character of the Area

Policy HC4 states that dwelling extensions and alterations should be of a high-quality design matching or complementing the style of the dwelling and the surrounding area. The size, scale and materials of development should also be in keeping with the original dwelling and the surrounding area. The proposal involves a modest extension whose design is in keeping with the original dwelling.

The SPD advises that extensions should be in keeping with the surrounding area and should not detract from the character of the street scene. Roehampton Drive has a varied pattern of development within the street scene with some single storey and some two storey properties. A number of properties have two storey side extensions. Amended plans have reduced the width of the two-storey side extension, helping to maintain a gap between this and the adjoining property.

The existing materials and finishes on the property include white render and red facing brick. The extension would be finished in white render with blue/grey facing brickwork. This is a common feature within the street. Grey composite cladding would also be incorporated to the principal elevation. This is considered to be a more contemporary addition but would fit in well with the original property and the surrounding street scene.

Overall, the design of the extensions would not detract from the character of the area.

Conclusion

It is acknowledged that the proposed two storey extension will lead to some limited overlooking. However, overall, it is concluded that the proposal will not cause significant harm to the living conditions of the neighbouring property. The proposal will not harm the character and appearance of the street scene.

Agenda Item 4d

It is considered acceptable on balance and is recommended for approval, subject to the conditions below.

Recommendation - Approve with Conditions

Time Limit for Commencement

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

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

Approved Plans

- 2) The development shall be carried out in accordance with the following approved plans and documents:
0.01PL (Rev A) Proposed Plans
0.05PL Proposed Site Plan

Reason: For the avoidance of doubt.

Report to: PLANNING COMMITTEE

Date of Meeting: 1 June 2022

Subject:

[DC/2022/00375](#)

[Deyes High School Deyes Lane, Maghull Liverpool L31 6DE](#)

Proposal:

Development of a 'net zero carbon in operation' eight-form entry Secondary School (Class F1) for 1,200 pupils to replace the current Deyes High School buildings except for the Sixth Form, for 300 pupils, which will be retained. Development comprises the demolition of the existing school buildings, excluding the Sixth Form, and the erection of a two- and three-story new building with associated indoor and outdoor sports facilities, a part-covered six court multi-use games area (MUGA), external canopies, an energy centre and service compound, covered cycle parking, motorcycle and car parking, alterations to the site access, hard and soft landscaping, fencing, boundary treatments and signage, together with the formation of a temporary access from Deyes Lane for construction purposes and the provision of contractor facilities and associated works required during construction.

Applicant: Department for Education

Agent:

Mr. Graham Love
Smith & Love Planning Consultants
on behalf of Kier Const...

Ward: Sudell Ward

Type:

Public Infrastructure Project

Reason for Committee Determination:

Chief Planning Officer Discretion

Summary

This application seeks planning permission to demolish the existing school buildings except for the 6th form building and construct a new school building and associated facilities at Deyes High School, on Deyes Lane, Maghull. During the construction phase part of the playing fields at St. Andrews Primary would be utilised. Surveys of the school buildings have revealed that some have reached the end of their life and the scheme proposes a like-for-like replacement under the Government's School Rebuilding Programme and Public Infrastructure Project.

The site lies in an area subject to Policy HC7 'Education and Care Institutions' in the Sefton Local Plan. The main issues to consider include the principle of the development, design and character, matters relating to access, transportation and highway safety, sports provision and community use, residential amenity as well as landscaping ecology, and drainage.

Agenda Item 5a

The proposal complies with adopted local plan policy and, subject to conditions to control various aspects and in the absence of any other material considerations, the application is recommended for approval.

Recommendation: Approve with Conditions

Case Officer Catherine Lewis

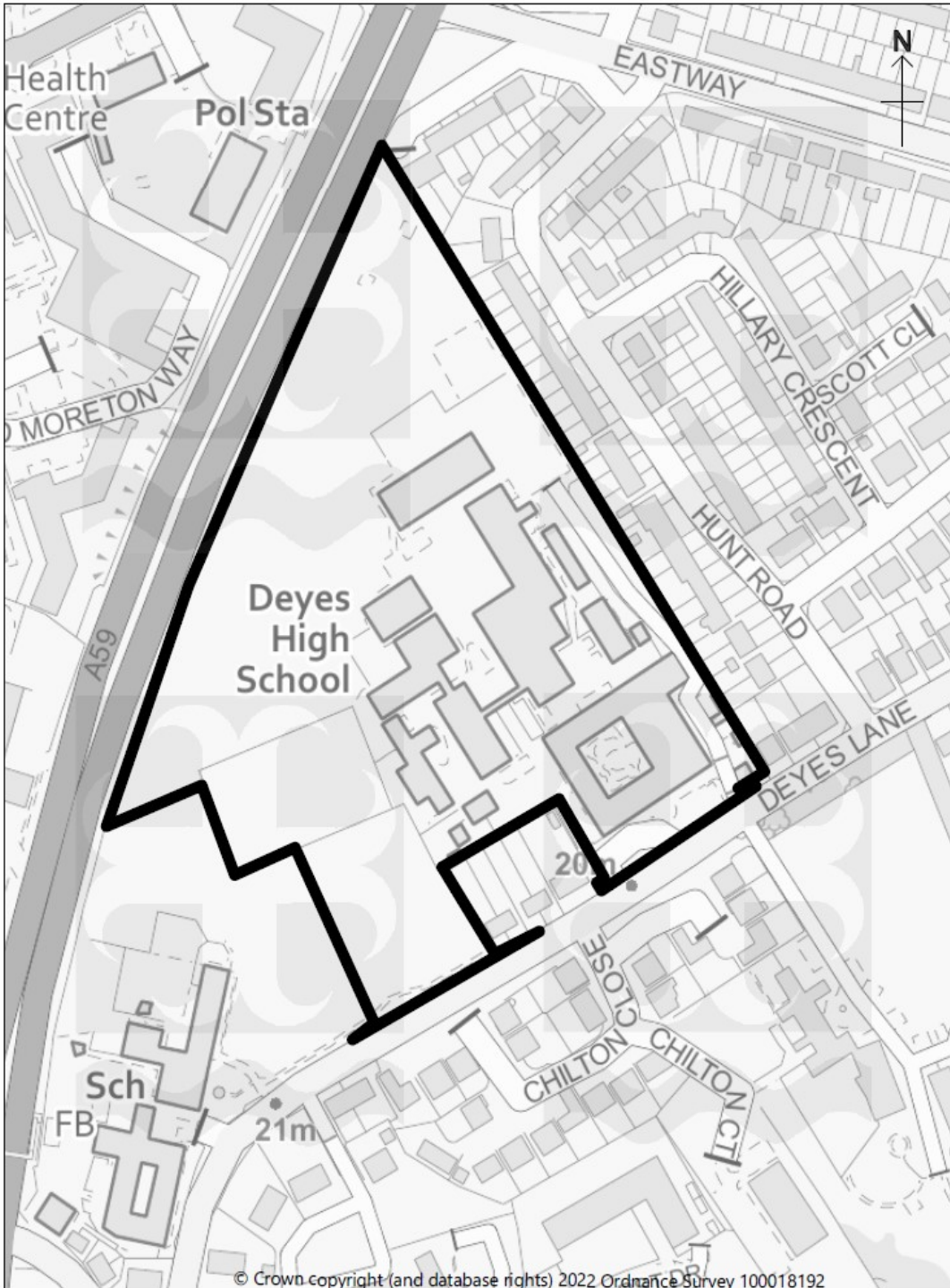
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R823NENWH2L00>

Site Location Plan



Reference: Map reference
Date: 17/05/2022
Scale: Scale: 1:2500
Created by: Initials

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The Site

The application site is located on land to the north of Deyes Lane, Maghull, and comprises the buildings and grounds of Deyes High School and part of the playing field belonging to the adjacent St. Andrews Primary School. The site comprises 5.2 ha of land and is bounded by the A59 (Northway) to the north and west. The rear gardens of the properties on Hunt Road and Deyes Lane back on to the east and southern boundaries respectively. Deyes Lane and the edge of the St. Andrews playing field form the southeast boundary.

Deyes High School is a mixed 8 Form Entry (8FE) academy secondary school with associated 6th form. The pupil capacity is as follows: 1200 pupils aged 11-16 (secondary school) and 300 pupils aged 16 to 18 (sixth form) making a total of 1500 pupils. The site comprises a number of buildings including a sixth form block and a Multi-Use Games Area (MUGA) which is shared with the adjacent primary school. Teaching accommodation is currently spread across 10 separate buildings with a further 5 providing a Caretaker's House and various plant /storerooms. There is a total of 130 staff full time equivalents (81 full time and 64 part time) staff and the school does provide some community facilities.

The replacement of Deyes High School is being carried out under the Government's ten year 'School Rebuilding Programme'. This was launched on 29th June 2000 to carry out major rebuilding and refurbishment projects at school and sixth form colleges in England and is prioritised to target schools with buildings most in need of replacement. A number of the buildings on site were built using Laingspan construction, a type of construction method used after the second world war. Surveys of the school building have revealed that this construction type has reached the end of its design life and the Department of Education (DfE) has prioritised its replacement and will fund the project.

