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MEETING: PLANNING COMMITTEE

DATE: 29th June 2022

TIME: 6.30 pm

VENUE: Bootle Town Hall

Member

Councillor
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

Councillor
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 M.B.E.
Cllr. Linda Cluskey
Cllr. Liz Dowd
Cllr. Lloyd-Johnson
Cllr. Sean Halsall
Cllr. John Joseph Kelly

COMMITTEE OFFICER: Ruth Appleby / Ian Barton
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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.

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COVID GUIDANCE IN RELATION TO PUBLIC ATTENDANCE

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

We therefore request that if you wish to attend the Committee to please register in advance of the meeting via email to ian.barton@sefton.gov.uk 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 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 (Pages 5 - 10)

4. Applications for Planning Permission - Petitions

A DC/2021/01929 - 1-3 Crosby Road South, Waterloo (Pages 11 - 32)
Report of the Chief Planning Officer

B DC/2021/00924 - Land Off Bankfield Lane, Southport (Pages 33 - 54)
Report of the Chief Planning Officer

C DC/2021/01848 - Land Adjacent To 16 Moorhouses, Hightown (Pages 55 - 68)
Report of the Chief Planning Officer

D DC/2022/00575 - 34 Grosvenor Road, Birkdale (Pages 69 - 80)
Report of the Chief Planning Officer

5. Applications for Planning Permission - Approvals

A DC/2022/00087 - Land At Crosby Coastal Park, Crosby (Pages 81 - 112)
Report of the Chief Planning Officer

B DC/2022/00720 - 55 Bowden Street, Litherland
Report of the Chief Planning Officer

(Pages 113 - 118)

6. Planning Appeals Report

(Pages 119 - 124)

7. Visiting Panel Schedule

(Pages 125 - 126)

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

PLANNING COMMITTEE

MEETING HELD AT BOOTLE TOWN HALL ON 1 JUNE 2022

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

Councillors Dodd, Hansen, Irving, John Kelly,
Sonya Kelly, Richards, Riley, Roche, Spencer,
Lynne Thompson and Waterfield

ALSO PRESENT: Councillors Howard and Roscoe.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Tweed and Halsall (substitute Member).

2. DECLARATIONS OF INTEREST

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

3. MINUTES OF THE MEETING HELD ON 13 APRIL 2022

RESOLVED:

That the Minutes of the meeting held on 13 April 2022 be confirmed as a correct record.

4. DC/2021/01739 - 102 SERPENTINE NORTH, BLUNDELLSANDS

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

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

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

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Arising from the discussion Members expressed concern at the size and of the proposed extension and the remodelling of the entire property and felt that this constituted a rebuilding rather than an extension. Reference to Planning Policy HC4(1)b was made and it was felt that the size, scale and materials of development were not in keeping with the original dwelling.

RESOLVED:

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

5. DC/2022/00087 - LAND AT CROSBY COASTAL PARK, CROSBY

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

Prior to consideration of the application, the Committee received three petitions on behalf of objectors against the proposed development and a response by the applicant.

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

Arising from the report and representations, Members discussed a number of areas of potential concern in detail.

RESOLVED: That:

- (1) consideration of the application be deferred to enable the Chief Planning Officer to review and provide further information on the following:-

to explore opportunities to reduce potential conflicts between pedestrians, cyclists and young people near to the play area at the Junction with South Road, Crosby;

provide details of who the applicant has consulted in terms of disability and accessibility, including their responses; and

further investigation on drainage/flooding in the vicinity of Blucher Street, Waterloo.

- (2) a further site visit be held prior to the item being re-considered by the Committee to include viewing traffic issues at Endsleigh Road, Blundellsands.

6. DC/2022/00454 - 14 COLLEGE ROAD, CROSBY

The Committee considered the report of the Chief Planning Officer recommending that the above application for a change of use from former Care Home to C2 drug and alcohol rehabilitation centre be granted subject to the conditions and for the reasons stated or referred to in the report.

Prior to consideration of the application, the Committee received a petition on behalf of objectors against the proposed development and a response by the applicant.

RESOLVED:

That the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report and subject to the addition of a further condition requiring the developer to submit a Management Plan for the premises to include a contact point for enquiries from local residents.

7. DC/2022/00569 - 6 ROEHAMPTON DRIVE, CROSBY

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of a two storey extension to the side 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 be granted subject to the conditions and for the reasons stated or referred to in the report.

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

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

RESOLVED:

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

8. DC/2022/00375 - DEYES HIGH SCHOOL, DEYES LANE, MAGHULL

The Committee considered the report of the Chief Planning Officer recommending that the above application for the development of a 'net

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

The Chief Planning Officer also reported that an amendment to Condition No.9 had been suggested within the late representations document but it was felt that this amendment was not acceptable.

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 with the exception of the proposed amendment to Condition No. 9 contained in Late Representations which should remain as contained within the original report.

9. 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
Ms Fulgoni	DC/2020/00418 - Site Of Former Royal British Legion 326 Liverpool Road South Maghull - appeal against refusal by the Council to grant Planning Permission 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.	Withdrawn 19.04.22
Mr K. Tilley	DC/2021/00696 – 42 Station Road Ainsdale Southport - appeal against refusal by the Council to grant Planning Permission for an extension to existing external dining area and retention of timber canopy over	Allowed 13.04.22

including side panels and planters.

Mr T. Handley	DC/2021/00644 - 9 Argarmeols Road Formby - appeal against refusal by the Council to grant Planning Permission for alterations to the existing boundary wall to front of dwellinghouse	Dismissed 13.04.22
Mr D. Black	DC/2021/00732 - 2 Argyle Road Southport - appeal against refusal by the Council to grant Planning Permission for 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).	Allowed 28.03.22
Mr N. Roberts	DC/2021/00270 - 12 Kew Road Formby - appeal against refusal by the Council to grant Planning Permission for the variation of condition 2 pursuant to planning permission DC/2020/00847 to allow changes to the approved drawings.	Allowed 24.03.22

RESOLVED:

That the report be noted.

10. 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 30 May 2022.

Application No.	Site
DC/2022/00375	Deyes High School Deyes Lane, Maghull
DC/2022/00569	6 Roehampton Drive, Crosby
DC/2021/01739	102 Serpentine North, Blundellsands
DC/2022/00087	Land At Crosby Coastal Park, Crosby
DC/2022/00454	14 College Road, Crosby L23 0RW

RESOLVED:

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

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Report to: PLANNING COMMITTEE **Date of Meeting:** 29th June 2022

Subject: [DC/2021/01929](#)
[1-3 Crosby Road South Waterloo Liverpool L22 1RG](#)

Proposal: Change of use from offices (E) to 14 flats (C3), including a two storey rear extension and alterations to roof to include two replacement dormers to the front elevation and two new dormers to the rear elevation.

Applicant: Mr Tom Muir **Agent:** Ms Linda Wright
Accelerate Property Group PLANiTWRIGHT Limited

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

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

Summary

This application seeks planning permission to convert and extend an office building within the Christ Church Conservation Area into 14 one bed flats.

The main issues to consider are the principle of the development, its visual impact and impacts on heritage assets, living conditions, highway safety, trees and ecology.

It is concluded that the application complies with adopted local plan policy and, in the absence of any other material considerations, the application is recommended for approval subject to conditions and a Section 106 legal agreement.

Recommendation: Approve with conditions subject to the completion of a Section 106 legal agreement.

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=QWV0JENWLDD00>

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Site Location Plan



Sefton Council



Reference: Map reference
Date: 20/06/2022
Scale: Scale: 1:1250
Created by: Initials

The Site

The site occupies a prominent position on the corner of Crosby Road South and Sandringham Road and is currently vacant but last in use as accountants' offices. There are residential properties to the side and rear of the site whilst the Northern Line railway extends along its northern boundary.

The site lies within the Christ Church Conservation Area.

History

DC/2020/01221 Change of Use / refurbishment of existing (B1) Business Use to residential C2 / C3 use; and erection of new C2/C3 residential block. Refused 8 June 2021

DC/2016/02009 (Option 2 of 2) Outline planning permission including details of access, appearance, layout and scale, for refurbishment of existing premises and change of use from B1 offices to C3 residential apartments to create 32 dwellings, including the erection of four storey extensions to the side and rear (including basement) and two storey detached unit to the rear, together with associated landscaping, access and parking arrangements. Refused 17 January 2018. Appeal dismissed 1 October 2018

DC/2016/02008 (Option 1 of 2) Outline planning permission including details of access, appearance, layout and scale, for refurbishment and extension of existing premises and change of use from B1 offices to C3 residential apartments to create 30 dwellings, including the erection of a two storey rear extension together with associated landscaping, access and parking arrangements. Refused 17 January 2018. Appeal dismissed 1 October 2018

Consultations

Local Plans

No objection subject to conditions and financial contribution towards recreational pressure mitigation

Conservation Manager

No objection subject to conditions

Highways Manager

No objection subject to conditions

Environmental Health Manager

Noise

No objection subject to conditions

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Air Quality

No objection subject to conditions

Housing Standards Manager

No objection

Tree Officer

No objection subject to conditions

Merseyside Environmental Advisory Service

No objection subject to conditions and financial contribution towards recreational pressure mitigation

Natural England

No objection subject to appropriate mitigation

Flooding & Drainage Manager

No comment

Network Rail

No objection in principle

Neighbour Representations

This application has been called-in by Councillor Webster to be determined by Planning Committee on the grounds that the proposal is contrary to planning policy, harmful to residential amenity, of poor design quality and in respect of its impact on the quality of life for future occupants.

The following comments have been received since the scheme was amended in March 2022.

A petition to speak at committee against the proposal has been signed by 37 residents of Sandringham Road and Sandringham Avenue and is endorsed by Councillor Webster.

Whilst residents agree to the proposed change of use from offices to residential they are opposed to the roof alterations and rear extension. Other concerns raised by residents are:

- One bedroom flats do not take account of the demographic of the local area and contrary to NHS focus on healthier communities
- Noise and potential for anti-social behaviour
- Lack of parking
- Traffic generation will have a sizeable impact on the local highway network
- Loss of light and overlooking from the extension
- Overbearing nature of the rear extension

- Light pollution
- Imposing nature of the building will be increased
- Adverse impact on residents with long term mental health and learning disability needs
- Extensions and alterations are out of character with the conservation area and with the building
- Noise and disturbance during construction
- No provision for bike storage or for charging low emission vehicles
- No adapted flat for disabled people
- No family homes

An individual written comment has been received from an adjoining resident concerned about the location of the bin store.

Policy Context

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

Assessment of the Proposal

The main issues to consider are the principle of the development, its visual impact and impacts on heritage assets, living conditions, highway safety, trees and ecology.

Principle

The site lies within a 'primarily residential area' in the adopted Sefton Local Plan where residential development is acceptable in principle under policy HC3 subject to compliance with other policies in the plan.

Local Plan policy HC4 permits the conversion of buildings to flats where it will not cause significant harm to the character of the area or the living conditions for occupiers of the property or neighbouring properties. The conversion to residential is in character with the area and impacts on living conditions are considered below.

Visual Impact

The proposal involves the conversion and extension of a prominent building located on the corner of Crosby Road South and Sandringham Road. The proposed two storey rear extension is set in from the building's side elevations and will not form a prominent feature within the street scene. Whilst the roof alterations will result in a taller building, the increase is relatively small (approximately 0.7 metres) and, as the design details and proportions of the building will be maintained, the increase is minimal and acceptable in the wider context.

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A car parking area is to be located to the side of the converted building alongside the railway line and also close to the Crosby Road South frontage. The visual impact of the proposal, including the car park, will be softened by new landscaping and reinstatement of the front boundary wall which can be secured by condition.

Heritage

The building is a prominent building within the Christ Church conservation area and considered to be a non-designated heritage asset (NDHA). It has been poorly maintained resulting in a dilapidated appearance and is currently vacant. Bringing the building back into use and reinstating features such as the front boundary wall and the building's repair and improvement in appearance are considered to be a public benefit.

The alterations to the roof have been scaled down since the initial submission and are more in keeping with the building. The rear extension cannot be seen from the front of the building but it can be seen from the side elevations more prominently on Sandringham Road. The extensions have been deemed to be the minimum necessary to bring the building back into use and the design of the conversion has been thought out to minimise harm to the Conservation Area and NDHA.

Any harm caused would be viewed as 'less than substantial' and there appears to be great public benefits that would outweigh any perceived harm. On this basis the Conservation Manager raises no objection to the proposals which would be in accordance with National Policy and Local Plan policies NH9, NH12 and NH15.

Conditions are recommended to secure reinstatement of the front boundary wall, hard and soft landscaping, window and door details and matching materials.

Living Conditions

The impacts on residents' living conditions need to be considered both for existing residents surrounding the site and for future occupiers of the property.

Existing Residents

The existing building has been in office use and its conversion and extension to form 14 flats is considered acceptable in principle in respect of its impacts on neighbours.

The closest property, Cornaa on Sandringham Road, is located approximately 12 metres from the existing building. The proposal's relationship with this property is considered acceptable due to the orientation of the proposed two storey rear extension (to the north-west of the rear of Cornaa) and the fact that it is sited on an angle and does not directly face Cornaa's rear elevation. A condition is recommended to secure obscure glazing in a first floor window proposed in the side elevation of the extension to ensure it does not overlook the neighbouring property. The window serves the living

area to Flat 7 but there is a second larger window serving this open plan kitchen/living space which will allow a reasonable outlook and prospect for this habitable space.

The proposals will not cause any direct overlooking of other nearby properties and there is a distance of over 40 metres between the rear of the extension and the houses on Sandringham Avenue which back onto the site. The extensions are not considered to have an overbearing impact on adjacent properties.

The proposed bin store for the flats has been moved to the opposite side of the building to minimise its impact on the neighbouring property.

The Environmental Health Manager recommends that a condition to control any piling works should be secured so that impacts are minimised during construction.