History

There are number of planning applications associated with the piecemeal development of the school with 19 applications made and approved since 1991.

Consultations

Canal And River Trust

No comment to make

Conservation

No objection

Environmental Health Manager

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Air Quality

Contaminated Land

Initially requested further information to address missing documentation within the submitted application details. This has now been submitted no objection is raised subject to conditions controlling contaminated land.

Noise

No objection - recommends conditions to control demolition, hours of construction, hours of use of Sports Pitches and Multi Use Games Area (MUGA), piling, lighting and height of acoustic boundary fence to the rear of properties no's 15-23 Deyes Lane

Flooding & Drainage Manager

No objection to the planning application however, further clarification is required about the storage of any exceedance routes which should be mapped and the information on calculated water depth and volumes is required to be submitted. Details can be secured by condition.

Highways Manager

Raise no objection subject to the imposition of conditions to control off site highway improvements, vehicle parking, cycle parking, a travel plan, mud on the carriage way, a Construction Management Plan, and a car park management strategy. There would be the requirement of the applicant to enter into a s278 Highways Act 1980 Legal Agreement to facilitate the works in the adopted Highway.

Local Planning Manager

The site lies within the Maghull Neighbourhood Plan area and these policies together with the Sefton Local Plan are relevant. As the proposed development would retain the existing grass youth (11 x11) football pitch and six tennis courts and additional pitches and courts will be provided the proposal is in line with Policy NH5 Protection of open space and Countryside Recreation Areas. The proposed energy and sustainability measures are acceptable in line with Policy EQ7 Energy efficient and low carbon design. The scheme meets MAG5 Green Corridors as new planting is proposed along the A59 Green Corridor. The submitted minerals Assessment should be assessed against Policy NH8 Minerals.

Merseyside Environmental Advisory Service

No objection subject to conditions securing protection measures during construction for hedgehogs, amphibians and birds. A condition for bat and bird boxes within the site is also required.

Natural England

No comments to make.

Sport England

No objection subject to the imposition of conditions.

United Utilities

No objection subject to conditions

Neighbour Representations

A total of 52 properties have been consulted with two letters of representation received. One letter objects to the destruction of the main building at Deyes High School on the grounds that the buildings are part of the identity of Maghull, and they are angry that the school and Council could allow this to happen.

The other representation relates to the side boundary of their property which abuts the school site. They are keen to ensure that this boundary protects their residential amenity.

Policy Context

The application site lies within an area designated as an Education Institution under Policy HC7 in the Sefton Local Plan which was adopted by the Council in April 2017.

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

Assessment of the Proposal

The application is classed as a Public Infrastructure Project and the council only has 10 weeks to make the decision. The proposal is for the construction of new school buildings within the site of the existing Deyes High School off Deyes Lane. The new school buildings would be located predominantly on the site of the existing school playing field and once constructed the current school buildings would be demolished to provide for the rest of the school facilities including sports pitches. There is a total of 1,500 pupils - this includes 1,200 within the High School and 300 students as part of the sixth form.

There would be a temporary loss of part of the adjacent playing field (St Andrews Primary School) to an access road and car parking during the construction period.

The proposed replacement school building comprises a single block with an 'angled' footprint. The main part is three storeys (approx. 13.5m in height) and provides the teaching space, hall and dining areas, whilst the angled part is lower at two storeys, and contains the sports hall, changing rooms, administration space, and other non-teaching space. The scheme has been designed to enable out of hours' facilities to be available for the community if required and include a dedicated

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sports wing housing a sports hall, activity studio, fitness studio and changing rooms. The existing sixth form building would remain on the site.

The main material for the construction of the new building is red brick with grey 'rock panel' rain screen cladding and curtain wall glazing, together with red accents provided by fascia's around entrance doors and signage. The school building would incorporate a green roof with elements of solar panels and plants to enhance the site's biodiversity and provide a sustainable energy source for the school. The scheme would provide for improved playing pitches in terms of size and condition. The existing Multi Use Games Area (MUGA) would be slightly relocated, resurfaced and provided with a weather shelter overhead to extend the sporting opportunities in poor weather. The canopy would provide for solar panels too.

Within the school grounds the following sports facilities and external accommodation would be provided:

- Grass playing field sized and with pitch markings to accommodate under 13/14 football, 200 metre running track, 100 metre straight and high jump and long jump
- Grass playing field sized and with pitch markings to accommodate under 15/16 football, mini 5-a-side football and javelin
- Part covered six court multi use games area (MUGA) marked out for netball, tennis and 5-a-side football
- Trim trail route
- Table tennis tables
- Science garden
- Amphitheatre drama area
- Habitat area
- Year gardens / social spaces
- Covered cycle parking (74 spaces)
- Motorcycle parking (3 spaces)
- Car park (120 spaces including 6 disabled and EV charger spaces)
- Entrance gates and access routes
- Retained and improved pupil drop off area
- Outdoor covered dining areas

Most of the existing boundary treatment to perimeter of the site would remain. A 3m ball stop fence would be located around the MUGA and an internal 6m net fence would be located between the elevation of the existing sixth form building and the internal playing field. Other fencing including a 2.4metre weld mesh fence would secure internal boundaries.

Once complete the school would operate as follows:

Vehicular access would be segregated from the pedestrian approach creating a safer environment. A dedicated service compound would be located to the rear of the site adjacent to the A59. Visitors would enter the school via a secure access lobby, controlled by the reception area, which is to ensure pupil safeguarding. This reception would be dual fronted, and a dedicated community entrance has been provided, offering easy access to community sport facilities. Deliveries & maintenance access has been placed at the rear of the building, where vehicle movements are easily controlled via the secure use arrangements and avoids vehicle clashes with pedestrians.

During Construction

To minimise disruption to pupils it is proposed that all existing buildings will continue to be in use during the construction period. The new building will therefore be constructed to the rear of the site on the existing playing fields. Construction vehicles will access the site via the adjacent primary school field, so the risk of pupil/construction impacts are minimised. Once the new building has been completed pupils will move to the new build and the demolition and site works to provide the playing fields etc will progress. The applicant has advised that development will take approx. 152 weeks in total.

The main issues to consider are the principle of development, design and character, matters relating to access, transportation and highway safety, sports provision and community use, residential amenity and general environmental impacts.

Principle of Development

Land Use Designation

The application site which includes the Deyes High School and part of the playing fields used by St. Andrews Primary School is allocated in the Sefton Local Plan under Policy HC7 as an Education Institution. Therefore, the principle of a new school and associated facilities is acceptable. The north-eastern area of the site where most of the buildings are currently located is subject to Policy NH8 'Mineral Safeguarding Area'. Part of the site to the northwest, currently the playing fields and MUGA, is subject to Policy NH8 - Licence area for onshore hydrocarbon extraction.

The Maghull Neighbourhood Plan is also relevant as the site is located within the Hall Lane Residential character area and the A59 is identified as a Green Corridor under Maghull Neighbourhood Plan policy MAG5: Green Corridors. Part of the school playing field forms part of the A59 boundary. New tree planting is proposed within the site, notably along the boundary between the new building and the A59, in line with MAG5.

Design, Character, Sustainability and Low Carbon Design

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Built Form

The surrounding area is predominantly residential with the main A59 forming the north-western boundary. The applicant has advised that “The distribution of existing buildings on site and requirement for the MUGA to be within close reach of St Andrews Primary School was a key driver for the new school building’s location, to the northwest of the site. Other important considerations were the school’s immediate neighbours; low density residential areas to the south and east.”

With regard to design, Policy EQ2 of the Local Plan requires new development to respond positively to the character, local distinctiveness and form of its surroundings and to provide key views of townscape including landmark and gateway buildings with important landscape features to be retained or enhanced.

The site is tightly constrained, and it is acknowledged that the construction of the new school to the northwest of the site would abut the A59. There would be approximately 15.5 metres from the rear elevation of the school to the northern boundary and therefore the proposed 2-3 storey building will be visible from the A59. However, the L shaped building with an elongated elevation includes details of windows to break up the massing. Further the flat roof construction of the three-story element together with the use of materials including brick work, feature brick detailing, glazing and some panelling with the colours to be confirmed. will improve the current outlook for existing residents and would provide a cohesive design within the site. Due to the existing trees on the northwest boundary abutting the A59 corridor some screening and softening of this elevation will be provided. A dedicated external energy centre and service compound would be located to the north west part of the site and 2.4m metres fence would screen these aspects with additional planting proposed.

The proposed location of the building provides the opportunity to provide a central external space to the south of the school with hard and soft informal and social space. This layout enables the impacts of noise and air pollution from the A59 on these external spaces to be partly shielded. Due to the incremental number of buildings and teaching spaces that have been required over the years this has led to a fragmented circulation space. The proposed layout seeks to rationalise the buildings and external spaces to address the current short fall in soft informal and PE areas prescribed by the Education regulations.

The Design and Access Statement provides details of the materials selected for the external areas which includes self-binding gravel to the Entrance Plaza, seats to student areas to be partially painted in the school logo colours with hardwood slats.

It is considered that, overall, and due to the tightly constrained nature of the site and construction requirements that the design, appearance and layout is acceptable and to accord with the aims of Policy EQ2.

Trees, Open Space and Landscaping

The application is accompanied by an up-to-date tree survey which identifies a total of 93 trees within the school site comprising 53 individual trees and 11 groups. A large belt of dense conifers also stands to the northwest of the sixth form building. A total of 43 trees must be removed of which 31 are Category C and are not classed as high quality. The better-quality trees on the eastern boundary adjacent to the rear properties on Hunt Road are to be retained. The submitted Landscape plans show a total of 65 trees would be planted throughout the site as a mix of native and ornamental species and this is supported. The scheme also incorporates additional biodiversity features including double row mixed hedgerow, wildflower grassland and the green roof which together mean the site is likely to achieve a net gain for biodiversity. The opportunity to encourage the new pond and nearby habitat to be connected is supported. Due to the tightly constrained site the loss of the trees is acceptable, and the replanting would provide appropriate replacement. This aspect of the scheme therefore complies with Policy EQ9 of the Sefton Local Plan.

Low Carbon Design

In regard to energy efficiency and low carbon design, the Design and Access Statement and the Energy and Sustainability Statement, both dated February 2022, make reference to the measures the school intend to employ with reference to Energy Hierarchy. The new school is required to be zero carbon in operation. A number of measures have been proposed which include the installation of up to 3000m² of photovoltaic panels on the roof of the school building, the canopy of the multi-use games area, and the cycle shelters too. Air source heat pumps will be used to provide clean and efficient year-round heat generation.

It is considered that these measures would meet the requirements of Local Plan policy EQ7 'Energy efficient and low carbon design' and the Council's Climate Emergency aspirations

Access Transportation and Highway Safety

The application is accompanied by Transport Statement (TS) which has considered the impact of the proposal on the existing highway network and the accessibility of the site for sustainable modes of transport. The proposals will not result in any increase in the number of pupils or staff at the school and is essentially a like for like development in terms of traffic generation. There has been a degree of additional community use of the existing school grounds and facilities and the applicant has confirmed that there are no proposals, as part of this application, to increase this use. Therefore, the overall traffic generation of the site is not expected to increase.

The site is currently accessed from Deyes Lane with two vehicular accesses together with a pupil drop off layby. One of the existing vehicle accesses will be closed and all vehicles will gain access to the site via the single remaining entrance off Deyes Lane. This remaining entrance will be amended to provide a wider access that better accommodates two-way flow of vehicles within the site and the circulation of vehicles through the proposed one-way arrangement within the pupil drop-off

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layby. Minor amendments to the footway and carriageway on Deyes Lane will be required to accommodate the proposed vehicle access and egress arrangements. Part of the existing adopted highway would be incorporated into the proposals and therefore a Stopping Up Order would be required. There will be pedestrian and cycle accesses into the site that will be segregated from the vehicle accesses and there will be wide paths within the site for pedestrians and cyclists.

The total number of staff is 145 and the site currently provides 94 car park spaces. Staff surveys were undertaken as part of the application which confirm that 85% of the staff travel by car which could generate a demand of 123 spaces- although not all staff would be on site at the same time.

As part of the proposed alterations to the parking facilities, there will be 120 off street car parking spaces comprising 114 standard parking bays and 6 disabled. There will be electric vehicle charging facilities within 5 bays. In addition to the car parking facilities there will be 3 motorcycle bays, 2 minibus parking bays and 74 cycle parking bays. A Travel Plan has been submitted which includes measures to promote sustainable modes of transport and sets targets to increase the number of staff and pupils to travel by bike.

Vehicle tracking plans have also been submitted which are considered acceptable.

Consideration has been given to the implications of traffic during the construction of the new school. The applicant has submitted a Construction Environmental Management Plan and Construction Traffic Management Plan that detail how the works will be managed, and any possible conflicts reduced.

The site will be operational on Monday to Friday between 8am - 6pm, and 8am - 1pm on Saturdays. No delivery vehicles will be permitted between the hours of 8 – 9.15am and 2.45 - 3.30 to ensure there will be no conflict between delivery vehicles and school traffic. All delivery vehicles will access and egress the site from Deyes Lane and Damfield Lane, with no delivery vehicles travelling along Deyes Lane to Eastway.

The applicant has further considered the potential for the proposed housing development off Deyes Lane by Redrow Homes to be constructed at a similar time. They have confirmed that dialogue between both parties would continue to ensure a consolidated approach between both sites. The Highways Manager has confirmed that this aspect can be controlled through the imposition of a condition to require the CTMP to be reviewed and a joint plan for both developments to be submitted.

The Highways Manager has confirmed that given the school is essentially like for like and that there will be improved access and parking provision, it is not expected that the proposals would result in severe harm or conditions detrimental to highway safety. Subject to the imposition of conditions the proposed development would meet the aims of Policy EQ2 Part 2 of the Sefton Local Plan.

Sports Facilities

The new school buildings will be located predominantly on the site of the existing school playing field and the replacement playing field would be located on the site of the current school buildings. The proposed scheme also requires the temporary loss of part of the adjacent playing field (St Andrews Primary School) to provide an access road and car parking facilities during the construction period. Sport England has a specific role in the planning system as a statutory consultee on planning applications for development affecting or prejudicing the use of playing fields.

Sport England's Playing Fields Policy - 'A Sporting Future for the Playing Fields of England' Policy Exception E4:states 'The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development'.

The current and proposed sports provision is set out below:

Existing School Sports Provision

The existing playing field = 16,451m² and accommodates:

- U15/16 football pitch
- 200m running track
- 100m running straight
- Rounders pitch
- Javelin
- High Jump

There is also a 6 court games area marked out with 6no tennis courts and 4no netball courts and a sports hall.

Proposed School Sports Provision

The proposed playing field = 17,156m² which represents a gain of 705m², and will accommodate:

- a. U13/14 football pitch
- b. U15/16 football pitch
- c. 1no 5v5 pitch
- d. 200m running track
- e. 100m running straight
- f. Rounders pitch
- g. Javelin
- h. High Jump
- i. Long Jump

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The current 6 court hard court games area (3,557m²) will be replaced by a slightly smaller (3,300m²) 6 court games area.

Sport England has assessed the scheme and advised that they do not wish to raise an objection as the proposed development broadly meets Exception 4 of their Policy as set out above subject to the imposition of a number of conditions and informatives.

These conditions require details to be submitted and agreed with Sport England about the following aspects:

- the pitch specification and construction of the replacement playing field
- reinstatement conditions for the northern part of the playing fields, and for St. Andrews School playing fields
- a scheme to ensure the continuity of the existing sports use, curriculum and community use of the sports facilities (indoor and outdoor) during the construction phase for both Deyes and St. Andrews Schools, and
- details about the sports hall and changing rooms. They recommend that details for the community use agreement also be controlled via a condition.

With regard to sports provision during the construction phases, initially the applicant had advised that pupils would use facilities at Northway Primary, however the school wish to consider alternative provision on site and have agreed to accept the Sport England conditions whilst they finalise and consult with Sport England. Subject to the imposition of the conditions required by Sport England together with the recommended condition about the Community Use Agreement the application meets the aims of paragraph 99 of the NPPF which seeks to protect sports facilities including playing fields from construction and is supported.

Residential Amenity

The site adjoins the rear gardens of existing residential properties to the east on Hunt Road and Deyes Lane to the south. The new school building would be over 75 metres from the rear boundary of the properties on Hunt Road and a similar distance from the properties on Deyes Lane.

The main vehicular access currently controlled by secure gates and an intercom system is located on the western boundary of the site and adjoins the side boundary of the residential property known as no 23 Deyes Lane. The proposed layout demonstrates a similar arrangement but will become the only vehicular access point. No 23 Deyes Lane has a side window for which high sided vehicles when waiting to access the school site could create privacy issues. The school is in discussions with this property to ensure that the proposed boundary treatment protects their living conditions and is also in keeping with this open aspect of the stie when viewed in the street scene. A condition is required to control these details.

The main car park would be located to the rear of the properties on Deyes Lane and a noise assessment has been submitted that requires an acoustic fence of 2.5 metres to be constructed to protect the amenities of these properties. Currently the submitted details provide for a 2.4metre high fence and a condition is required to control this detail.

It is acknowledged that the new school buildings and circulation spaces would be located further away from most of the existing residents, however the use of the sports facilities has the ability to impact upon the living conditions of the surrounding properties. The multi-use games area (MUGA) would be replaced and extended so that the rear boundary of the MUGA would be some 30m from the rear boundary of the properties on Deyes Lane.

The Environmental Health Manager has assessed the submitted noise assessment and based upon the information has requested a condition to control the hours of use of the MUGA.

The grass pitches would be located within 9 metres of the rear gardens of nearest properties on Hunt Road. The Long Jump would be within 5 metres. The Environmental Health Manager has considered the submitted noise assessment and has advised that subject to an hours of use condition controlling the activities the development is acceptable.

If the school wish to extend the hours of use than currently proposed, they would need to make a formal planning application with the appropriate noise assessments to demonstrate that there would be no adverse impact upon the surrounding residential properties.