Following a review of the applicant's air quality assessment, the Environmental Health Manager is satisfied with the proposal's impacts on air quality subject to conditions to control dust from construction activities and to secure electric vehicle charging points. This latter point is now covered by the Building Regulations so there is no longer a requirement to secure a planning condition for electric vehicle charging points.

Proposed Residents

The size and nature of the proposed flats and the amount of outdoor amenity space have been assessed against the standards set out in the 'Flats and Houses in Multiple Occupation' Supplementary Planning Document (SPD).

The 14 flats are all one bedroom and each has a floor area exceeding the minimum size of 37 sqm and a bedroom of 8.5 sqm or more. Each habitable room has at least one window with a reasonable outlook and prospect in line with the SPD guidance.

A large area of communal outdoor amenity space is provided at the rear of the building. This measures over 900 sqm in area and will be a private space with a line of existing retained trees extending along the boundary with the railway line. The SPD guidance is for a minimum of 20 sqm per flat which for 14 flats would require at least 280 sqm. The proposal meets the SPD guidance.

The Environmental Health Manager has reviewed the submitted noise report which concludes that noise mitigation measures, in the form of acoustic glazing and acoustically treated ventilation, will be required and these measures can be secured by condition.

A comment has been made by the Housing Standards Manager that the majority of the flats will have 'inner rooms' where escape from a bedroom in the event of a fire would need to be through an area of higher fire risk. This matter would be dealt with as part of the Building Regulations process and compliance with the Building Regulations is not a material consideration for this planning application. However, it is understood that inner room situations can be acceptable in certain

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circumstances and, if this was to affect the external appearance of the building through the provision of escape windows, an application for these changes could be made.

Highway Safety

A Transport Statement (TS) has been submitted in support of the application and this includes details of the expected trip generation, the proposed parking facilities, the site access arrangements and a review of the accessibility of the site.

The applicant has used the TRICS database to obtain estimated trip rates for the proposals which is an accepted method. This has estimated that the apartments will generate 4 two way vehicle trips in the AM peak (8am to 9am) and 5 two way vehicle trips during the PM peak period (5pm to 6pm). This equates to less than one vehicle every 20 minutes in the peak hours, which can be readily accommodated on the network. The applicant has also calculated the expected trip rates associated with the current use of the building as offices. This demonstrated that there would be 17 two way vehicle trips in the AM peak (8am to 9am) and 16 two way vehicle trips during the PM peak period (5pm to 6pm). This shows that the proposals represent an overall reduction in vehicle trips associated with the site and that it would therefore not have a negative impact on the highway network.

Vehicles will access and egress the site using the existing access from Sandringham Road. This will need altering to provide a 5.5 metre wide access to safely enable two way traffic. An access road within the site will lead to an area of car parking to the front and side of the building. There will be a pedestrian access from Crosby Road South and the existing Crosby Road South vehicle access will become redundant.

A review of the accessibility of the site within the TS shows that there are sustainable modes of transport close to the site and that it is close to the Waterloo District Centre with its amenities and places of employment. There are also bus stops fronting the site on Crosby Road South and Waterloo Train Station is within walking and cycling distance, making the site accessible to non-vehicular modes of transport.

The scheme proposes 21 car parking spaces, 2 of which will be disabled bays which will not be allocated to specific apartments. This is slightly greater than that requested by the Council's 'Sustainable Travel and Development' Supplementary Planning Document (SPD) and the provision of car parking is considered acceptable in this location.

In accordance with the 'Sustainable Travel and Development' SPD, there should be a minimum of 14 secure cycle parking spaces. A cycle store is proposed at the side of the building which is acceptable provided it can accommodate at least 14 bicycles.

Based on the above, the Highways Manager raises no objections on highway safety grounds subject to conditions.

Trees

An Arboricultural Impact Assessment has been submitted as part of the application. This confirms that the development will necessitate the loss of one low quality group (G1) of trees close to the boundary with the neighbouring property Cornaa with the majority of existing tree cover on the site shown for retention. Due to the location and quality of the group of trees shown for removal the Council's Tree Officer has no objections to the loss providing it is successfully mitigated. This can be secured by condition.

A further condition is recommended to secure an arboricultural method statement detailing how existing trees will be protected in the construction of the car park.

Ecology

Habitats Regulations

The application site is close to designated sites of nature importance and, as it involves the creation of 10 or more residential units, will lead to increased visits (recreational pressure) on the Sefton coast and may result in significant effects on habitats and species for which these sites have been designated.

To ensure that the effects of recreational pressure are mitigated, Merseyside Environmental Advisory Service (MEAS) advises that the applicant can opt-in to mitigation measures comprising a commuted sum contribution for each new home and the provision of a leaflet for new householders. These details are explained in Sefton Council's Information Note on managing and mitigating the impact of recreation pressure on the Sefton coast. For the current application the commuted sum would be $14 \times \text{£}314 = \text{£}4396$ and can be secured by a Section 106 legal agreement. The applicant has confirmed agreement to this approach.

MEAS has undertaken an Appropriate Assessment in accordance with Regulation 63 (Habitats Regulations 2017) and this forms Appendix 1 of this report.

Natural England has been consulted on the Appropriate Assessment and raised no objections subject to the appropriate mitigation being secured. Natural England's comments form Appendix 2 to this report.

Ecology

Based on previous bat reports for this application site, MEAS advise that the Council does not need to consider the proposals against the three tests (Habitats Regulations) as no evidence of bat use or presence was found.

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As nesting barn owl was found in the building during the bat survey, information is required in the form of a barn owl mitigation strategy covering potential impacts during the construction and operational periods. This can be covered by condition.

Section 106 Requirements

As outlined in the ecology section above, a commuted sum of £4396 is required to mitigate recreational pressure on the Sefton coast and this can be secured via a Section 106 legal agreement.

A Section 106 monitoring fee of £970.20 is also required.

The proposal to provide 14 flats does not trigger the affordable housing policy. Similarly, a developer contribution towards education does not apply as the proposal only includes one-bedroom flats.

Other Issues

Local Plan Policy IN1 'Infrastructure' requires the properties to be fitted with full fibre broadband.

Planning Balance and Conclusion

The proposal is acceptable in principle and provides public benefits in terms of bringing a prominent building within a conservation area back to beneficial use with improvements to its appearance. The visual impact and impacts on living conditions, highway safety, ecology and trees are considered acceptable subject to conditions. A contribution towards mitigating recreational pressure will be secured via a legal agreement.

Overall and on balance the proposal is considered to comply with adopted local and national policy and guidance therefore approval is recommended.

Recommendation - Approve with conditions subject to the completion of a Section 106 legal agreement.

Time Limit for Commencement

1) The development hereby permitted shall be commenced before the expiration of 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:

Drawing No. 04 rev F Proposed Ground Floor Plan
Drawing No. 05 rev F Proposed First Floor Plan
Drawing No. 06 rev G Proposed Second Floor Plan
Drawing No. 08 rev E Proposed Elevations
Drawing No. 11 rev D Proposed Site Plan
Drawing No. 12 Location Plan
Arboricultural Impact Assessment ref: 1619.22 dated March 2022

Reason: For the avoidance of doubt.

Before the Development is Commenced

3) Should the development incorporate piled foundations, a scheme of piling methodology, which provides justification for the method chosen and details noise and vibration suppression methods proposed shall be submitted to and approved in writing by the local planning authority. The approved scheme shall then be implemented throughout the development.

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

4) A written scheme to control dust from construction activities shall be submitted to and approved in writing by the local planning authority. The approved scheme shall then be implemented in full during all construction activities.

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

5) No development shall commence until an arboricultural method statement in accordance with section 6.2 of the approved Arboricultural Impact Assessment ref: 1619.22 dated March 2022 has been submitted to and approved in writing by the local planning authority. Development shall thereafter take place in accordance with the approved details.

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

6) No development shall commence until a barn owl mitigation strategy has been submitted to and approved in writing by the local planning authority. The mitigation strategy shall include:

i) The estimated timing of works;

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- ii) Potential exclusion measures of the open soffit entrance during the construction period;
- iii) Whether the development is likely to prevent nesting access; and
- iv) Whether alternative nesting provision will be required as a result of the existing nest being lost to development.

The barn owl mitigation strategy shall then be implemented in accordance with the details approved by the local planning authority.

Reason: The details are required prior to the commencement of development to safeguard conservation of barn owl.

During Building Works

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

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

8) No development shall commence above slab level until details of the external timber doors and windows are submitted to and approved in writing by the local planning authority. Windows shall be timber sliding sash to the ground and first floor and casements to the second floor. window details shall include vertical and horizontal sectional details at a scale of 1:5. Development shall be carried out in accordance with the approved details.

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

Before the Development is Occupied

9) No part of the development shall be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- i) the location, size and species of all trees to be planted as mitigation for the loss of existing trees;
- ii) details of the front boundary wall to be raised and reinstated to its traditional design and height, including sandstone gate piers at entrance points, matching similar boundary walls along Crosby Road South;
- iii) an established privet hedge to be positioned behind the front boundary wall;
- iv) details of the materials to be used for the hard landscaping and marking for cars.

The hard landscaping details shall be completed in accordance with the approved details before the development hereby approved is first occupied.

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

10) Before the development hereby permitted is first occupied, the window to Flat 7 in the south facing side elevation of the rear extension at first floor level shall be fitted with obscured glazing, 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. The window shall be permanently retained in that condition thereafter.

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

11) Prior to the occupation of the development hereby permitted a scheme of acoustic glazing shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the dwellings are occupied and thereafter retained in perpetuity.

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

12) Prior to the occupation of the development hereby permitted a scheme of acoustically treated ventilation shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the dwellings are occupied and thereafter retained in perpetuity.

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

13) The development shall not be occupied until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the reconstruction of the redundant vehicle access as pedestrian footway on the east side of Crosby Road South fronting the development site.

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

Reason: To ensure the safety of highway users.

14) No dwelling shall be occupied until space has been laid out within the site for cars to be parked and that space shall thereafter be kept available for the parking of vehicles in perpetuity.

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

15) 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.

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

16) No dwelling shall be occupied until the access road shown on the Proposed Site Plan drawing no. 11 rev D has been constructed to the base course level to enable access to the dwellings.

Reason: To ensure that acceptable access is achieved to the development and to safeguard other highway users at all times.

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

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

18) A colour copy of the leaflet entitled 'Respecting Nature in Sefton: A voluntary code for responsible recreation' produced by Sefton Council shall be provided to all first-time occupiers of the homes.

Reason: To mitigate the impacts of recreational pressure on the Sefton Coast.

19) No part of the development shall be brought into use until visibility splays of 2 metres by 25 metres at the site access shall be provided clear of obstruction to visibility at or above a height of 1.0 metre above the access road level of the new development.

Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure adequate visibility for those entering and exiting the site and to safeguard other highway users at all times.

20) No part of the development shall be brought into use until visibility splays of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 1.0 metres above the footway level of Sandringham Road.

Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure adequate visibility for those entering and exiting the site and to safeguard other highway users at all times.

Ongoing Conditions

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

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

Informatives

1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.

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

3) There are a variety of piling methods available, some of which cause considerably greater noise and vibration than others. It is common for the prevailing ground conditions to influence the chosen method of piling. Where the prevailing ground conditions would permit more than one piling method, the Council would expect the contractor to choose the method which causes the least amount of noise and vibration, in accordance with the following hierarchy

Pressed-in methods, e.g. Hydraulic jacking

Auger / bored piling

Diaphragm Walling

Vibratory piling or vibro-replacement

Driven piling or dynamic consolidation

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

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Appendix 1 Appropriate Assessment

Appropriate Assessment

Introduction

37. Appropriate Assessment determines if the proposals will have an adverse effect on the integrity of European sites. A clear distinction has been made between embedded mitigation measures, which are essential features and characteristics of the proposals and additional avoidance and mitigation measures that are solely designed to avoid significant effects on European sites.

Assessment of Effects carried through to Appropriate Assessment-

Operational phase - noise and visual disturbance effects

38. Habitat degradation, noise and visual disturbance through increased recreational pressure
39. Sefton Council has adopted an Information Note on mitigating the impact of recreational pressure within Sefton. Proceeds will be used on enhancing existing visitor management measures and in creating new provisions such as signage, education and increased ranger presence.

Additional mitigation

40. Respecting Nature in Sefton Information Leaflet to provided by the applicant to all first-time occupiers of new homes. The leaflet has been produced by MEAS and has been approved by Natural England. Applicants may also make this leaflet available in digital form to all first-time occupiers.

Receptor	Likely significant effect	Proposed Mitigation Measures	Adverse effect on site integrity with mitigation?
Qualifying features of: <ul style="list-style-type: none"> Sefton Coast SAC (dune habitat and European protected species); Liverpool Bay SPA (non-breeding birds); Ribble & Alt Estuaries SPA (non-breeding birds); and 	Increased in-combination recreational pressure causing habitat degradation and increased disturbance to qualifying species. This is a significant threat to the conservation status of Internationally protected species and nationally and internationally important bird species. This small-scale project for 14 dwellings is one of a number of smaller developments in the	Sefton Council has adopted an Information Note on mitigating the impact of recreational pressure within Sefton ²² . In order to ensure that recreational pressure effects are adequately mitigated, the applicant can opt-in to both of the following mitigation measures: <ul style="list-style-type: none"> Commuted sum contribution for each new home 	Provided the commuted sum of £4,396 is secured via <u>Section 106 legal agreement</u> and that the Sefton Information Leaflet is implemented in full and is <u>secured by planning condition</u> there will be no adverse effect on the integrity of the European sites .