Environmental Matters

Air Quality Assessment

The application is accompanied by an Air Quality (AQ) Assessment which has been reviewed by the Environmental Health Manager. The AQ report has assessed the impact the existing emissions from road traffic using the A59 will have on future users of the proposed development along with the AQ impacts associated with construction and demolition activities. The report concludes that air quality across the whole site is predicted to be well within National Air Quality Standards (NAQS). It is also understood that traffic associated with the proposed development is unlikely to increase significantly compared to levels attributable to the current school and will not impact unduly on local air quality levels.

Having reviewed the dust control section of the Construction Environmental Management Plan (CEMP) which has been submitted, further detail for dust control is required in the CEMP and in this regard the measures specified in Appendix D of the AQA should form the basis of the dust control plan within the CEMP. The applicant has submitted further measures to address this aspect which are being considered and which will be controlled by condition.

Noise

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As mentioned under the section on residential amenity the application is accompanied by an Acoustic Report dated February 2022. Based upon the results of the noise report, conditions to control the hours of use of both the MUGA and the grass pitches are proposed as follows: 09:00-18:00 Monday to Friday, during school term time only. This would seek to protect the residential amenity of the adjacent properties on Hunt Road and Deyes Lane.

The entrance to the new car parking area next to 23 Deyes Lane includes an access /egress barrier. To protect the living conditions of this property and the rear garden of the properties that adjoin the car park, as set out in the noise report a condition to control the details for a 2.4m acoustic barrier boundary fence is recommended.

Conditions to control noise from plant and equipment is also recommended together with a lighting condition to control external lighting.

Ground Conditions and Contamination and Land Stability

The application is accompanied by a number of reports including a Ground Investigation Report. Undertaken in 2021, this recommended further targeted investigation and ground gas assessment to be undertaken once the final layout is confirmed. A further report entitled “E3P Phase II Geo environmental Site Assessment report (reference: 15-414-R1, dated April 2022)” has been received which has been assessed and the Contamination Land manager is satisfied with the information subject to appropriate conditions

Drainage and Flood Risk

The application site is in Flood Zone 1, an area of low flood risk as defined by the Environment Agency. However, a site-specific Flood Risk Assessment has been submitted as the site is larger than 1 hectare. The surface water drainage strategy would restrict run off and seek to provide ‘betterment’ prior to discharge into the United Utilities surface water sewer on Deyes Lane. To support the attenuation of the water on site, oversized pipes and a geo cellular storage tank located under the MUGA form part of the design solution. The information has been reviewed by the Flooding and Drainage Manager and in principle is supported subject to further clarification about the mapping and calculation of the external exceedance rates. United Utilities has raised no objection and subject to the imposition of conditions the proposed development would meet the aims of Policy EQ8 ‘Flood Risk and Surface Water’ of the Sefton Local plan.

Ecology

Section 40 of the Natural Environment and Rural Communities Act (NERC) 2006 places a duty to conserve biodiversity on public authorities in England whilst they exercise their decision-making functions. The applicant has submitted an Extended Phase One Habitat Survey and Daytime Bat Survey report dated February 2022. Merseyside Environmental Advisory Service, the Council’s ecology consultants, have advised that the report is considered acceptable. The report concludes that there is no evidence of bat use or presence on the site. During the construction process conditions can protect the existing pond on the site together with measures to protect hedgehogs

and breeding birds. Bat and bird nesting boxes should be provided on site and, subject to the imposition of a condition controlling this, the proposed development would meet the aims of Local Plan Policy NH2, NPPF paragraph 180 and the biodiversity duty as set out in the Natural Environment and Rural Communities Act (NERC) 2006.

Archaeology

The applicant has submitted a preliminary archaeology and heritage constraints report in support of the application. This correctly states that the Merseyside Historic Environment Record does not record any non-designated heritage assets within the Site boundary.

Minerals Safeguarding.

The site falls within a Minerals Safeguarding Area and an assessment has been submitted as required by Policy NH8 of the Local Plan. The report indicates that the granular deposits are likely to be shallow and as there is a need for the existing school to continue in educational operation it is argued that this aspect overrides the need for the mineral. Therefore, the application details meet the aims of Policy NH8 of the Local Plan.

Consultation

The applicant has provided a Statement of Community Involvement which outlines the community consultation which took place prior to submission of the application. A virtual community exhibition in February 2022 has been undertaken where local residents, community groups and interested parties were invited to comment on the proposal. The applicant advises that a total of 22 comments were received from neighbours and local residents in response to the online public exhibition which ran for two weeks between 1st and 15 February 2022.

To date no formal amendments to the scheme have been submitted. Additional information has been requested by the statutory consultees to help inform their deliberations and responses. The Fire and Rescue Service has advised the applicant that they are required to store water on the site in case of a fire which may require a 3m cylinder tank. The tank is likely to be located within the Service Yard to the rear of the site. However, these details have not been finalised as they require further consultation with the Fire Department.

Planning Balance and Conclusion

The above assessment sets out how the scheme complies with the Sefton Local Plan and the Maghull Neighbourhood Plan. The scheme proposes a replacement of Deyes High School, being carried out on a like-for-like basis under the Government's School Rebuilding Programme.

The applicant has demonstrated a need for a replacement school due to the failing construction methods associated with some of the post war buildings. The site is tightly constrained and due to

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the requirement to retain the pupils on site during the construction period, there are few options for the location of the new building.

The principle of the development is acceptable. In terms of access and transport, as there would be no increase in pupil numbers the revised access arrangements and increased level of parking is supported. Conditions to control the car park arrangements, cycle provision, and electric vehicular charging points are required to provide a safe access, protect residential amenity and address climate change. Ecological aspects can be controlled by condition to ensure that opportunities for biodiversity are provided. Drainage and environmental protection conditions will ensure that the development is acceptable for both the school and the surrounding residential properties. There are no outstanding objections from any statutory consultees and appropriate conditions can address the issues raised by Sport England.

The opportunity to provide a net carbon zero school, high quality development that has the potential to provide well planned community facilities is strongly supported. Subject to the imposition of conditions the development is acceptable and accords with the policies in both the Local Plan and the Maghull Neighbourhood Plan made in January 2019.

Recommendation - Approve with Conditions

Time Limit for Commencement

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

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

Approved Plans

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

1017-DEP-00-ZZ-DR-L-0003-2.4	Location plan
21/K009/001A	Topographic survey
21/K009/002A	Topographic survey
21/K009/003A	Topographic survey
GM11640-002A	Topographic survey
1017-DEP-00-ZZ-DR-L-0004-2.2	Existing site layout plan
1017-DEP-00-ZZ-DR-L-0008-2.1	Existing outdoor sports provision plan
1017-DEP-00-ZZ-DR-L-0005-2.1	Proposed building demolition plan
1017-DEP-00-ZZ-DR-L-0002-2.4	Proposed site layout plan
1017-POZ-01-ZZ-DR-A-1350-A	Proposed elevations
1017-POZ-01-00-DR-A-1200-A	Proposed ground floor plan

1017-POZ-01-01-DR-A-1201-A	Proposed first floor plan
1017-POZ-01-02-DR-A-1202-A	Proposed second floor plan
1017-POZ-01-03-DR-A-1203-A	Proposed roof plan
1017-POZ-01-XX-VI-A-1700-A	Proposed 3D views - front
1017-POZ-01-XX-VI-A-1701-A	Proposed 3D views - side and rear
1017-POZ-01-XX-VI-A-1710-A	Proposed context views
1017-POZ-ZZ-00-DR-A-1210-A	Proposed MUGA canopy
1017-DEP-00-ZZ-DR-L-0009-2.1	Proposed outdoor sports provision
1017-DEP-00-ZZ-DR-L-0001-2.8	Proposed landscape layout
1017-DEP-00-ZZ-DR-L-1001-2.4	Proposed landscape sections 1 of 2
1017-DEP-00-ZZ-DR-L-1002-2.4	Proposed landscape sections 2 of 2
1017-DEP-00-ZZ-DR-L-0006-2.1	Proposed external access and circulation plan
1017-DEP-00-ZZ-DR-L-0007-2.1	Proposed fencing and boundaries plan
1017-FCL-XX-XX-DR-D-0003	Proposed temporary construction access plan

E3P Phase II Geoenvironmental Site Assessment report (reference: 15-414-R1, dated April 2022)

Reason: For the avoidance of doubt.

Before the Development is Commenced

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

Reason: These details are required prior to the commencement of development in order to ensure that the phases of development are managed properly and in order to safeguard the living conditions of the surrounding occupiers.

4) No development shall commence, including any demolition, site clearance or ground works, until a scheme setting out arrangements on the procedures to be adopted during the commencement of the proposed demolition has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: These details are required prior to the commencement of development in order to ensure that the phases of development are managed properly and in order to safeguard the living conditions of the surrounding occupiers.

5) No development shall take place, including any works of demolition, until a construction and site waste management plan, setting out arrangements for the handling of excavation, demolition and construction waste arising from the development, and to make provision for the recovery and

Agenda Item 5a

re-use of salvaged materials wherever possible, has first been submitted to the Local Planning Authority in writing to be agreed. The development shall be carried out in accordance with the approved plan or any amendment or variation to it as may be agreed in writing by the local planning authority.