²² <https://www.sefton.gov.uk/media/4485/202112-recpressureinonote-draft.pdf>

Habitats Regulations Assessment - 1-3 Crosby Road South Waterloo L22 1RG

<ul style="list-style-type: none"> • Ribble & Alt Estuaries Ramsar site. 	<p>Waterloo, Crosby and Thornton area, as well as larger allocated site residential developments as included in the Local Plan. Therefore, the development will contribute to recreational pressure in combination with these developments.</p> <p>Waterloo and Crosby are well resources in terms of public open spaces which offer a range of recreational resources and are likely to reduce the frequency of visitation to the coastal International sites due to their location, size and design/management. Rimrose Valley Country Park is approximately 350 metres from the proposal and will likely act as a significant draw for regular recreation.</p>	<p>A commuted sum contribution will be required for each new home (net new home) of:</p> <ul style="list-style-type: none"> • £314 per new home in the core zone (closest to the coast as shown on map 1 of the Information Note). This includes Waterloo, in which the proposal lies. In this instance a commuted sum of £4,396 is required for the 14 dwelling proposal. • Leaflets for new householders <p>A colour copy of the leaflet²³ setting out information about the Sefton Coast should be provided by the applicant to all first-time occupiers of new homes. The leaflet has been produced by MEAS and has been approved by Natural England. Applicants may also make this leaflet available in digital form to all first-time occupiers.</p>	
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Table 2: Summary of Appropriate Assessment

Appendix 2 Natural England Comments

Agenda Item 4a

Date: 16 June 2022
Our ref: 395539
Your ref: DC/2021/01929



Diane Humphreys
Sefton Council

BY EMAIL ONLY

Customer Services
Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms Humphreys

Planning consultation: Draft AA for change of use from offices to 14 flats (C3), including a two storey rear extension and alterations to roof.

Location: 326 Liverpool Road, South Maghull, Liverpool, L31 7DJ.

Thank you for your consultation on the above received by Natural England on 06 June 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 the integrity of:

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

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

- Payment of a commuted sum of £4396, £314 per new dwelling in the core zone, to mitigate against increased recreational pressures in alignment with the Council's Interim Approach.
- Provision of advisory leaflets explaining the sensitivities of the nearby designated sites, promoting the use of nearby Sustainable Alternative Natural Greenspaces (SANGs) and including a 'responsible user code'.

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

Internationally and Nationally Designated Sites

The application site is within 773m of Mersey Narrows & North Wirral Foreshore SPA, Mersey Narrows & North Wirral Foreshore Ramsar and Mersey Narrows SSSI. It is also within 1.1km of Ribble & Alt Estuaries SPA, Ribble & Alt Estuaries Ramsar, Sefton Coast SAC and Sefton Coast SSSI.

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

Recreational Disturbance

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites. It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. Therefore, such development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development.

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

The recently adopted Sefton Interim Approach includes provision for mitigation measures of the impacts of additional recreational pressure on the above mentioned designated sites, this has been set out within an Information Note document and agreed with Natural England.

Your authority should discuss with the applicant whether they would wish to opt into the Recreational Management Strategy and seek contributions as set out, if it is appropriate for this development.

If the developer wishes to 'opt in' to the Sefton's Recreational Management Strategy Interim Approach, then the further details within the HRA will not be required, as the Interim Approach provides the evidence and sets out measures that will be effective and reliable in preventing adverse effects on the integrity of the designated sites from recreational impacts. See our further comments below on this.

However, if the developer does not wish to opt in to the Interim Approach, Natural England advise that the HRA provides a detailed assessment and appropriate mitigation to ensure a robust HRA.

Habitats Regulations Assessment (HRA)

Natural England notes that Merseyside Environmental Advice Service (MEAS), on behalf of your authority, have 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.

The following measures should be secured by suitably worded planning conditions:

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- Payment of a commuted sum of £4396, £314 for each of the 14 new dwellings in the core zone, is secured through a S106 planning obligation to mitigate against increased recreational pressures in line with the Council's Interim Approach.
- Advisory leaflets to be made available via the kiosk to customers. These should explain the sensitivities of the nearby designated sites, promote the use of nearby SANGs and include a 'responsible user code' to mitigate against disturbance to the designated sites as a result of increased recreational pressures.

We highlight that our agreement with the HRA conclusions are only based on the 'opt in' scenario as discussed above, and that should the developer wish to opt out of the Interim Approach measures then a further HRA will be required with detailed assessment of impacts and provision of appropriate mitigation.

Mersey Narrows SSSI and Sefton Coast SSSI

Our concerns regarding the potential impacts upon the Mersey Narrows and Sefton Coast SSSIs coincide with our concerns regarding the potential impacts upon the above 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 has 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.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

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.

Yours sincerely

Isaac Lees
Sustainable Development Adviser
Cheshire, Greater Manchester, Merseyside & Lancashire

Report to: PLANNING COMMITTEE **Date of Meeting:** 29th June 2022

Subject: [DC/2021/00924](#)
[Land Off Bankfield Lane Churchtown Southport](#)

Proposal: Erection of 9 houses, together with a new vehicular access and associated works (part alternative to application reference DC/2017/00821)

Applicant: See attached Applicants List sheet **Agent:** Mrs Helen Leggett
Emery Planning Partnership Ltd

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

Reason for Committee Determination: Petition endorsed by Cllr Lewis

Summary

The principle of residential development on the application site has previously been established under the hybrid application, which granted planning permission for 128 houses (directly linked to the application site) and outline planning permission for up to 200 houses as part of a wider residential development.

The proposal would see an amendment to the house types and housing layout of 9 houses (of the 128 previously granted planning permission under phase 1) to incorporate a new access onto Bankfield Lane. This new access would serve 6 houses within the development, with the other 3 houses continuing to gain access from the approved highway network associated with the previous approval access via a widened Blundell Lane.

It is acknowledged that the proposed access would not fully comply with the site-specific requirements set out in Policy MN2.2 of the Local Plan. However, given that the proposed access would serve a small number of units and not the wider development, noting the comments of the Highways Manager who concludes that the proposal would not give rise to highway safety concerns, and with all other matters being acceptable, it is considered that there are no strong grounds to refuse the application. It is therefore considered that on balance the proposal is acceptable.

Recommendation: Approve with Conditions.

Case Officer Kevin Baker

Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

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Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJWCKPNWN4E00>

Site Location Plan



Reference: Map reference
Date: 21/06/2022
Scale: Scale: 1:1250
Created by: Initials

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The Site

The site relates to a section of a larger residential development site comprising approximately 16.5 ha of arable land, with several small paddocks. The site is located to the west of the wider residential site, abutting Bankfield Lane and comprises approximately 0.32 ha of land.

The residential edge of Churchtown is located north and west of the site. A mix of modern and traditional residential properties are located to the north and west of the site, with housing and the former Phillips factory (now a development site for residential use) beyond on the opposite side of Bankfield Lane/Rufford Road. To the south and southeast are open fields with the Three Pools waterway stretching along the eastern boundary of the wider residential site.

Two of the three open ditches which cut across the wider residential site, are located either side of the application site.

The site is relatively flat.

History

In 2018, members resolved to approve a hybrid planning application (i.e. an application for part full, part outline planning permission) for a residential development on land off Bankfield Lane subject to a section 106 legal agreement and various planning conditions (app.ref: DC/2017/00821). The Section 106 was formally signed, and permission granted in October 2020.

The application granted full planning permission for 128 houses, with access taken from a widened Blundells Lane via Bankfield Lane, and the provision of 7.3ha of open space to the east of the site between the developable area and Captains Waterway. This element is referred to as Phase 1.

Alongside the full application, outline permission was granted for the erection of up to 200 houses, with access taken from Phase 1 and linking with the widened access off Blundell Lane. The outline permission granted details of access, with all other matters being reserved for subsequent approval. This element is known as Phase 2.

Reserved matters for the development of 156 houses was granted planning permission in December 2021.

Consultations

Local Plans

No change to housing mix to that originally approved.

Environment Agency

No objection subject to flood mitigation measures being implemented.

Natural England

Do not object to the proposal but advise that further information is provided to demonstrate that there are no likely significant effects from the proposal and that the changes are assessed within an updated Habitats Regulations Assessment. Advise that advice previously provided on the original application (DC/2017/00082) still applies to this proposal.

Merseyside Environmental Advisory Service

No objection subject to condition. Have carried out an updated Habitats Regulations Assessment and advise that the Appropriate Assessment report concludes that, with mitigation/preventative measures, there will be no adverse effect upon the integrity of European sites.

Highways Manager

Advise that the proposals do not comply with the Local Plan policy because of the Appendix 1 requirement for all access to the development site to be from Blundell Lane. However, raise no objections on highway safety grounds. Recommend various highway related conditions.

Neighbour Representations

A petition containing 49 signatures and endorsed by Cllr Lewis has been received objecting to the proposal on grounds that the proposed entrance would be dangerous and would not comply with the Local Plan. Also, that the plan would be detrimental to residential amenity.

Residents

Representation has been received from residents on Blundell Lane, The Grange, The Mallards, Bankfield Lane, Merlewood Avenue objecting to the proposed development. The grounds of objection can be summarised as follows:

Principle

- Goes against Sefton's own Local Plan which states that the only access to the proposed site should be via Blundell Lane. Goes against all common sense and continually ignore the well-founded objections of local residents. Would have 3 new accesses if including the emergency access.
- Land is Greenbelt and should be protected

Flooding and Drainage

- No evidence that satisfactory disposal of surface water would occur or that a sustainable drainage system would be used.
- System would connect to existing drainage on Banfield adding to current problems

Living Conditions

- Increase in noise, dust, and cosmetic damage from construction.

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Design and Character

- Would destroy the charm and character of Churchtown and community by overpopulating the area, overburdening roads, increasing carbon emissions, and further straining vital resources such as the NHS

Highway Safety

- New access is on a blind spot, already an accident hotspot, increasing risk to road users
- Speed humps play a minor role in reducing speed on this section especially for motorcyclists. Traffic continues to speed more than 50 mph.
- There has been a fatality in recent years, highway report fails to pick up on this
- Access would be on an angle which would be detrimental to easy access to the road
- Cars overtake on the bridge and agricultural vehicles come and go from JA Jones opposite the proposed access
- Access would be an accident waiting to happen. Pedestrians, cyclists, and cars would be put at risk
- Would add to congestion on the bridge
- Close to existing business entrance which has restricted visibility
- Traffic leaving the cul de sac directly onto the bridge would not have time to avoid a major collision
- Severely impacts and compromises the highway safety of all other road users and pedestrians
- Route Action Programme identified Bankfield Lane with a history of accidents resulting with the introduction of extensive road calming measures, including a 20-mph speed limit, in an effort to reduce speeding traffic in an already over strained highway infrastructure
- Dual standards, despite being told original scheme could not have more than one access due to conflict with Local Plan, the proposal now introduces a second access contradicting the Local Plan
- Would be much safer to reconsider the emergency entrance and place it where the proposed cul-de-sac entrance is to be considered.
- Traffic has increased significantly along Bankfield Lane since initial survey carried out, in peak periods it is extremely hazardous
- Too many junctions close to each other
- Insufficient parking available, with overflow parking on Bankfield Lane, blocking driveways
- Junction cannot be safe
- Reconsideration should be given to further access points on other roads to support the development and provide safer access to the site.
- Roads are not big enough or wide enough
- Turnover of wagons up and down Bankfield Lane supplying materials will be dangerous

Ecology

- Wildlife would be destroyed

Other Matters

- Japanese Knotweed on site, but no justification provided for its containment or removal.
- Will create unbearable pressure on local amenities and infrastructure, with insufficient medical and educational resources to meet any future demand
- Will be detrimental to the environment in terms of pollution and carbon emissions

Policy Context

The application site is allocated for housing (MN2.2 Land at Bankfield Lane, Southport) and proposed open space in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

The main planning issues for consideration include the principle of development, highways impacts, flooding and drainage, potential impact on the living conditions of existing and future residents, open space requirements, ecological issues, affordable housing and housing mix, historic environment, design, and trees and landscaping requirements.

Principle of Development

The land to which the planning application site relates is part of a wider allocation site for housing in the Local Plan, which was adopted by the Council on 20th April 2017. Policy MN2 'Housing, Employment and Mixed Use Allocations' refers to this site as MN2.2 'Land at Bankfield Lane, Southport.' Appendix 1 of the Local Plan sets out specific requirements for some sites allocated for housing, as noted below:

MN2.2 Land at Bankfield Lane, Southport

Development of this site must:

- *take all vehicular access from an expanded Blundell Lane;*
- *provide an additional pedestrian/cyclist access directly onto Bankfield Lane;*
- *provide new public open space, habitat creation, and Sustainable Drainage Systems on the adjacent land designated as 'Proposed Open Space'; and*
- *take account of the Local Wildlife Site designation in meeting the requirements of policy NH2.*

As can be seen from the planning history above, the principle of residential development has already been established on the site as part of the wider residential development. This includes 128 houses under phase 1 (within which this application sits) and 156 houses for phase 2.

Under phase 1, the approved layout proposed the erection of 9 houses within the application site with a similar layout to that currently approved under this planning application. The distinguishable difference with the current proposal is the introduction of a new vehicular access point directly onto Bankfield Lane to serve 6 of the 9 houses proposed under this application. The other 3 houses would

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continue to be accessed via the proposed internal road network approved as part of the wider residential development.

Whilst the principle of new housing on the application site is acceptable in principle, in terms of land use, it fails to comply with one of the site specific requirements set out in policy MN2.2, that being that the 'development site must ... take all vehicle access from an expanded Blundell Lane'. The development, when considered in combination with the wider residential development, would provide a secondary vehicle access onto Bankfield Lane, albeit to serve just 6 houses out of the 284 proposed.

Highway Impacts

The key difference this proposal introduces to the wider residential development is the introduction of a new access road onto Bankfield Lane. This access road would serve 6 of the 9 properties to which the application relates as opposed to being accessed from within the new road network proposed as part of the wider residential development and accessed via a widened Blundell Lane. The other 3 houses would continue to be accessed from Blundell Lane via the internal road network. The emergency access onto Bankfield Lane remains, although this has been amended to accommodate the alternative layout.

The applicant has provided an updated technical note to address the amended access and road layout. This has been assessed by the Council's Highways Manager along with the proposed layout, who has raised no objection on highway safety grounds.