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

6) Prior to development on the existing playing field a scheme to ensure the continuity of the existing sports use, curriculum and community use, of the sports facilities (indoor and outdoor) has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The Scheme shall apply to the main school construction and the temporary car park and access road on St Andrews Primary School. The Scheme must set out details of the size, location, type and make-up of the facilities or temporary off-site replacement facilities (as appropriate) together with arrangements for access. The scheme must include a timetable for the provision of the facilities or temporary off-site replacement facilities (as appropriate). The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason: To protect sports facilities from damage, loss or availability of use during the construction of the development and to accord with Development Plan Policy EQ1 and paragraph 99(b) of the NPPF.

7) No development of the sports hall shall commence until details of the design and layout of the sports hall and changing rooms have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The details shall include scale plans of the layout and dimensions of the courts with run off areas, and height of the sports hall. Internal features of the sports hall and changing rooms should comply with Sport England's Sports Hall design guidance. The sports hall shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy EQ1 and paragraph 99(b) of the NPPF.

During Building Works

8) The Document entitled Construction, Safety, Health and Environmental Management Plan Version 7 in conjunction with the Traffic Management Plan dated April 2022 (CTMP) shall be adhered to during the demolition and construction period.

Reason: These details are required prior to the commencement of development in order to ensure that the phases of development are managed properly and in order to safeguard the living conditions of the surrounding occupiers.

9) Site arrival shall be restricted to the following times:

Monday to Friday -07:30 to 18:00

Saturday - 0800 to 1300.

Site construction shall be restricted to the following times:

Monday to Friday 0800 to 1800

Saturday - 0800 to 1300.

During term time at this site construction arrivals or departures shall not take place during the following hours:

0800 to 0915 and 1445 to 1530

No work on site should be carried out on Sundays or Bank Holidays

Should there be any need to deviate from the hours of work proposed, written notice should be given to the Council, and agreed, prior to this work taking place.

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

10) During the Construction Phase the following Reasonable Avoidance Measures (RAM) for common amphibians shall be implemented.

- Draw down of the existing pond to be completed outside of the amphibian breeding season (drawn down between July and February inclusive).
- Existing vegetation in the vicinity of the science pond to be gradually cut and removed under ecological supervision to encourage any amphibians present to move away from the affected areas.
- The working area near to the pond, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians from seeking shelter or protection within them; and
- Any open excavations in the vicinity of the pond (e.g., foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent amphibians from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians.

Reason: The details are required prior to the commencement of development to safeguard conservation of species/habitats.

11) During the Construction Phase the following Reasonable Avoidance Measures (RAM) for hedgehogs shall be implemented:

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- All trenches and excavations should have a means of escape (e.g., a ramp).
- Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- Appropriate storage of materials to ensure that mammals do not use them.

Reason: The details are required prior to the commencement of development to safeguard conservation of species/habitats.

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

Reason: To protect birds during their breeding season.

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

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

14) No equipment, machinery or materials shall be brought onto the site for the purposes of the development until details of all fencing for the protection of trees, hedges and other landscape features, including its location and type have been submitted to and approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made at any time.

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

15) A scheme of noise control for any proposed plant and equipment to be installed on site shall be submitted to and approved in writing by the Local Planning Authority before its use becomes operational and retained thereafter.

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

16) Within three months of the demolition of the school buildings the following documents shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme with pitch specification to address any such constraints. The scheme shall include a written specification and plans of the proposed soil's structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation and maintenance.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy EQ2 and paragraph 99(b) of the NPPF.

17) Prior to reinstatement of the Northern part of the playing field shown on drawing number 10/ 7-DEP-00-ZZ-DR-L-0002 Rev 2.4 (Annotated Site Plan) Legend No.1, a scheme for the removal of conifers, bunds and gravel car park and the reinstatement of the affected playing field has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must be in accordance with Sport England guidance "Natural Turf for Sport" (2011) to ensure a uniform surface across the playing field and provide a timetable for implementation.

In the first planting season following the removal of the conifers, bunds and gravel car park the affected playing field must be reinstated in accordance with the approved scheme.

Reason: To ensure the site is restored to a condition fit for purpose and to accord with Development Plan Policy EQ2 and paragraph 99(b) of the NPPF.

18) Prior to removal of the temporary car parking as shown in the 'Construction Safety, Health and Environment Management Plan' a scheme for the removal of the car parking and access road from St Andrews Primary School and the reinstatement of the affected playing field has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must be in accordance with Sport England guidance "Natural Turf for Sport" (2011) to ensure a uniform surface across the playing field and provide a timetable for implementation.

In the first planting season following the removal of the car parking and access road the affected playing field must be reinstated in accordance with the approved scheme.

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Reason: To ensure the site is restored to a condition fit for purpose and to accord with Development Plan Policy Development Plan Policy EQ2 and paragraph 99(b) of the NPPF.

19) 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, a verification report that demonstrates compliance with the agreed remediation objectives and criteria will be required, which is subject to the approval in writing of the Local Planning Authority.

REASON To safeguard the living conditions of neighbouring occupiers and land users.

20) No piling shall take place until a scheme of piling methodology, which provides justification for the method chosen and details noise and vibration suppression methods proposed, has first been submitted to the Local Planning Authority in writing to be agreed. should be submitted for prior approval. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

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

Before the Development is Brought in to use

21), The new school building shall be not occupied until a 2.4 metre acoustic sound barrier shall be provided, to run alongside number 23 Deyes Lane and encompass the rear garden areas of 15-23 Deyes Lane, in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme also shall include details for a 1.5m fence and 300 metre to part of the side boundary of no 23 Deyes Lane.

Reason: To protect the living conditions of the residents and to ensure an acceptable visual appearance to the development

22) The new school building shall be not occupied until a scheme detailing any proposed external lighting to be installed on the completed site shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.

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

23) The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved Sustainable Drainage Strategy (25.02.2022 / DEYES HIGH SCHOOL FLOOD RISK ASSESSMENT & DRAINAGE

STRATEGY REPORT DEPARTMENT FOR EDUCATION / Ridge and Partners LLP) and submitted Sustainable Drainage Pro-forma.

The approved scheme shall be fully constructed prior to final occupation in accordance with the approved details, phasing and timetable embodied within the approved Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

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

24) Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

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

Reason: To safeguard conservation of species/habitats

26) Use of the development shall not commence until a Community Use Agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to all sports facilities managed by the school, or their management company, and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement for the duration of the development.

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Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy EQ2 and paragraph 99(b) of the NPPF.

27) The school building shall not be occupied until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Existing vehicle access to be closed, with kerbing and footway extended through crossing to create continuous footway.
- Existing Vehicle Accesses widened from 3m to 4m width at drop off gyratory/layby, including reconstructed junction bellmouths and dropped kerbs and tactile paving either side of each access.

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

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

28) Prior to final occupation of the development space laid out for parking shall be provided within the site in accordance with drawing no drawing no 1017-DEP-00-ZZ-DR-L-0002-2.3 Proposed site layout plan for 120 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available for the parking of vehicles / such purposes in perpetuity thereafter.

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

29) Facilities for the secure storage of cycles shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority. The facilities shall be provided on site prior to final occupation of the development, and they shall be retained in perpetuity thereafter.

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

30) Prior to final occupation of the development, a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use shall be prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

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

31) Prior to final occupation of development, a Full Car Park Management Strategy shall be submitted to, and approved in writing by, the local planning authority. The approved Full Car Park Management Strategy shall then be implemented, monitored and reviewed in accordance with the agreed Strategies Measures.

Reason: These details are required to ensure that enough car parking is provided for the end users.

32) Final occupation of the development shall not occur until a minimum of 5 electric vehicle charging points have been installed and are made available for use within the development as permitted. The approved infrastructure shall be permanently retained thereafter.

Reason: In order to meet sustainable transport objectives

Ongoing conditions

33) The use of the outdoor sports fields and Multi Use Games Area (MUGA) shall only take place between the hours of 09:00-18:00 Monday to Friday, during school term time only.

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

34) Within the first planting/seeding season following completion of the development, all planting, seeding or turfing associated with the soft landscaping areas comprised in the approved details of landscaping shall be carried out; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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Agenda Item 6

Report to:	Planning Committee	Date of Meeting:	Wednesday 1 st June 2022
Subject:	Planning Appeals		
Report of:	Chief Planning Officer	Wards Affected:	(All Wards)
Cabinet Portfolio:	Planning and Building Control		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

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

Recommendation(s):

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

Reasons for the Recommendation(s):

To update members on planning and enforcement appeals

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

N/A

What will it cost and how will it be financed?

(A) Revenue Costs
N/A

(B) Capital Costs
N/A

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Implications of the Proposals:

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

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The Executive Director of Corporate Resources and Customer Services (FD.6793/22.....) and the Chief Legal and Democratic Officer (LD.4993/22....) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Not applicable

Implementation Date for the Decision

Immediately following the Committee / Council meeting.

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

Appendices:

The following appendices are attached to this report:

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

Background Papers:

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

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Appeals Received and Decisions Made

Email: planning.department@sefton.gov.uk

Contact Officer: Mr Steve Matthews 0345 140 0845

Please note that copies of all appeal decisions are available on our website:
<http://pa.sefton.gov.uk/online-applications/>

Appeals received and decisions made between [24 March 2022](#) and [13 May 2022](#)

Appeal Decisions

Site Of Former Royal British Legion 326 Liverpool Road South Maghull L31 7DJ

Reference: DC/2020/00418 (APP/M4320/W/21/3284528)

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

Procedure: Written Representations

Start Date: 17/03/2022

Decision: Withdrawn

Decision Date: 19/04/2022

42 Station Road Ainsdale Southport PR8 3HW

Reference: DC/2021/00696 (APP/M4320/W/21/3283843)

Extension to existing external dining area and retention of timber canopy over including side panels and planters.

Procedure: Written Representations

Start Date: 21/12/2021

Decision: Allowed

Decision Date: 13/04/2022

9 Argarmeols Road Formby Liverpool L37 7BU

Reference: DC/2021/00644 (APP/M4320/D/21/3284311)

Alterations to existing boundary wall to front of dwellinghouse.

Procedure: Householder Appeal

Start Date: 16/12/2021

Decision: Dismissed

Decision Date: 13/04/2022

2 Argyle Road Southport PR9 9LH

Reference: DC/2021/00732 (APP/M4320/W/21/3278769)

Alterations to the side elevation at lower ground/ ground floor level, and the erection of a detached outbuilding at the rear to replace the existing garage (part retrospective).

Procedure: Written Representations

Start Date: 20/09/2021

Decision: Allowed

Decision Date: 28/03/2022

12 Kew Road Formby Liverpool L37 2HB

Reference: DC/2021/00270 (APP/M4320/W/21/3278550)

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

Procedure: Written Representations

Start Date: 20/09/2021

Decision: Allowed

Decision Date: 24/03/2022

New Appeals

Land At St Mary's Complex Waverley Street Bootle L20 4AP

Agenda Item 6

Reference: DC/2020/00705 (APP/M4320/W/21/3281083)

Application for hybrid planning permission for three phased development of SAFE St Mary's complex building, vacant land to the South and East bounded by railway line and canal basin; full planning permission is sought for phases one and two as follows; phase one included the demolition of the existing buildings on site and the development of a three storey arts hub building comprising accommodation for SAFE, flexible office/studio/meeting spaces, day nursery and multipurpose hall space alongside the erection of canal side pods for community use (Use Class E), the remodelling and extension of the existing Lock and Quay public house to create bed and breakfast facility, serviced apartments and commercial/training unit (Use Class E) relocated from existing SAFE complex and associated parking. Phase two includes the development of mixed tenure housing including 41 No. 2 and 3 bedroom, two and three storey townhouses and a four-storey apartment block consisting of 66 No. 1 and 2 bedroomed self-contained apartments with associated parking and public realm works and the erection of a substation. Phase three seeks outline permission in respect of means of access, layout and scale for the development of four storey 80-bed extra care facility (Use Class C2) including community hairdressing salon and cafe with appearance and landscaping reserved for future consideration.

Procedure: Informal Hearing

Start Date: 05/04/2022

Decision:

Decision Date:

The Doric 146 Rawson Road Seaforth Liverpool L21 1HR

Reference: DC/2021/02531 (APP/M4320/W/22/3290162)

Change of use from Public House (A4) to a House in Multiple Occupation (HMO) (Sui Generis) (12 Units) after demolition of existing attached outbuildings to the rear

Procedure: Written Representations

Start Date: 06/04/2022

Decision:

Decision Date:

77 Scarisbrick New Road Southport PR8 6LJ

Reference: EN/2022/00021 (APP/M4320/C/22/3293859)

Appeal against Construction of an outdoor swimming pool and retractable enclosure which is being used to provide swimming lessons which constitutes a material change of use and is not incidental to the enjoyment of the dwellinghouse

Procedure: Written Representations

Start Date: 24/03/2022

Decision:

Decision Date:

459 Lord Street Southport PR9 0AQ

Reference: DC/2021/02736 (APP/M4320/W/22/3293755)

Variation of Condition 3 pursuant to planning permission DC/2017/00968 approved 12/10/2017, to change hours of business to 07:00 - 02:00 hrs

Procedure: Written Representations

Start Date: 14/04/2022

Decision:

Decision Date:



The Planning
Inspectorate

Agenda Item 6

3/D EAGLE WING Direct Line: 0303 4445602
Temple Quay House Customer Services:
2 The Square 0303 444 5000
Bristol
BS1 6PN Email:
North2@planninginspectorate.gov.
uk

www.gov.uk/planning-inspectorate

Your Ref: CF/fc/Maghull
Our Ref: APP/M4320/W/21/3284528

Ms Carla Fulgoni
The Planning Bureau Ltd
100 Holdenhurst Road
Bournemouth
Dorset
BH8 8AQ

19 April 2022

Dear Ms Fulgoni,

Town and Country Planning Act 1990
Appeal by McCarthy and Stone Retirement Lifestyles Ltd
Site Address: Site of Former Royal British Legion, 326 Liverpool Road South,
Maghull, L31 7DJ

Thank you for your letter withdrawing the above appeal.

I confirm no further action will be taken.

A copy of this letter has been sent to the local planning authority.

Yours sincerely,

Vicky Williams

Vicky Williams

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

Appeal Decision

Site visit made on 7 February 2022

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2022

Appeal Ref: APP/M4320/W/21/3283843

42 Station Road, Ainsdale PR8 3HW

- 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 Ken Tilley against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/00696, dated 12 March 2021, was refused by notice dated 23 July 2021.
 - The development proposed is described on the application form as 'erection of canopy, outdoor seating with planter demarcation'.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of canopy, outdoor seating with planter demarcation at 42 Station Road, Ainsdale PR8 3HW in accordance with the terms of the application, Ref DC/2021/00696, dated 12 March 2021, and subject to the conditions below.

Applications for costs

2. An application for costs was made by Mr Ken Tilley against Sefton Metropolitan Borough Council which is the subject of a separate decision.

Preliminary Matters

3. The development proposed has already been carried out. I have therefore dealt with the appeal scheme as seeking retrospective planning permission.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area, and the effect on the living conditions of the neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

Character and appearance

5. 42 Station Road is a two storey building which is currently used as a drinking establishment. It is located in a short parade of commercial premises on the corner of Station Road and Fairfield Road within a designated Local Centre. The appeal site includes areas of the pavement to the front and side of the premises, where an associated external seating area has been created and is already in use.

6. Station Road is the main commercial road running through Ainsdale. The surrounding area is of mixed character with a variety of building sizes and styles, including two storey detached, semi-detached and terraced properties. There are a range of different uses nearby, including residential, retail premises, restaurants, cafes and bars. Most properties are set back from the highway with small front gardens behind low boundary walls and hedges. This creates a characteristic sense of openness which in combination with the mature street trees contributes positively to a spacious and verdant character.
7. The proposal relates to an extension to the external seating area with associated glazed screens and planters, and a timber canopy to the side of the building facing Fairfield Road. The premises already benefits from planning permission for an external seating area to the front and side of the building, and the extension to that area is to the Fairfield Road side. The canopy is formed by a timber frame bounded by screens and planters and is covered by a laminated glazed roof.
8. The pavements around the front and side of the building are relatively wide such that the extended external seating area sits comfortably around the building, leaving sufficient width to the remaining pavement to allow pedestrians to pass along it. While the screens, planters and canopy create a sense of enclosure around the building, these do not appear at odds with the prevailing character of the area as described above, where the frontages of properties are generally enclosed by low boundary treatments adjacent to the footway. Due to the generous width of the pavements here, the proposal does not unduly impinge on the sense of openness.
9. Whilst the canopy appears to be the only structure of its type in the immediate locality, its modest height together with its position to the side of the building and lightweight appearance means that it is not unduly prominent. The design of the canopy, screens and planters reflect the building in terms of materials and colour scheme, and consequently do not detract from the appearance of the property or the surrounding area.
10. For the above reasons, I conclude that the development does not have a harmful impact on the character and appearance of the area. Accordingly, there is no conflict with Policy EQ2 of A Local Plan for Sefton (2017) (Local Plan), which, amongst other things, seeks to ensure that development responds positively to the character, local distinctiveness and form of its surroundings.

Living conditions of neighbouring occupiers

11. There are a number of residential properties located close to the appeal site, including those on the same and opposite sides of Station Road and also to the rear (north) and eastern side of Fairfield Road. During my site visit I observed that Station Road is a busy highway which includes a number of restaurants, bars and retail premises which are open at night. As such, a degree of noise from traffic and from the patrons of other premises nearby would be expected in this area later into the evening.
12. The external seating area as previously approved allows for up to 40 covers which could be used for serving food and drink, without the need for further permissions. The submitted plan indicates that with the addition of the extended seating area, which relates principally to that area to the side of the

building, there would be a total of about 68 covers. The seating area is proposed to be used up until 22:00 hrs, as with the approved seating area. The addition of the canopy and the more permanent nature of the extended seating area means that it is a more attractive outside space for customers to use, which has led to concerns about additional noise and disturbance to nearby residents, particularly in the evening and during warmer weather. In this regard, I have taken careful account of the representations of those nearby.