It is acknowledged that the proposed access point would be at the base of a slight hill rising upwards towards the east. It is also acknowledged that there are 3 other access points further west onto Bankfield Lane serving other residential estates and commercial premises.

However, Bankfield Lane is subject to a 20mph speed limit, which is controlled using speed bumps and road traffic signs. The proposed site layout plan shows that the width of the access road would be acceptable whilst vehicle swept path analysis has been provided demonstrating that vehicles, including refuse vehicles, would be capable of entering and leaving the site safely. The Council's recommended visibility splays would be achievable for the proposed site access in both directions ensuring that vehicles leaving the application site would be able to have a clear view of oncoming traffic in both directions.

It is predicted that up to 5 two-way vehicle movements in the peak hour would be generated by the development which equates to an average of 1 vehicle every 12 minutes. As a result there would be no significant traffic impact on Bankfield Lane from the proposals due to the small number of properties to be served from the proposed site access. The nearby junctions of The Grange, Merlewood Avenue and the access to JA Jones are sufficiently far away to not cause any conflicts or queuing from the development.

A minimum of 2 car parking spaces would be provided for each property, whilst the 4 bedroom houses would include garages. To ensure any additional parking does not spill onto the highway (thus reducing the safety of the access junction) the Highways Manager has recommended that double yellow lines be implemented along the Bankfield frontage towards the junction with the Grange.

The proposal would retain the approved emergency access, albeit the layout of this would slightly change from that approved to accommodate the amended layout of the development. Access for pedestrians and cyclists to the wider residential development would still be permitted across this emergency access, whilst the proposal would incorporate a new pavement to the eastern side of Bankfield Lane linking to The Grange. Dropped kerbs would need to be provided to ensure safe access for pedestrians towards the western side of Bankfield Lane and the wider area. This could be covered by a condition.

Given the design of the proposed access and small number of houses which it would serve, it is considered that the proposal would be acceptable from a highway safety perspective. The development would ensure that there is acceptable car parking within the site, whilst the layout would ensure that pedestrians and cyclists would be capable of accessing both this site and the wider housing site safely.

Flooding and Drainage

The applicant has submitted the 'Flood Risk Assessment' (FRA) relating to the wider residential development as previously proposed (and accepted) under the original application. Whilst there have been slight amendments to the layout of the 9 proposed houses, there has been very little change to the site specific circumstances in relation to flooding and drainage from that which was previously assessed for the wider residential development. The Environment Agency is satisfied with the proposed works and considers the measures previously agreed remain relevant to this application (i.e. that land levels be raised and the development be constructed in accordance with the Flood Risk Assessment and proposed mitigation measures).

It is considered that, provided the development is consistent with the mitigation measures proposed in accordance with those agreed under the wider residential development in relation to flood risk and drainage, the proposed development would be acceptable in this regard.

Living Conditions of Residents

The proposed layout and scale of housing would not be too dissimilar to that previously approved. The Council's recommended interface distance between the proposed houses and existing houses would be met, whilst each property would have an acceptable level of private outdoor amenity space.

The original planning application for the wider residential development proposed a condition seeking a scheme of acoustic insulation to properties fronting Bankfield Lane and this remains

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relevant to the current proposal. Similarly, any increase in noise and dust associated with the construction phase of the development can also be controlled by condition.

The proposal is considered acceptable in terms of living conditions for both the existing and future occupiers and complies with Policy EQ2 'Design' of the Local Plan.

Open Space Requirements

The proposed application would not affect the public open space being provided as part of the approved wider residential development, which meets the requirements set out in Appendix 1 of the Sefton Local Plan (site specific requirements) and housing allocation MN2.2.

Ecology and landscaping

As recognised in the determination of the wider residential development, the development site is close to several national and international sites and Policy NH2 of the Local Plan applies. Although the proposal is for 9 houses, it is part of a wider residential development which would result in increased visits (recreational pressure) to recognised sites of ecological importance.

The wider residential development was subject to a Habitats Regulations Assessment. This has been updated to reflect the amended layout and to address up to date case law. The current application is in line with the previous approval and as such it is considered that likely significant effects identified for the previous approval remain unchanged. The Appropriate Assessment concluded that there would be no significant effects on the recognised sites subject to mitigation measures including the submission of a landscape and habitat management plan for the public open space (linked to the wider residential development) and provision of an advisory leaflet within the sale pack of each dwelling to promote the use of the public open space.

The provision of the open space and its landscaping was secured through the original permission by way of planning condition and section 106 legal agreement. The current proposal does not physically impact on the open space and as such the controls required by the wider residential development remain in force. The provision of a household leaflet, however, could be conditioned as this would be directly related to the 9 houses proposed under this application.

As per the wider residential development, the proposal would not cause harm to local ecology subject to mitigation measures being put in place.

The applicant has submitted a detailed planting plan which includes planting with native hedgerows, tree planting and wildflower meadow creation, which would benefit biodiversity within the site, and would help soften the appearance of the development in the sider street scene.

Type of Housing

The proposed development would result in a change to house types, with more 3 bed houses being proposed (as opposed to 4 bed houses approved under the original application). However, this would not significantly impact on the housing mix or affordable housing provision approved under the original permission, which would still be compliant with Policy HC2 (Housing type, mix and choice) of the Local Plan.

Design and Historic Environment

The layout, design and scale of the proposed housing would be similar to that previously approved and as such would be complementary to the wider residential development. It would also be acceptable when viewed against the wider street scene, particularly along Bankfield Lane where it would be most prominent, reflecting the modern housing which sits either side of the application site. Appropriate landscaping would also be introduced.

The proposal would not impact on the setting of the nearby Grade II listed Ravenmeols Farm or Churchtown Conservation Area.

The proposal would be compliant with policies EQ2 'Design', NH11 'Works Affecting Listed Buildings', Policy NH12 'Conservation Areas', Policy NH14 'Scheduled Monuments and Non Designated Archaeology' of the Local Plan.

Impact on Services and Developer Contributions

Residents have raised concern regarding increased pressure on local services, including impact on local schools and health services.

This matter was previously addressed, both by the Inspector into the Local Plan (2017) and when considering the original application. The current proposal does not seek to increase the housing numbers. It is considered that the proposal would not have any greater impact on the local services.

Local Plan policy IN1 'Infrastructure and developer contributions' states that developer contributions may be sought to provide or enhance infrastructure to support new development. The Council intends to secure financial contributions towards primary school provision on developments of 11 homes or more. At 9 homes, the development falls outside of the threshold for financial contributions. However, it is linked to the wider residential development which secured a financial contribution for the 9 houses which this application would replace. The applicant has not sought to vary the section 106 legal agreement, which remains relevant. It is considered that the proposal satisfies the requirements of policy IN1 of the Local Plan.

Trees and Landscaping Requirements

Local Plan Policy EQ9 'Provision of Public Open Space, Strategic Paths and Trees' is relevant when considering the trees and landscaping requirements.

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The application site does not impact on the public open space approved under the original permission or the more formal public areas throughout the wider development. The site layout plan illustrates tree planting within the garden areas, which would be managed by future residents.

Subject to a condition seeking full details of the proposed landscaping scheme, the proposal is considered compliant with Policy EQ9 of the Local Plan.

Other Issues

Concern has been expressed regarding the presence of Japanese Knotweed on site and the lack of information provided with the application regarding the containment or removal of such. The original planning permission was accompanied by a specialist Japanese Knotweed assessment. This identified 2 areas of Japanese knotweed, neither of which was in the area to which this current application relates. The original permission includes conditions which seek the treatment and eradication of the identified area of Japanese Knotweed, but also mitigation if any previously unidentified Japanese Knotweed is found. A similar condition could be attached to ensure the same level of protection continues to be provided.

Conclusion

The principle of residential development on the application site has previously been established under the hybrid application, which granted planning permission for 128 houses (directly linked to the application site) and outline planning permission for up to 200 houses as part of a wider residential development.

The proposal would see an amendment to the house types and housing layout of 9 houses (of the 128 previously granted planning permission under phase 1) to incorporate a new access onto Bankfield Lane. This new access would serve 6 houses within the development, with the other 3 houses continuing to gain access from the approved highway network associated with the previous approval access via a widened Blundell Lane.

Subject to condition, the development would not give rise to concerns relating to flooding/drainage, living conditions (of both existing and future residents), open space, ecology, housing type/mix, design, historic environment, local services, trees and landscaping. However, the introduction of a new access road onto Bankfield Lane would be contrary to Local Plan policy MN2.2 which sets out a specific requirement to take all vehicular access from an expanded Blundell Lane. The proposed access would be an additional access onto Bankfield Lane, with the expanded Blundell Lane access remaining as part of the wider housing development.

The Highways Manager has fully assessed the proposal and has concluded that the proposed access and development would not give rise to highway safety concerns.

Given that this access would serve a small number of units and not the wider development and noting the comments of the Highways Manager, it is considered that failing to comply with a site

specific requirement of policy MN2 is insufficient reason to refuse the application. It is therefore considered that on balance the proposal is acceptable.

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 hereby granted shall be carried out strictly in accordance with the following details and plans:-

1328WHD/BLS-LP27 Rev.A;
1328WHD/BLS-PL01 Rev.LL;
3.113CB/P/BU/L10/300;
CLPD 013/P01;
BRU-P2;
HAV-P1;
TRE-P1
Newton House Type (dated Feb 2019);
SDG/SE/1.2/B.

Reason: To ensure a satisfactory development.

Before the Development is Commenced

- 3) No development shall take place until a site specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust, water pollution, ecology and site lighting. The plan should include, but not be limited to:
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - Proposed Construction hours

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- Proposed hours for delivery and removal of plant, equipment, machinery and waste from the site.
- Measures to control the migration of mud from the site by vehicles during construction
- Mitigation measures to minimise noise disturbance from construction works.
- Procedures for emergency deviation from the agreed working hours.
- Control measures for dust and other air-borne pollutants, including a dust management plan in order to minimise the impacts of construction dust.
- Measures to prevent pollution of control waters during construction.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the development;
- the control and removal of spoil and wastes;
- Adequate provision for contractor parking
- Mitigation measures for the protection of water vole, breeding birds, water courses, hedgerows and retained vegetation;
- A lorry routeing schedule
- Measures to control flooding on site during construction

The development shall be implemented in accordance with the approved CEMP.

Reason:

To ensure the impacts of the construction phases onto the environment are minimised.

- 4) No development shall commence until a preliminary investigation report has been submitted to and approved in writing with the Local Planning Authority. The report must include:
- Desk study
 - Site reconnaissance
 - Data assessment and reporting
 - Formulation of initial conceptual model
 - Preliminary risk assessment

If the Preliminary Risk Assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a competent person (as defined in the DCLG National Planning Policy Framework, March 2012). The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 5) Prior to commencement of development a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, must be prepared and is subject to the approval in writing of the Local Planning Authority.

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

b) In the event that the proposed remediation scheme involves the provision of a ground cover system a plan indicating the existing and proposed external ground levels on the application site shall be submitted for approval to the Local Planning Authority.

c) The development shall proceed in accordance with the external ground levels approved under (b) unless the Local Planning Authority gives its prior written approval to any variation.

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

- 6) Prior to commencement of development above ground level, a scheme of works for the proposed vehicular access onto Bankfield Lane shall be submitted to and approved in writing by the Local Planning Authority

No dwelling unit shall be occupied until the vehicular access to the site has been constructed. These works shall be in accordance with the approved scheme.

Reason: In the interests of highway safety.

- 7) Prior to commencement of development above ground level, a scheme (and full construction details) for the construction of the site access and the following off-site improvement works has been submitted to and approved by the Local Planning Authority:

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- Traffic Regulation Order to deliver 'no waiting at any time' restrictions on the southern side of Bankfield Lane between the emergency access and The Grange, including junction protection markings on both sides of the proposed site access junction and The Grange
- Introduction and upgrading of pedestrian crossings with dropped kerbs and new tactile paving at Bankfield Lane and Blundell Lane, The Grange, Merlewood Avenue and Verulam Road
- Introduction of emergency access from Bankfield Road, which should be a minimum of 3.7m wide with appropriate provision to prevent unlawful vehicular access. This should also have a 2m wide pedestrian access leading to The Grange for pedestrian permeability including installation of dropped kerbs across Bankfield Lane.

No part of the development shall be brought into use until a timetable for the required highway improvement works have been agreed. The works shall then be constructed in accordance with the details approved and the agreed timetable of works.

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

- 8) Prior to commencement a noise report shall be submitted to the Local Planning Authority to identify which plots are likely to breach both the 50dB and 55dB noise levels for the private outdoor amenity space and a suitable scheme of appropriately designed acoustic barriers for plots that exceed these levels shall be agreed in writing with the Local Planning Authority. The approved scheme shall be implemented before the dwellings become occupied and retained thereafter.

Reason: In the interest of residential amenity.

- 9) Prior to the commencement of development, the details of a foul water drainage scheme shall be submitted to and approved by the Local Planning Authority. The following foul water drainage details shall be agreed with the local planning authority in liaison with the public sewerage undertaker:
- The location of the point of connection for foul water to the existing public sewer;
 - The timing arrangements for the pumped foul discharge;
 - The storage requirements for the pumped foul discharge; and
 - The rate of discharge for the pumped foul discharge.
- There shall be no connection of foul water to the public sewer other than in accordance with the agreement reached with the local planning authority in liaison with United Utilities.

Prior to occupation of the first dwelling, the development shall be implemented in accordance with the approved details.

Reason: To secure proper drainage and in order to manage the risk of flooding and pollution from the public sewerage system, it is necessary to agree the specific details of the approach to foul water drainage for each phase. This shall include agreeing the location of the point of connection to the public sewer and the approach to foul water pumping.

- 10) No excavations shall commence on site until a detailed strategy and method statement for minimising the amount of construction waste resulting from the development has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the extent to which waste materials arising from the construction activities will be reused on site, and demonstrating that as far as reasonably practicable, maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal. All waste materials shall thereafter be reused, recycled or dealt with in accordance with the approved strategy and method statement.

Reason: To ensure appropriate waste management and recycling measures.

- 11) No development shall commence above slab level until a sustainable surface water drainage scheme (including timetable for implementation), has been submitted to and approved in writing by the local planning authority. No surface water shall discharge into the public sewerage system either directly or indirectly. Any surface sustainable drainage features interacting with sewers offered for adoption should be designed in accordance with CIRIA C753 'The SuDS Manual'. The scheme shall be implemented in accordance with the approved details and timetable and retained thereafter in perpetuity.

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

- 12) No development shall commence above slab level until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include: i) a timetable for its implementation, and ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. The sustainable drainage system shall be implemented and thereafter, managed and maintained in perpetuity in accordance with the approved details.

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

During Building Works

- 13) a) The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation.

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

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

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

b) Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by Condition 13.

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

15) Notwithstanding the details show on the approved plans, no final finish to any external elevation shall be applied unless it has previously been agreed with the Local Planning Authority.

Reason: To ensure that the finishing to external elevations is to the satisfaction of the LPA.

16) The mitigation and management of water vole shall be carried out in accordance with the recommendations as outlined in the Water vole survey and mitigation strategy [ERAP (Consultant Ecologist) Ltd: ref: 2020-324c] dated October 2021.

Reasons: To protect the Water vole habitat during the lifetime of the scheme.

17) a) No dwelling shall be constructed until full details of the existing and proposed ground levels (referred to as Ordnance Datum) within the site and on land and buildings around the site by means of spot heights and cross sections, and proposed finished floor levels of all buildings and structures, have been submitted to and approved in writing by the Local

Planning Authority. The development shall be implemented in accordance with the approved level details.

b) Prior to the construction of external elevations above finished floor levels (FFL), the FFL shall be subject to a topographical survey to be submitted to and approved in writing by the Local Planning Authority. No property shall be occupied until cross sections based on a topographical survey of the level of rear gardens as completed have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In order to safeguard the living conditions of nearby occupiers and to safeguard the character and appearance of the area.

- 18) In the event that any previously unidentified Japanese Knotweed 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 with immediate effect in that area and within a 7m buffer of the area. A remediation strategy shall be submitted to the Local Planning Authority for approval. The approved strategy must be applied to the affected area.

A validation report confirming that the remediation treatment has been carried out and that that part of the site has been free of Japanese Knotweed for 12 consecutive months shall be submitted to and approved in writing by the Local Planning Authority. No works shall take place within a 7m buffer of the affected area, until the validation report has been approved by the Local Planning Authority.

Reason: To eradicate Japanese Knotweed from the development site and to prevent the spread of the plant through development works.

Before the Development is Occupied

- 19) All hard and soft landscaping works shall be carried out in accordance with the details hereby approved. All landscaping applicable to each relevant plot shall be completed within the next planting season following the plot occupation.

Reason: In the interest of visual amenity.

- 20) No dwelling unit shall be occupied until details in respect to the proposed street lighting for the development has been first submitted to and approved in writing by the Local Planning Authority, and thereafter each development phase shall be implemented in full accordance with the approved details.

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Reason: To ensure the preservation of visual amenity, highway safety and residential amenity.

- 21) No dwelling unit shall be occupied until visibility splays of 2.4 metres by 43 metres have been provided clear of obstruction to visibility at or above a height of 1 metre above the carriageway level of Bankfield Lane. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety and to promote sustainable means of transport.

Reason: To promote energy efficiency within the development.

- 24) A suitable scheme of acoustic glazing and acoustically treated ventilation for all dwellings shall be agreed in writing with the Local Planning Authority. The approved scheme shall be implemented before the dwellings become occupied and retained thereafter.

Reason: In the interest of residential amenity.

- 25) No dwelling shall be occupied until details in respect to the proposed boundary treatment has been first submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in full accordance with the approved details.

Reason: In the interest of visual amenity.

- 26) The approved scheme shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed with the FRA:

Finished floor levels are set no lower than 3.01m above Ordnance Datum (AOD) or lower than 0.15m above adjacent ground level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied with the scheme, or within any period as may be agreed by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 27) Prior to occupation of the houses hereby approved, a colour copy of a leaflet, produced by MEAS and approved by Natural England, to inform residents about the Sefton Coast and the importance of the European sites, and responsible user code and the locations of suitable alternative natural greenspaces shall be included in the sales pack.

Reason: In order to comply with Habitats Regulations Assessment and protect the ecological interest of the area.

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Report to: PLANNING COMMITTEE **Date of Meeting:** 29th June 2022

Subject: [DC/2021/01848](#)
[Land Adjacent To 16 Moorhouses Hightown Liverpool L38 9ER](#)

Proposal: Erection of a detached dwellinghouse with associated access and landscaping (Resubmission of DC/2020/01790 refused 24/6/2021).

Applicant: Mr John Baybut **Agent:** Ms Beatriz Ortiz
MBED ARCHITECTS LTD

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

Reason for Committee Determination: Call in by Cllr John J Kelly

Summary

This application is for a new house in the rear garden of No 16 Moorhouses. The proposal complies with the policies in the Local Plan and the Council's guidance on New Housing and is recommended for approval subject to compliance with conditions and the completion of a Section 106 legal agreement for a commuted sum of £1850 for offsite compensation for loss of dune grassland habitat.

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

Case Officer Carol Gallagher

Email planning.department@sefton.gov.uk

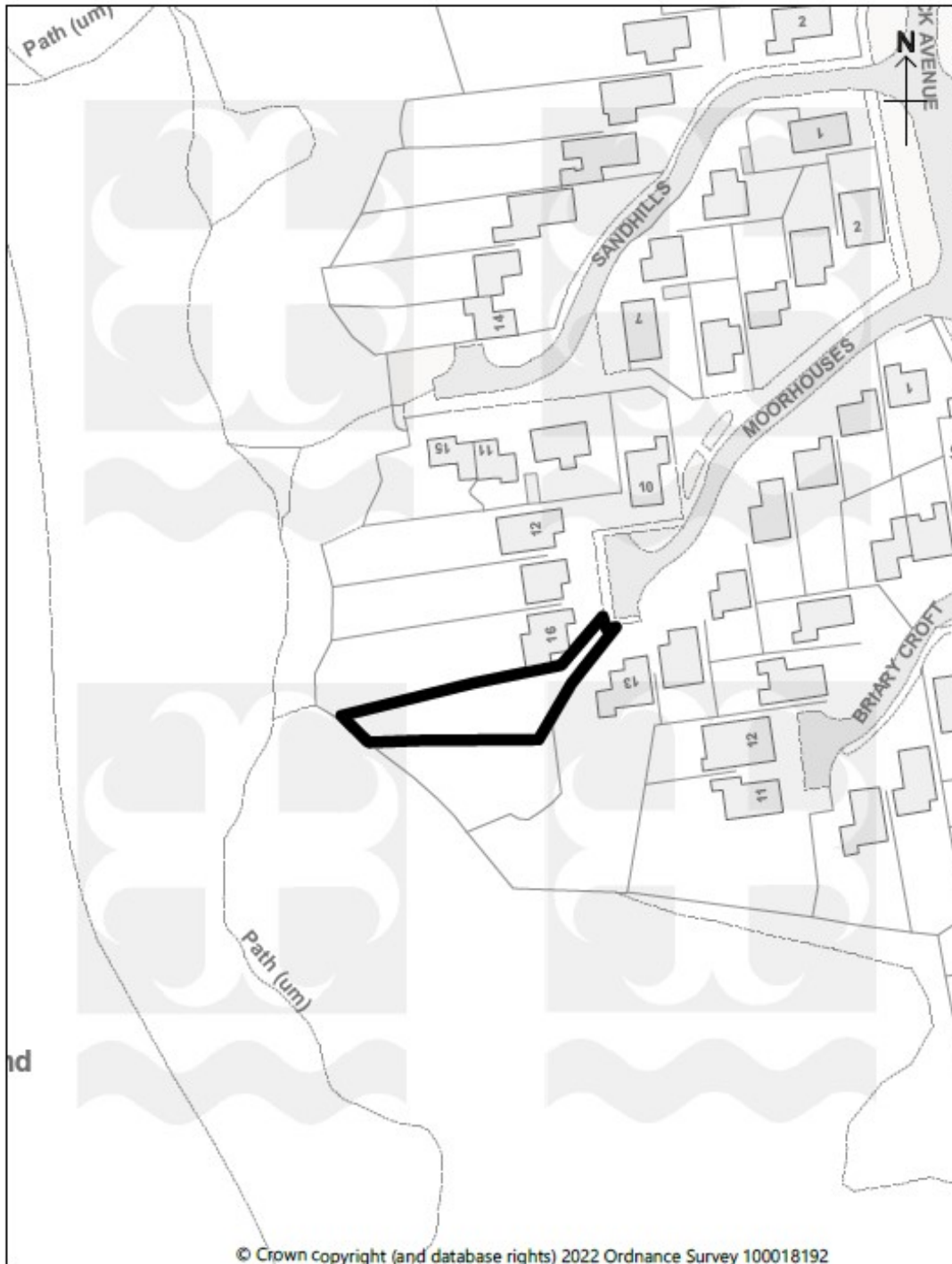
Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QWC163NWL6T00>

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Site Location Plan



Reference: Map reference
Date: 20/06/2022
Scale: Scale: 1:1250
Created by: Initials

The Site

The site is part of the garden area of No.16 Moorhouses in Hightown. This is a detached house with a west facing rear garden which is located at the end of the cul-de-sac with No.13 Moorhouses next door and the sand dunes, which form part of the Coastal Park, located to the rear of the site.

History (Relevant)

DC/2022/00711 Approval of details reserved by conditions 4 (Piling) and 5 (Construction Management Plan) attached to planning permission DC/2019/00571 approved on 05/06/2019. Refused 13th June 2022

DC/2020/01790 Erection of a detached dwellinghouse with associated access and landscaping. Refused on 24th June 2021 for lack of information.

DC/2019/00571 Erection of a detached dwellinghouse with associated access and landscaping, Approved with conditions 5th June 2019

Consultations

Flooding and Drainage Manager & United Utilities

No objections

Environmental Health Manger

No objection subject to a scheme of piling methodology, which provides justification for the method chosen and details of noise and vibration suppression methods proposed being submitted for prior approval. The agreed scheme should then be implemented throughout the development.

Highways Manager

No objections subject to a condition and informative being added.

Tree Officer

No objections.

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Merseyside Environmental Advisory Service

The development will result in the loss of dune grassland habitat, which is 'Annex I habitat' (Habitats Regulations 2017, as amended). To compensate for this the applicant proposes to translocate an area of the grassland to a green roof and to offer a commuted sum to be payable to the North Merseyside Amphibian and Reptile Group (NMARG) to undertake scrub removal works from dune grassland within the adjacent Hightown Dunes. The proposed on and offsite compensation for loss of dune grassland habitat (Annex I Habitats Directive and Priority habitat) is acceptable.

The submitted HRA is acceptable.

A reptile survey of 16 Moorhouses has been submitted in support of this application (*Reptile survey report, Land adjacent to 16 Moorhouses, Tyrer Ecological Consultants Ltd, June 2021*). It did not record any reptiles on site, however, the survey does correctly identify that reptiles have been recorded within the surrounding area. Due to the potential for reptiles within the wider area reptile Reasonable Avoidance Measures (RAMS) are proposed within the submitted Method Statement in Relation to Fauna (*Tyrer Ecological Consultants, October 2021*). This approach is acceptable and the implementation of the Method Statement in relation to Fauna can be secured by a suitably worded planning condition. This method statement also includes protection measures for breeding birds, hedgehog and amphibians.

Natural England

No objection, subject to appropriate mitigation being secured.

Neighbour Representations

Neighbours consulted on 20th August 2021 and 16th May 2022.

4 letters of support have been received, one from the host property.

A petition opposed to the application signed by 29 Sefton residents and endorsed by Cllr John Joseph Kelly.

Individual letters of objection from nearby neighbouring properties on the grounds of:

Impact on ecology

- Removal of 2345 tons of sand will damage the flora and fauna of Hightown dunes
- Proposed development is situated on the boundary of a nationally and internationally important nature site, with no buffer zone – against Local Plan policies.
- Loss of Annex 1 Priority and Section 41 habitat without adequate mitigation/compensation.

Climate change and coastal erosion

- Any destabilisation is detrimental to the well-recorded process of erosion along the coast
- Dunes provide a vital buffer of protection from wind and rising sea levels/flood risks
- Would set a precedent of chipping away at natural dune barrier
- The Climate Change vulnerability assessment is incorrect.

Impact on living conditions of neighbours

- Scheme doesn't minimise the risks of adverse impacts including amenity, damage to health and well being, property
- Concerns over sand accumulation/removal from drains/driveways/gardens, and parking which is currently very difficult
- Concern that green roof may become a roof garden
- Adjoining property will be overshadowed from the afternoon to late evening.

Structural concerns

- The gabions shown are not substantial enough to hold the load on their own, without a backing of permanent sheet piling.

Design

- The design is totally out of character with the rest of the estate
- Length of building considerably larger than approved scheme.

Policy Context

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

Assessment of the Proposal

The main planning issues for consideration include the principle of development, design and impact on character of area, effect on living conditions of neighbouring properties, and ecology.

The Proposal

The proposal is for a detached dwelling in the existing garden area of No.16 Moorhouses in Hightown, which is a modern design. The access is proposed off Moorhouses and will be shared with the existing property.

Principle of Development

The site is located within a Primarily Residential Area, therefore the proposal is acceptable in principle subject to complying with other Local Plan Policies.

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Design and relationship with the character of the area.