13. The extended seating area is partly contained by the laminated glazed covering, screens and planters to the canopy which is likely in my view to reduce noise to some extent. Moreover, I note that the Council's Environmental Health Officer did not raise any objections to the proposal on grounds of noise and disturbance. The appellant states that no complaints have been made to the Environmental Health Department regarding this property, which is not refuted by the Council.
14. In support of the appeal, the appellant has submitted a Noise Impact Assessment (NIA) to identify and comment on the potential noise impacts arising from the use of the external seating area. The NIA included noise measurements taken during a Friday evening. Noise levels were measured from public footpaths immediately outside two locations representative of the nearest dwellings on Station Road and Fairfield Road.
15. At the time of the noise survey the external seating area was not at full capacity with occupation levels of around 10-20 per cent. The noise measurements were also paused for reasons beyond the control of the surveyors. However, the NIA also includes computerised noise modelling and concludes that noise from worse case use of the extended seating area is not significantly different outside the most exposed dwellings to that associated with the approved seating area. It also finds that the noise from the external seating area is well within the existing residual noise climate of the area.
16. That reflects my own observations during a site visit at around 11:00 hrs on a Monday morning, when noise from customers using the seating area was not readily audible from various points along both Station Road and Fairfield Road. Therefore, although the noise survey and my own observations are only snapshots in time, from the evidence before me I have no good reason to doubt the conclusion of the NIA that the noise impacts from the extended seating area are not a significant contributor to the overall noise levels in the area.
17. Measures to manage the operation of the extended seating area, such as limiting the playing of music/amplified sound and the hours during which it may be used, can be controlled by condition to mitigate any potential negative impacts on local residents.
18. For the above reasons, I conclude that the proposal is unlikely to result in any significant increase in noise and disturbance to an extent that would unacceptably affect the living conditions of nearby residents. In this respect, there is no conflict with Policies EQ4 and EQ10 of the Local Plan, where these seek to protect the amenity of neighbouring properties, including in respect of noise.

Other Matters

19. The appellant has submitted a draft unilateral undertaking with the appeal, the purpose of which is to secure firstly, a Traffic Regulation Order (TRO) to implement double yellow lines along part of Fairfield Road to deter customers from parking here whilst visiting the premises, which can obstruct pedestrians, as shown in Plan 1-Annex 1 of the draft unilateral undertaking; and secondly, a Stopping Up Order (SUO) for that part of the public highway which is obstructed by the development, as detailed in Plan 2-Annex 2. On the basis of the evidence before me, I am satisfied that such orders are necessary in the long term for the safe and efficient operation of the highway network and pedestrian routes, however in the short term the implications of their absence are not so significant to justify withholding permission.
20. The copy of the undertaking before me has not been executed, being both undated and unsigned. The Planning Practice Guidance (PPG) sets out that 'Grampian conditions', i.e. conditions which prevent development from occurring until a specific action has been taken, may be imposed under certain circumstances. It establishes that Grampian conditions should not be used where there are 'no prospects at all of the action in question being performed within the time-limit imposed by the permission'¹.
21. Given the appellant's willingness to enter into an agreement, as evidenced by their submission of a draft unilateral undertaking, and in view of the Council's no in principle objection to it, it is highly likely that the TRO and SUO could be secured in practice. I am therefore satisfied that a condition to secure the TRO and SUO is necessary to make the development acceptable in planning terms.

Conditions

22. I have had regard to the conditions suggested by the Council in their statement. As the development has already taken place, a condition relating to the standard implementation period is unnecessary. I have however, for clarity and enforceability, set out the approved plans.
23. A condition specifying the hours of use and a further condition preventing the playing of live or amplified music, insofar as it relates to the external seating area only, are necessary to protect the living conditions of neighbouring occupiers.
24. Following my reasoning in paragraphs 19 to 21 above, I have also imposed a condition requiring the appellant to enter into an agreement with the Council to secure the necessary TRO and SUO in the interests of highway and pedestrian safety.
25. In imposing conditions, I have had regard to the relevant tests in the National Planning Policy Framework, PPG and of statute. In that context I have modified the wording of some of the conditions proposed by the Council without altering their fundamental aims.

Conclusion

26. For the above reasons, having considered the development plan as a whole, the approach in the National Planning Policy Framework, and all other relevant

¹ Paragraph: 009 Reference ID: 21a-009-20140306

material considerations, the appeal is allowed subject to the conditions specified below.

M Ollerenshaw

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be in accordance with the following approved plans: Location Plan and drawing nos 0207896-G01, 0207896-G02 and 0207896-G03.
- 2) The external seating area hereby permitted shall not be used by customers outside the hours of 09:00 and 22:00 on any day.
- 3) No amplified or other music shall be played in the external seating area hereby permitted at any time.
- 4) Within three months of the date of this decision a scheme securing the implementation of a Traffic Regulation Order (TRO) to secure the implementation of double yellow lines along the part of Fairfield Road as shown by the black line on Plan 1-Annex 1 of the unilateral undertaking supporting this appeal, and a Stopping Up Order (SUO) for that part of Fairfield Road shown within black hatching in Plan 2-Annex 2 of the same, shall have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall contain a timetable for its implementation, which shall be adhered to. If, within a period of a year from the date of this decision, either TRO or SUO is not made, the use of the outdoor seating area hereby approved shall permanently cease.



Appeal Decision

Site visit made on 7 February 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2022

Appeal Ref: APP/M4320/D/21/3284311

9 Argarmeols Road, Freshfield, Formby, Nr. Liverpool L37 7BU

- 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 Tom Handley against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/00644, dated 5 March 2021, was refused by notice dated 10 September 2021.
 - The development proposed is described on the application form as 'alterations to existing boundary wall to frontage'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At appeal the appellant submitted further information regarding the potential security implication of the proposal, via correspondence dated 8 February 2022. Whilst an appeal should not be used to evolve a proposal, the information contained therein is nevertheless relevant to the rationale for the scheme. The Council had the opportunity to comment on it, albeit their response sets out how it does not alter their position. The Council's response contains reference to an appeal decision relating to a similar proposal at 14 Argarmeols Road¹, on which the appellant also had the opportunity to comment at appeal. I have therefore taken account of all the foregoing representations in determining the appeal, an approach which I consider is both necessary and fair to all parties.

Main Issue

3. The main issue is the effect of the development proposed on the character and appearance of the area.

Reasons

4. The appeal site comprises a substantial detached dwelling with a long frontage onto Argarmeols Road, which is within a residential area featuring large properties of varied age and style. In common with other properties on this road, the appeal property is set back from the road with a front garden and driveway. Properties in the area are generally set within large plots with mature trees and street trees contributing positively to a spacious, verdant character. Front boundary treatments predominantly comprise low brick walls, some with railings or fencing above, and planting behind.

¹ Appeal ref APP/M4320/D/20/3246270

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Appeal Decision APP/M4320/D/21/3284311

5. Permission has been granted for the erection of a 1.8m high rendered wall with open railings between piers and entrance gates on the site frontage, however this consent has not been implemented². Instead, the front boundary currently consists of a rendered wall to a height of around 1.7m with piers and gates. The appeal proposal seeks to lower part of the existing wall and to insert solid fence panels between the piers.
6. The combination of the proposed wall and fence panels would, by reason of its height and substantial length adjacent to the pavement, create a stark and dominant barrier to the site frontage, which would not reflect the more modest front boundary treatments generally found along Argarmeols Road.
7. The previously approved scheme for a 1.8m high wall with piers and railings would also increase the sense of enclosure to the front of the property. However, the railings between the piers would inherently retain a more open character to the site frontage. In contrast, the appeal scheme would create a solid barrier which would be at odds with prevailing open character of the area and would detract from the established street scene. I note that the Inspector for the appeal at No 14 concluded similarly in respect of a proposal for a 2m high wall and gates to the frontage of that property.
8. During my site visit I observed other examples of high front walls and fences within the locality. However, I do not have the details of the planning history of these before me, and their design and specific contexts are not identical to the appeal proposal. Accordingly, I have assessed the appeal scheme on its own merits and the other examples do not justify the harm I have found.
9. For these reasons, the proposal would be harmful to the character and appearance of the area, and would therefore be contrary to Policy EQ2 of A Local Plan for Sefton (2017), which, amongst other things, seeks to ensure that development responds positively to the character, local distinctiveness and form of its surroundings. The proposal would also be contrary to paragraph 130 of the National Planning Policy Framework, where it requires development to add to the overall quality of the area and be sympathetic to local character.

Other Matters

10. I sympathise with the appellant's desire to increase security and privacy to their property. However, in the manner proposed this would be at the expense of the character and appearance of the area. Moreover, there is no robust evidence before me to demonstrate that the appeal proposal is the only approach to achieving improved security and privacy levels. Therefore, although I have had full regard to the evidence before me, this consideration does not outweigh the harm that I have identified.