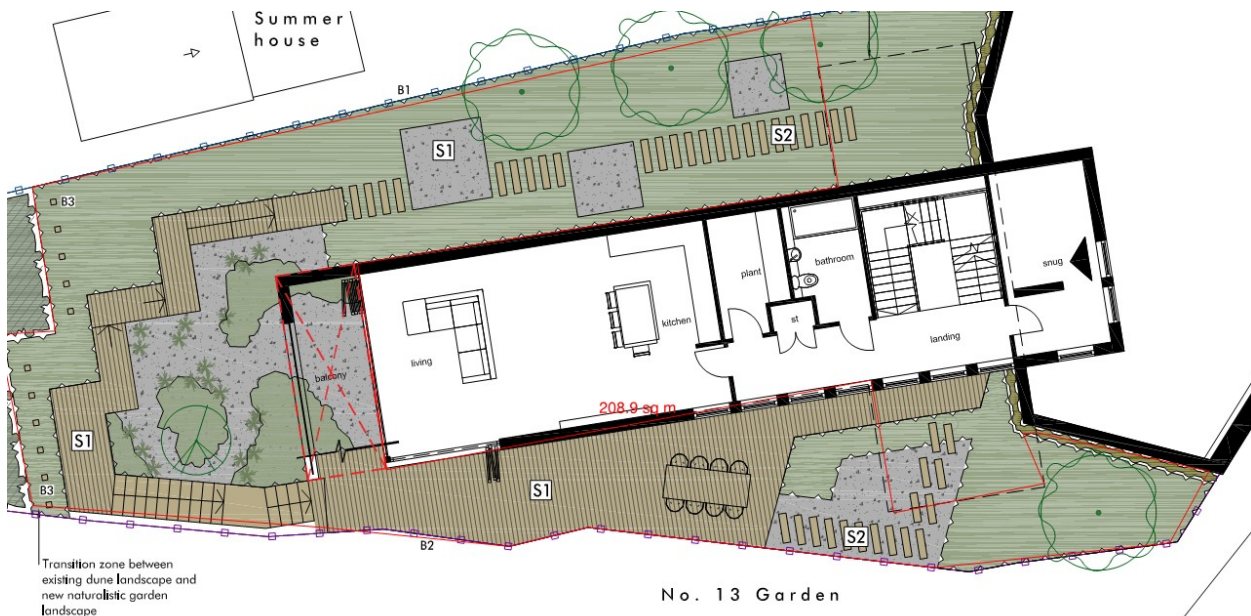
The existing house No 16 Moorhouses backs on to the sand dunes at Hightown and has a shallow level garden to the immediate rear of the house and then a substantial rear garden of differing levels that leads to the sand dunes. This is similar to all the houses that back on to the Hightown sand dunes with No 16 Moorhouses having one of the biggest plots within the immediate area.

The proposal consists of a 2-storey house with the ground floor cut into the existing sand dune which will make the lower part of the dwelling subterranean. The upper floor consists of a rendered clad block which will cantilever over the driveway to provide an entrance canopy.

The roof will be a “green roof” which will consist of translocated dune grassland.

The original submission showed an elevated “roof box” with windows and a door to access the roof. This was considered unnecessary, as it would have given easy access to the roof which could have been used for sitting out, thus leading to overlooking of adjoining properties. Amended plans have now been received which removes this element and replaces it with a sealed flush roof light, with a much smaller access hatch in the middle of the roof.

The proposed severing of the plot will leave No 16 Moorhouses with a substantial garden area and will provide in excess of 208m² rear and side garden area for the proposed dwelling.



The existing dwelling, No 16 Moorhouses, has a side garage which will be forward of the front elevation of the proposed house.

Due to the infill nature of the development and the footprints of the existing houses which are at an angle to the site, the lower level of the property will be barely visible from the street, and the upper floor will blend in with the differing levels of the rear gardens.

It is considered that the proposal is making the best use of the land available and will have minimal impact in the street scene owing to it being set back behind the main front elevations of adjoining properties.

The proposal meets the requirements of Policy EQ2 'Design' of the Local Plan.

Living conditions of future occupiers

Future Occupiers

In relation to amenity to be provided to future occupiers, all habitable room windows have a good outlook and the private amenity space to the side and rear is approximately 208m².

Neighbouring Properties

The north elevation will face the rear elevated garden area of the host property No 16 Moorhouses. This elevation has been designed with no windows, with all the main windows in the south elevation.

No 16 Moorhouses has a conservatory to the rear but due to the orientation of both properties the proposed dwelling will not overshadow this property.

Only the upper floor of the property will be visible from the garden area of No 16 Moorhouses and as the property will be located further west it is not considered it will affect the outlook or privacy of this neighbour.

The other neighbour, No 13 Moorhouses, is side on to the application site and has an immediate shallow rear garden with the substantive garden at a raised level.

This property has a garage and a gable wall at an angle to the proposed development and two secondary windows to the gable elevation.

The proposed house will be west of No 13 Moorhouses and at a higher level and will not be visible from any habitable rooms in this property. This property also has raised gardens that back on to the sand dunes.

Due to the orientation of this property and garden area it is not considered there will be any impact to this resident in terms of loss of amenity through overshadowing or overlooking.

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The proposal meets the requirements of Policy EQ2 'Design' of the Local Plan and the Council's guidance on New Housing in relation to impact on future and adjoining residents.

Ecology

The garden area backs onto the Sefton Coast, which is designated as a Site of Special Scientific Interest (SSSI). The SSSI forms part of the Ribble & Alt Estuaries Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA) and the Sefton Coast Special Area of Conservation (SAC).

Merseyside Environmental Advisory Service (MEAS) and Natural England have reviewed the ecological reports and confirm that sufficient information has been submitted to determine the application and that the reports and recommendations are acceptable.

The green roof will not fully compensate for loss of the dune grassland and therefore a commuted sum of £1000 is proposed for the purpose of funding scrub removal from dune grassland habitat within the adjacent Hightown Dunes.

An additional sum of £850 has been agreed should the green roof fail as detailed within the submitted Hightown Dunes Habitat Management Plan, (*Hightown Dunes Habitat Management Plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, March 2022*).

Given the difficulty of defining "failure" it has been agreed that the payment of the total £1850 should be secured by a Section 106 legal agreement. This will allow the North Merseyside Amphibian and Reptile Group to undertake scrub removal works from dune grassland within the adjacent Hightown Dunes.

Planning conditions are attached to secure appropriate safeguards during the construction phase.

The proposal meets the requirements of Policy NH2 in the Local Plan.

Piling

Concern has been expressed about the structural stability of the proposed gabions walls for the development.

The National Planning Policy Framework advises that planning decisions '*should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability ... this includes ... any proposals for mitigation including land remediation*' (para 183).

It also advises that '*where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner*' (para 184).

The applicant has provided a piling intention statement that addresses the issues but lacks a detailed methodology providing justification for the method chosen. These details can be secured by condition.

Highway safety and drainage

There are no concerns in relation to either highway safety or drainage.

Other matters

Due to this application being a backland development it is considered necessary to restrict permitted development rights to prevent any future buildings/windows/walls/fencing being built. This will be controlled by conditions.

Conclusion

The proposal is acceptable and complies with the relevant Local Plan Policies and the Council's guidance on New Housing and the requirements of the National Planning Policy Framework.

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: Site outlined in red as shown on the location plan 20.1018 SU (00) 200 and Drwg No`s 20.1018 P (00) 201, 202 Rev A, 203 Rev A, 204 Rev A, 205 Rev A, 206 Rev A, 207 Rev A, 210 Rev A, D192.001, 002, 003 and 004.

WML Consulting Piling Intention Statement. Dated June 2021
Construction traffic management plan. Updated plan dated 18th June 2022

Ecological Appraisal, Land Adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, October 2021.

Method Statement in relation to fauna, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, October 2021.

Agenda Item 4c

Method Statement in relation to Invasive plant species, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, October 2021.

Habitats Regulations Assessment, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, October 2021.

Green Roof translocation and management plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, October 2021.

Dune Scrub management plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, October 2021

And the following addendums to the original reports:

Habitats Regulations Statement, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, February 2022.

Green Roof translocation and management plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, February 2021 received on 28th February 2022.

Hightown Dunes Habitat Management Plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, March 2022.

Reason: For the avoidance of doubt.

Prior to commencement

- 3) (a) A scheme of piling methodology, which provides justification for the method chosen and details noise and vibration suppression methods proposed, should be submitted to the Local Planning Authority for prior approval. The agreed scheme should then be implemented throughout the development.

Should any part of the development incorporate piling works or ground compaction, details of the works, proposed duration and hours of piling/ ground compaction and details of mitigation methods for the suppression of dust shall be submitted to and approved by the Local Planning Authority prior to work commencing on site.

- b) Piling/ ground compaction works shall then be carried out in accordance with the details approved under (a) above.

Reason: To ensure that the amenities of nearby residents are not unduly harmed by noise and dust from piling/ ground compaction works.

During Building Works

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

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

- 5) The requirements and recommendations as detailed in the following reports shall be implemented at all times during the construction period.

Habitats Regulations Statement, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, February 2022.

Green Roof translocation and management plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, February 2021 and October 2021.

Hightown Dunes Habitat Management Plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, March 2022.

Reason: To ensure no adverse effects on the integrity of the Sefton Coast SAC and Ribble and Alt Estuaries Ramsar and SPA sites.

- 6) The requirements and recommendation of paragraph 4.12 of the Habitats Regulations Statement dated February 2022 to limit noise shall be followed on site.

Reason: To minimise the effect of noise on overwintering bird species using the designated site.

- 7) The construction working area, together with any storage areas, will be kept clear of debris and any stored materials will be kept off the ground on pallets. Any open excavations (e.g., foundations/footings/service trenches) shall be covered with plywood sheeting (or similar) at the end of each working day.

Reason: To prevent amphibians/reptiles from seeking shelter or protection within them.

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

Any approved scheme must be implemented on site.

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Reason: To protect birds during their breeding season.

- 9) The areas of land which include the invasive plant species of: grey poplar, Japanese rose, sea buckthorn and montbretia must be fenced off at all times during the construction period. Any removal of these species is to include removal of roots to prevent regrowth. Cut material must be disposed of through removal to landfill.

Reason: To prevent machinery entering these areas and spreading the species further across the site.

Before the Development is Occupied

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

Reason: In the interests of highway safety

Ongoing Conditions

- 11) The details as shown on the approved document Green Roof Translocation and Management Plan February 2021 and October 2021 shall be implemented on site and permanently retained thereafter.

Reason: To partially compensate for the loss of the dune grassland.

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

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

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

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

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

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

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no walls, fences or any other means of enclosure shall be erected unless expressly authorised.

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

Informative

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.

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Report to: PLANNING COMMITTEE **Date of Meeting:** 29th June 2022

Subject: [DC/2022/00575](#)
[34 Grosvenor Road Birkdale Southport PR8 2JQ](#)

Proposal: Change of use of the existing private swimming pool to a public swimming pool on a permanent basis following planning permission (DC/2019/02039)

Applicant: Mr Peter Sims **Agent:**

Ward: Dukes Ward **Type:** Full Application

Reason for Committee Determination: Petition endorsed by Councillor Prendergast

Summary

The application seeks to retain the use of the existing private swimming pool as a public swimming pool. The use was granted permission for a temporary period of 12 months in May 2020 under reference DC/2019/02039.

The main issues to consider are the principle of a permanent use, the impact of use on the living conditions of neighbouring properties, the impact on highway safety and the impact on the character of the area.

For the reasons set out within the report, the proposal to continue the use on a permanent basis is acceptable in principle and will not result in significant harm to the living conditions of neighbouring properties or to the character of the residential area. While concerns have been raised in relation to car parking, it is considered that the proposal would not result in any highway safety issues.

Recommendation: Approve with Conditions

Case Officer Stephen O'Reilly

Email planning.department@sefton.gov.uk

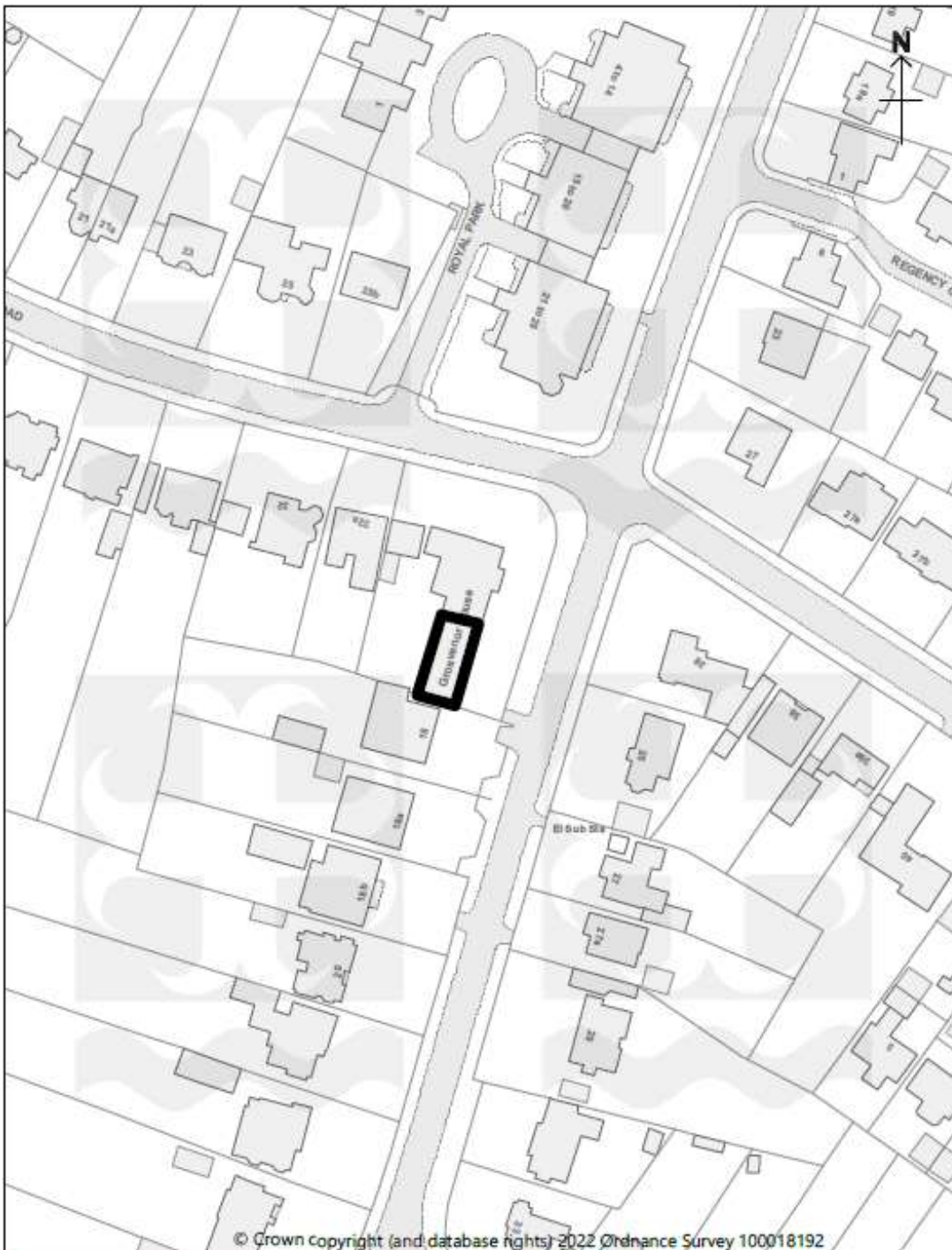
Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R98UILNWHH700>

Agenda Item 4d

Site Location Plan



Sefton Council



Reference: Map reference
Date: 20/06/2022
Scale: Scale 1:1250
Created by: Initials

The Site

The application relates to the swimming pool to the rear of number 34 Grosvenor Road, Birkdale. The pool has been operating as a temporary business, providing public swimming under a temporary planning permission, which expired 6th May 2021. The area is residential in character.

History

The most relevant planning history associated with the planning application being temporary planning permission for the use of the existing swimming pool as a public swimming pool, granted under reference DC/2019/02039 May 2020.

Consultations

Highways Manager

No objection subject to conditions

Environmental Health Manager

No objection subject to condition

Natural England

No objection

Neighbour Representations

19 letters of objection have been received from neighbouring properties in relation to the proposal, as well as a petition containing 93 signatures and endorsed by Councillor Prendergast.

The issues raised in objection include:

Highway Safety

- Entrance to property very close to junction of Waterloo Road and Grosvenor Road, with bus stop next to entrance, there have been near misses with people parking opposite the bus stop, reducing visibility of oncoming traffic
- Parking on the bus stop
- Public classes cause chaos, cars parked on both sides of Grosvenor Road, difficult to drive out of driveway
- Traffic often held up, causing a blockage
- Driveways blocked
- Support the change of use, however, object to the parking
- Difficulty exiting from Royal Park development due to parking either side of the access
- Road is too narrow and busy to accommodate this type of hazard

Agenda Item 4d

- Parking should be on the property of 34 Grosvenor Road, there is adequate room
- Double yellow lines should be placed between the Royal Park entrance and the traffic lights as a risk mitigation
- Would result in substantial increase in traffic
- Detrimental to the flow of traffic
- Possible that the proposed "Liveable neighbourhoods" traffic initiative would increase traffic flow around Grosvenor/ Waterloo Road junction
- Increased movement of traffic and parking close to a very busy junction increases the likelihood of road traffic accidents
- Notable unlawful parking on pavements in the proximity of Grosvenor House
- Parking management plan has not been adhered to, being only advisory with no enforceable control
- Parking is almost right up to the lights on both sides of the road, making it impossible for more than one vehicle to pass through the gap
- Adequate venues in Southport Town Centre with excellent alternative parking areas
- Parking plan not monitored by Council or the school

Living Conditions

- Constant shouting from children and teachers during lessons, especially when the windows are open

Other Matters

- Type of public business should not be allowed
- School operated without a license after the temporary permission ran out, also adding another morning class, breaking the temporary consent.

41 letters of support have also been received, both from nearby residents and from parents of the children attending the swim school.

The issues raised in support include:

Highway Safety

- Road by the location is wide and safe for all the customers
- Group is never more than 6 children so there is never multiple cars outside
- Parking for a maximum of 49 minutes as the class is only half an hour
 - Easily accessible
 - There is ample parking without going near driveways
 - Parents all use dedicated parking across the junction

Living Conditions

- Location is not disrupting anyone nearby
- When signing up for lessons you are made aware of the expectation to be mindful of neighbouring properties

Other Matters

- Team of instructors are dedicated in teaching children with special needs
- Imperative that the swim school continues to teach water safety
- After the pandemic we must get people active again to improve mental health and well being
- Great asset to many men, women and children
- Would benefit the community
- It is not a public pool, but arranged lessons via a reputable swimming organisation
- More pools are needed for our children
- Long waiting times for lessons at other pools, much needed resource
- Only used during term time, hardly a public pool

Following the receipt of additional information, a further notification was undertaken. This has resulted in a further 13 letters of objection and 93 letters of support.

The issues **raised in objection** include:

Highway Safety

- Already evident that parking guidance are not adhered to
 - Regularly park on Grosvenor Road or temporarily blocking off access/egress from Royal Park, preventing safe access/egress from Royal Park
 - All users should park on Grosvenor Road in the dedicated parking bays or park / exit from 34 Grosvenor Road
 - Fact that so many residents are complaining about inconsiderate parking at or near the property demonstrates that the parking plan has not worked
 - Already busy with traffic / on street parking, application will increase this
 - Increased risk of road traffic accident
 - People using the pool have parked on private driveways, trespassing and causing an obstruction
 - Vehicles using the mouth of drive to turn
 - Parking across the driveway, obstructing access and egress
- Parking on the bus stop by traffic lights, blocking traffic
- Traffic bad enough at present times, it is a busy junction
 - Highways comments incorrect, new session added on Friday morning, also states owners run the classes and no other staff involved, this isn't the case
 - Site has two gates and ample parking, why is this not being offered or considered
 - No means of enforcement for the parking solutions suggested by Mr Sims
 - Pavement parking happens both opposite the entrance to and outside of number 34.
 - With some adjustments, such as a 15-30 minute break between class times, parking could be provided within the ground of number 34

Living Conditions

- Residential area, not appropriate for a business use to be carried out

Agenda Item 4d

Other Matters

- Most of the comments in favour have come from parents of children who use facility and who do not live on Grosvenor Road
- Other facilities available in Southport
- Should license be issued, I will be applying for a rates reduction being in close vicinity of a public swimming pool

The issues **raised in support** include:

Highway Safety

- Properties in the area seem to have ample off-street parking with clear visibility in spite of parked cars onto Grosvenor Road
- Parents are respectful of parking and do not park on the road outside of the property but nearby in the designated parking area
- Easily accessible location
- Cars parked cannot be attributed solely to those using the pool
- Cars parked down Grosvenor Road imposes zero impact to danger
- Used during non-peak times for traffic
- Parents and guardians will follow guidance from The Highways Department and avoid parking in front of driveways
- Other parking in the area is of greater concern than cars parked legally and safely for the swimming
- I note the Councils Highway Engineers raised no objections last time subject to a 12 month review of the parking situation in the original temporary permission and that based on the evidence to date and a review of the permanent scheme they are also raising no objection
- Staff member is always available to monitor parking
- Ample legal parking within the vicinity of the pool
- Surrounding roads are public roads, complaints about parking seem completely unreasonable

Living Conditions

- People arrive/leave as quietly and quickly as they can with no disruption to neighbourhood

Other Matters

- Essential for children to have swimming lessons
- Lack of swim schools in Southport and we are a seaside town
- Excellent facility for members of the public and families
- Consequences of children not being able to attend their swimming lessons here, far out ways anything else
- Owners should be applauded for opening up their private pool to allow children to learn important life skills
- Not a public pool, but a local community swim classes for children, by invitation only
- No different in numbers to a pool party
- Will be used during term times only

- Different pools and schools need to be available to meet the demands of different types of requirements

Policy Context

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

Assessment of the Proposal

The application seeks to retain the use of the existing private swimming pool to a public swimming pool on a permanent basis. Although the application is described as a public pool, this would not be generally available for members of the public. The pool would be for children's swimming lessons and invitation only.

The use was previously granted permission for a temporary period of 12 months which expired 6th May 2021. Notwithstanding this, the use continued to operate until recently when the applicant was made aware that they were in breach of planning permission and subsequently stopped operations until the outcome of this planning application.

The main issues to consider are the principle of a permanent use, the impact of the use on the living conditions of neighbouring properties, the impact on highway safety and the impact on the character of the area.

Principle

The application site lies within a primarily residential area and as such policy HC3 (Residential Development and Primarily Residential Areas) of the Local Plan is relevant. This policy seeks to ensure that non-residential development will be permitted where it does not have an unacceptable impact on living conditions of neighbouring properties, the character of the area or the objectives of the plan in relation to housing delivery.

The principle of the development is acceptable in land use terms, subject to issues relating to the impact on neighbouring properties and the character of the area being acceptable. This will be addressed later in the report.

Living Conditions

The application site is surrounded by residential properties, whilst the pool is attached to an existing residential property owned and occupied by the applicant.

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The submitted information states that the pool will be in use at the following times:

Tuesday 10:00-13:00 and 16:00-19:00

Wednesday 16:00-19:00

Friday 10:00-13:00

Saturday 09:00-13:00.

The pool would be used for 30 minute sessions for up to a maximum 6 children at each session. The applicant has confirmed that the classes are only held during term time and are by invitation only. Members of the public cannot gain 'drop in' access to the pool.

Access to the pool is via a gate to the front of the premises which leads to the rear garden area and to the pool. While it is acknowledged that the use would generate additional comings and goings to the premises, it is considered that due to the limited duration of the classes and the limited number of children attending, this would not have a significant detrimental impact on the living conditions of neighbouring properties.

If approved, a condition could be attached limiting the number of children in each session and the timings of the sessions to those above, to ensure that the use of the site is not intensified, and lead to harm to the living conditions of the neighbouring properties. During the temporary period the pool was operating, no complaints were received about noise, which suggests that the use does not generate significant additional noise. While concerns have been raised during the consultation period, it is considered that the relatively limited number of children and class times would ensure that the noise would not be so significant to justify refusing planning permission.

The existing plant and machinery are to be retained for use within the pool. The plant and machinery are currently in operation and have not been the subject of any noise complaints. It is therefore considered that they would not cause any harm to the living conditions of neighbouring properties.

Highway Safety

The application site is adjacent to the signal controlled junction of Waterloo Road and Grosvenor Road. There are traffic regulation orders at the junction which prohibit parking at any time on each of the four arms of the junction. These restrictions extend a short distance into each arm and partially across the frontages of the site.

Parking bays are located to the eastern side of Grosvenor Road, which allow 1 hour parking with no return within an hour. Along the western side of Grosvenor Road, there are no parking restrictions, save for the driveways of the existing properties. There are no parking restrictions on either side of Waterloo Road.

The previous temporary permission allowed for 6 classes on Tuesdays and Wednesdays and 8 on Saturdays. Most classes consist of 5 or 6 children and last for 30 minutes with the weekday classes coinciding with the afternoon peak hour. The current application seeks to increase the number of classes introducing new classes on Tuesday and Friday mornings between 09:00-13:00. This would be a further 8 classes on each of those mornings.

The previous application included a traffic management plan to control the parking of parents attending the classes with children. The parking management plan includes instructions for parents to park within the existing parking bays on Grosvenor Road and to avoid parking close to the junction, which could impact on traffic flow. The Council's Highways team have confirmed that during the temporary period of the pool being used for classes no issues have been raised in relation to parking or traffic collisions at the junction.

Concerns have been raised by residents in relation to parking, including parking over the double yellows at the junction, parking over driveways, within bus stops and parking on both sides of Grosvenor Road. While this may be the case, no evidence has been provided to demonstrate that this is related to the swim school. It could be related to other premises within the area.

In any event, the Council's parking attendants are authorised to issue fixed penalty notices for parking across driveways, parking on double yellow lines, within bus stops and for parking over the allowed hour within the bays on Grosvenor Road.

Comments have also been raised in relation to the use of off-street parking available at the application site. This could lead to unintended consequences, such as cars being blocked in by new arriving vehicles and would also lead to an increase in times that the site is required to be in operation to allow for all vehicles to leave the site prior to the next group arriving. Additionally, given the level of on-street parking within the area, this is not something that could be insisted upon.

The off street parking is also currently used for the parking of the instructors' vehicles. Given the time limit to the bays, this is a practical solution and removes any possible conflicts in terms of highway safety given that the instructors' vehicles will remain longer than the 1 hour limit while the site is in operation. Parents' vehicles would only be in place during the class, leaving ample time to attend the swimming pool without risking unauthorised parking.

It is therefore considered that the proposal would not cause any harm in terms of highway safety and complies with policy.

Character

Due to the small scale of the proposed use in relation to the users and timings and given that the proposal will not change the use of the main dwelling and will not result in any external alterations, it is considered that the proposal would not cause any harm to the character and appearance of the area.

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Other Matters

Comments have been made both in favour and against the proposal on various other matters, many of which are not planning matters. It is acknowledged that the use was operating for a period without planning permission, but the applicant has submitted this application to seek to rectify this. It is understood that the use has stopped, awaiting the outcome of this planning application.

Conclusion

The proposal to continue to use the swimming pool for commercially on a permanent basis is acceptable in principle and it is considered that this will not result in significant harm to the living conditions of neighbouring properties or to the character of the residential area. While concerns have been raised in relation to car parking in association with the proposed use, the Council's Highways Manager has not raised any objections to the use on highway safety grounds.