Conclusion

11. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

M Ollerenshaw

INSPECTOR

² Council ref. DC/2020/00268



Appeal Decision

Site Visit made on 1 March 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 28 March 2022

Appeal Ref: APP/M4320/W/21/3278769

2 Argyle Road, Southport PR9 9LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr David Black against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/00732, dated 16 March 2021, was approved on 13 May 2021 and planning permission was granted subject to conditions.
 - The development permitted is alterations to the side elevation at lower ground/ ground floor level, and the erection of a detached outbuilding at the rear to replace the existing garage (part retrospective).
 - The condition in dispute is No 2 which states that:
 - 'a) The new window to the side elevation shall be fitted with obscured glazing to a specification of no less than level 3 of the Pilkington Glass Scale and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening.*
 - b) The windows shall be permanently retained in that condition thereafter.'*
 - The reason given for the condition is:
 - 'To ensure that the privacy of neighbouring occupiers is retained at all times.'*
-

Decision

1. The appeal is allowed and planning permission Ref DC/2021/00732 for alterations to the side elevation at lower/ground floor level and the erection of a detached outbuilding at the rear to replace the existing garage (part retrospective) at 2 Argyle Road, Southport, PR9 9LH, granted on 13 May 2021 by Sefton Metropolitan Borough Council, is varied, by deleting condition 2.

Background and Main Issue

2. Planning permission has been granted for alterations to the side elevation of 2 Argyle Road and for the erection of a detached outbuilding. This was subject to condition 2, which requires obscure glazing to be installed in the new window in the altered side elevation of No 2, and that any part of this window that is less than 1.7 metres in height above the floor of the room it is installed in is non-opening. On my site visit I saw that the development has already been carried out without obscure glazing or these non-opening restrictions.
3. The main issue is whether the condition is reasonable or necessary in the interests of the living conditions of the occupiers of 4 Argyle Road, with particular regard to privacy.

Reasons

4. The appeal relates to a large detached property that is located in a predominantly residential area that is characterised by similar sized properties and apartment blocks that have long back garden spaces.
5. The side window in question faces an approximate 1.8 metre high boundary wall and a small portion of 4 Argyle Road's garden area that is located in between this neighbouring property's side elevation and a prefabricated garage. The topography of the site is such that the side window is in an elevated position.
6. Nonetheless, the submitted plans indicate that it is only around 1.5 metres closer to the shared boundary with No 4 than a comparably sized window that was previously positioned in a similar location in the original side elevation of the property. In addition, there is an intervening driveway and gap more than 2 metres between this window and the shared boundary wall.
7. On my site visit I saw that the majority of the indirect views of the small cellar window within the side elevation of No 4 from the side window are obscured by the boundary wall. Whilst I acknowledge that the level of overlooking of No 4's rear garden area has increased by the development, the window in No 2's side elevation is positioned at an oblique angle and a substantial distance away from the main area of garden closer to the rear house which would usually be the more private area.
8. In any event, views of the neighbouring garden are already obtained from within No 2, through other gable windows at a higher level on the first and second floors. I am also mindful that a degree of mutual overlooking of garden areas is a common feature in this residential area, with a number of windows positioned within the side elevations of neighbouring properties.
9. In this context, I consider that although clear glazing gives rise to limited overlooking of No 4's rear garden area, it is within acceptable limits. Furthermore, although other windows serving No 2 may be capable of providing a means of escape, there is little substantive evidence before me to demonstrate that the opening restrictions are required. I therefore conclude that the disputed condition is not reasonable or necessary in the interests of the living conditions of the occupiers of No 4 Argyle Road, with particular regard to privacy.
10. As such, the development without the disputed condition does not conflict with Policy HC4 of A Local Plan for Sefton 2017. Amongst other matters, this requires house extensions and alterations to be designed so that there shall be no significant reduction in the living conditions of the occupiers of neighbouring properties, including through a significant loss of privacy for neighbouring residents.

Other Matters

11. I appreciate that there are other windows that serve the kitchen of No 2, and that obscure glazing would not cause harm to the living conditions of its occupiers through loss of light. However, the lack of harm in this respect would be a neutral factor that does not justify withholding planning permission in this case.

12. I have also had regard to the local resident's concerns about the quality of the building work that has taken place. Nonetheless, this has had no bearing on the outcome of this appeal as I have assessed the case based on its planning merits.

Conclusion

13. For the reasons given above, I shall therefore allow the appeal and vary the original permission by deleting the disputed condition.

Mark Caine

INSPECTOR

Appeal Decision

Site Visit made on 1 March 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/M4320/W/21/3278550

12 Kew Road, Formby, Liverpool L37 2HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Neal Roberts against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/00270, dated 29 January 2021, was approved on 15 April 2021 and planning permission was granted subject to conditions.
 - The development permitted is the variation of condition 2 pursuant to planning permission DC/2020/00847 to allow changes to the approved drawings.
 - The condition in dispute is No 3 which states that:
'All provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification) that are applicable to a dwellinghouse are removed from this property.'
 - The reason given for the condition is: *'In the interests of amenity.'*
-

Decision

1. The appeal is allowed and planning permission Ref DC/2021/00270 for the variation of condition 2 pursuant to planning permission DC/2020/00847 to allow changes to approved drawings at 12 Kew Road, Formby, Liverpool L37 2HB granted on 15 April 2021 by Sefton Metropolitan Borough Council is varied by deleting condition 3.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Background and Main Issue

3. Planning permission was originally granted in July 2020 for the erection of a two storey extension to the side and rear incorporating a garage, a single storey to the opposite side and a two storey extension including a porch to the front of the dwelling house following the demolition of the existing conservatory (Ref: DC/2020/00847).
4. Following this, a further application (Ref: DC/2021/00270) was submitted and permission was granted for the variation of condition 2 pursuant to planning permission DC/2020/00847 to allow changes to the approved drawings. This included a condition removing permitted development rights for all provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification) (GPDO) that are applicable to a dwelling house. Although

the decision notice gives the reason for this condition to be in the interests of the amenity, the Council's statement of case indicates that this is necessary to protect the privacy levels of the residents of neighbouring properties.

5. The main issue is therefore whether the condition is reasonable or necessary in the interests of the living conditions of the occupiers of neighbouring properties, with particular regard to privacy.

Reasons

6. Paragraph 56 of the Framework states that planning conditions should only be imposed when they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. More specifically, paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
7. The Planning Practice Guidance (PPG)¹ also advises that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. It states that the scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the GPDO, so that it is clear exactly which rights have been limited or withdrawn. This paragraph goes on to advise that area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.
8. The Council has put forward that Members of the Planning Committee expressed concerns about the potential impacts arising from further development on the site and that they may not have granted permission without its imposition. The Council also argue that the condition would act as a break and allow them to retain some control of the impacts arising from any future development on the site.
9. However, little further justification for imposing this condition, in respect of how it would safeguard the living conditions including the privacy levels of neighbouring occupiers, as required by the policy set out in the Framework, has been provided by the Council in its statement of case.
10. Many of the permitted development rights withdrawn via disputed condition 3 relate to minor development that would have no appreciable effect on privacy. There are also GPDO limits in terms of heights, window opening restrictions and obscure glazing, and set backs from boundaries such that any permitted development with a potential to affect living conditions is subject to controls in any event. In light of the above, and given the nature of the approved scheme and its separation distances from neighbouring properties it is unclear how the disputed condition is required to protect the privacy levels of neighbouring residents.
11. I am also mindful that the PPG² states that 'In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.'

¹ Planning Practice Guidance ID: 21a-017-20190723

² Planning Practice Guidance ID 21a-031-20180615

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Appeal Decision APP/M4320/W/21/3278550

12. Based on the evidence before me, I therefore find, having regard to the tests set out in paragraph 56 of the Framework, that condition 3 is not reasonable or necessary in the interests of the living conditions of the occupiers of neighbouring properties, with particular regard to privacy.
13. As such, the development without the disputed condition would comply with Policy HC4 of A Local Plan for Sefton 2017. Amongst other matters, this requires that house extensions and alterations are designed so that there shall be no significant reduction in the living conditions of the occupiers of neighbouring properties, including the significant loss of privacy.

Other Matters

14. I have had careful regard to the representations of local residents. These refer to previous mistakes made by the Council when dealing with the original planning application, which has been reported to the Ombudsman, and the potential future legal action in regard to the right to light. It has also been put to me that the applicant is a developer. However, these factors have had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.

Conclusion

15. I shall therefore allow the appeal and vary the original permission by deleting the disputed condition.

Mark Caine

INSPECTOR

Planning Committee
Visiting Panel Schedule

Date Monday 30th May 2022

Start: 10:00 am at BOOTLE TOWN HALL

Agenda Item	Time	Application Details	Ward
5A	10:25	DC/2022/00375 Deyes High School Deyes Lane, Maghull L31 6DE	Sudell
4D	11:00	DC/2022/00569 6 Roehampton Drive, Crosby L23 7XD	Blundellsands
4A	11:15	DC/2021/01739 102 Serpentine North, Blundellsands L23 6TJ	Blundellsands
4B	11:55	DC/2022/00087 Land At Crosby Coastal Park, Crosby	Church
4C	12:30	DC/2022/00454 14 College Road, Crosby L23 0RW	Victoria

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