There is ample off street parking within the area to accommodate car parking for the proposed use, whilst enforcement powers are available under separate legislation to control the illegal parking of vehicles. It is concluded that the proposal would not result in any highway safety issues.

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

Recommendation - Approve with Conditions

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of 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: Updated Location Plan, Existing and Proposed Floor Plan, Parking Management Plan (April 2022).

Reason: For the avoidance of doubt.

Ongoing Conditions

- 3) The hereby approved swim school shall not operate at any time outside the hours of 09:00-13:00 and 16:00-19:00 Tuesdays, 16:00-19:00 Wednesdays, and 09:00-13:00 Friday and Saturday.

Reason: To safeguard the living conditions of neighbouring occupiers.

- 4) The maximum number of children swimming at each swimming lesson shall be 6.

Reason: To safeguard the living conditions of neighbouring occupiers.

- 5) The Parking Management Plan (dated April 2022) shall be implemented in full during the approved hours of the swim school.

Reason: For the avoidance of doubt and to ensure no harm is caused in terms of highway safety.

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Report to: PLANNING COMMITTEE **Date of Meeting:** 29th 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 **Type:** Full Application

Reason for Committee Determination: Deferred from 1 June 2022 Planning Committee

Summary

This application was considered by the Planning Committee on 1 June 2022 when it was deferred to enable the Chief Planning Officer to review and provide further information.

The purpose of this report is to update the Planning Committee on the deferred matters and the report should be read in conjunction with the report from 1 June 2022 which formed agenda item 4b and is appended to this report.

This report concludes that the issues have been satisfactorily addressed and the recommendation is to approve 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>

Agenda Item 5a

Site Location Plan



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

Deferred Application

This application was considered by the Planning Committee on 1 June 2022 when it was deferred to enable the Chief Planning Officer to review and provide further information on the following:

- opportunities to reduce potential conflicts between pedestrians, cyclists and young people near to the play area at the Junction with South Road, Crosby;
- details of who the applicant has consulted in terms of disability and accessibility, including their responses; and
- concerns over drainage/flooding in the vicinity of Blucher Street, Waterloo

It was also requested that a further site visit be held to include viewing traffic issues at Endsleigh Road.

The purpose of this report is to update the Planning Committee on the deferred matters and the report should be read in conjunction with the committee report from 1 June 2022 which formed agenda item 4b and is appended to this report.

Reason for Deferral 1 – The potential conflicts between pedestrians, cyclists and young people

South Road Area

The applicant has provided a Technical Note which undertakes a safety review of the proposals in the vicinity of the coastal park junction with South Road.

The note explains that there are 4 existing routes leading into the park at this junction and they are all non-segregated with pedestrians and cyclists able to use any of the routes without separation.

The proposals follow design guidance which advises *'the most effective way to minimise conflict and increase comfort is to provide separate routes for walking and cycling'*. Near the junction with South Road, where pedestrian numbers are expected to be highest, the proposals include the provision of a separate circulatory route for cyclists away from the central paved area.

Features to improve safety will be introduced where the proposed cycle route crosses 3 existing footpaths. These include signing and lining, different coloured surfacing and a curved alignment to reduce cycle speeds. The footpaths are retained in their current location as these provide the most direct route to amenities within the park.

The technical note proposes some additional measures to address safety concerns and these are:

- relocation of the existing Crosby Coastal Park hazard sign on the beach/boating lake

Agenda Item 5a

footpath

- moving the end of the shared facility closer to Great Georges Road
- extending the 2m element of the shared facility alongside the Marine Gardens wall
- increasing the widths of the existing footpaths between the 3 crossing points and the paved area to 4.5m
- introducing 'Give Way to Pedestrians' signs at the start of the circulatory route.

Amended plans have been received incorporating these changes.

The use of the path will be monitored after construction with further measures considered to address any issues which may arise.

Highways Manager Response

The Technical Note has been reviewed by the Highways Manager who has provided the following response:

The applicant has reviewed the design of the proposals at the South Road junction and as a result has indicated that there will be 5 alterations to the proposed scheme. These entail relocating an existing sign in order to improve user intervisibility, alter the layout/alignment of the route where it approaches South Road from Great Georges Road in order to reduce the possibility of cyclists continuing straight on rather than following the curved alignment of the route, increase the width of the existing paths to better accommodate the manoeuvres of the users and reduce conflicts and improved signing and markings aimed at cyclists giving way to other users in addition to the previously proposed signing. It is considered that these additional measures would improve the proposed scheme.

Endsleigh Road

The application was deferred so that a further site visit could take place by the Planning Committee to view traffic issues at Endsleigh Road.

Highways Manager Response

The Highway Manager has provided the following comments on this issue:

The route will in places run along the line of existing paths, roads and promoted cycle routes. This includes Endsleigh Road. Concerns over pedestrians having to walk along the carriageway of Endsleigh Road due to pavement parking and the impact of this route has been raised by the Committee. It is considered that the proposals largely represent improvements to existing facilities rather than the provision of a new route and new users. It is considered that the proposal is unlikely to result in significant increases in users, that will exacerbate any on-going issue with pavement parking and possible conflicts between vehicles and other users.

Reason for Deferral 2 – Consultation with Disability Groups

The applicant has provided information on the consultation which was carried out in accordance with the Council's adopted standards for engagement and consultation and subject to consideration and comment from the Public Engagement and Consultation Panel and the Overview and Scrutiny Panel findings.

Twenty-one groups with protected characteristics were targeted as part of the consultation process including Maternity Action, Merseyside Deaf Society, Sefton Older Persons Forum and Sustrans. Groups were offered a separate conversation or attendance at any scheduled meetings or forums.

Data was collated on the online survey results in accordance with Equality and Diversity monitoring undertaken by the Council.

Reason for Deferral 3 – Drainage issues around Blucher Street

The applicant has provided a Technical Note for this issue stating that the park area in the vicinity of the Blucher Street car park is susceptible to boggy ground and areas of standing water.

The proposed shared facility route follows the car park boundary as this area is less susceptible to standing water. To mitigate potential flooding issues the surface of the path will be raised above the existing ground level by approximately 100mm with the ground either side of the path re-profiled.

The technical note proposes some additional measures in respect of this issue:

- installation of a small soakaway/filter drain over a relatively short length of the new footpath in the immediate vicinity of the car park
- the levels of the proposed shared facility will be checked, particularly around the Rangers' compound, and the profile adjusted to avoid any low spots
- the levels around the junction with the herringbone block paving footpath will be checked to see if any low spot can be removed

Amended plans have been received incorporating the soakaway/filter drain.

Flooding and Drainage Manager Response

The Flooding and Drainage Manager has provided the following comments on this issue:

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Following the Planning Committee meeting of 1st June 2022 and the various issues raised regarding the Crosby Coastal Park, the Applicant has submitted additional documentation and a Technical Note aimed at addressing the flood risk concerns.

The Technical Note-2 further reviewed the design proposals around the Blucher Street area and recognises that the park area in the vicinity of Blucher Street car park is susceptible to both saturated / boggy ground and areas of standing water.

The review notes that the current ponding issues around the Blucher Street car park were recognised in the design stage and hence the route of the main shared facility follows the boundary of the Blucher Street Car park as this was recognised as the area less susceptible to standing water.

In addition, the review identified there remained potential ponding issues alongside the Rangers' compound area and on the route of the main shared facility and by the junction between the existing northbound footpath and the herringbone block paving footpath

As mitigation against these potential flooding issues, apart from the final surface of the proposed footpath being raised above the existing ground level by approx. 100mm, the Applicant proposes to:

- 1) Install a small soakaway / filter drain over a relatively short length of the new footpath in the immediate vicinity of car park boundary, approximate length of 150m, alongside the landward edge of the footpath. The profile of the footpath would be amended to ensure that surface run-off would fall towards this soakaway / filter drain, which would provide additional storage capacity.*
- 2) Check the longitudinal levels of the proposed shared facility, especially in the vicinity of the Rangers compound boundary and adjust profile to avoid any low spots*
- 3) Check levels around the junction with the herringbone block paving footpath to see if any low spot can be removed at this junction.*

These additional mitigation measures if appropriately implemented including an increased maintenance regime for the existing road gullies in Blucher Street, park end area, will greatly reduce the residual flood risk in this section of the Cycleway and Footpath in the Blucher Street area.

Conclusion

It is considered that the reasons for deferring the application have been satisfactorily addressed and the recommendation is to approve subject to conditions in accordance with the recommendation made in the previous committee report, item 4b 1 June 2022 Planning Committee, attached to this report. An amendment to condition 2 is recommended to reflect the

amended plans and this is set out below.

Recommendation- Approve with Conditions

Approve with the conditions and informatives set out in item 4b 1st June 2022 Planning Committee agenda with the exception of condition 2 which requires updating to reflect the amended plans, as follows:

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
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Drawing No. DES/JA1353/1100/01 rev A Construction Details 1 of 8
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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 (submitted 17 June 2022)

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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.

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

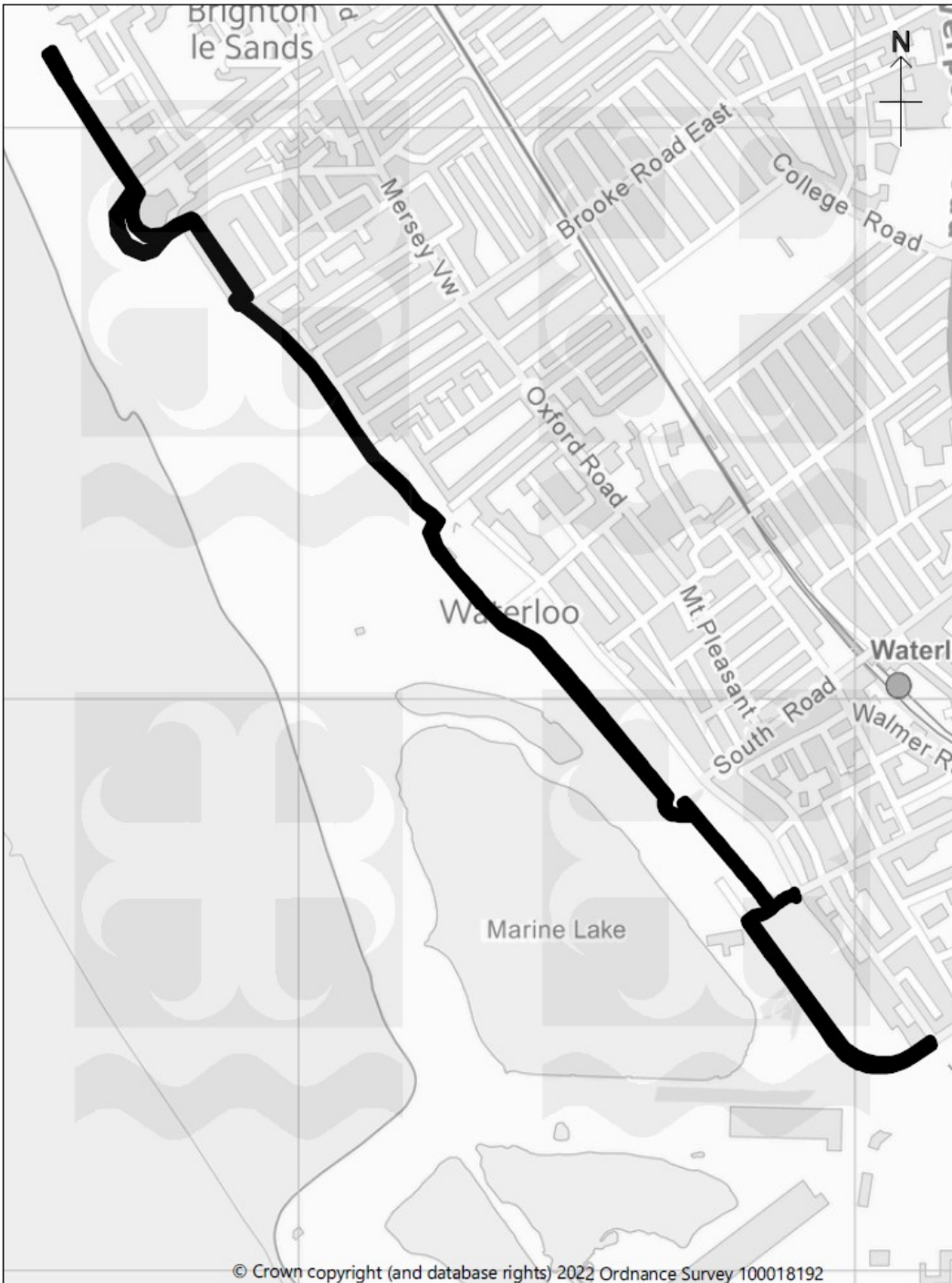
Telephone 0345 140 0845

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



Sefton Council



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

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Crosby Coastal Park. These public benefits are considered to outweigh any perceived additional harm on heritage assets.

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:

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- 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.

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.

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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:

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
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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.

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- 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.
- 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

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

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.

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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 designated 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

Agenda Item 5a

Planning Committee: 1st June 2022 Late Representations/Information

Item 4B

DC/2022/00087: Land at Crosby Coastal Park

An email has been received from the Chair of the Seafront Residents' Action Group. This raises the following points and a response is given to each point:

- The statement made in the committee report that the need for the proposed path is not a material consideration is astonishing.

Response: Whether a particular consideration is material will depend on the circumstances of the case. The scope of what can constitute a material consideration is very wide but ultimately it is what is 'relevant' to making the planning decision in question in the public interest. It is for the decision maker to make the primary judgment as to what should be considered in the circumstances of any given case. For this application, the 'need' is considered to be subjective, and the perceived need for the path does not make it a material consideration as to 'why' it is acceptable and sustainable development in the public interest and in planning terms.

- At the bottom of page 43 of the agenda, under the sub-heading 'Objections' the report states that the petitions have been signed by almost 300 residents but our records show it was 471 residents.

Response: This is an error and the report should state 471 mainly local residents have signed the petitions.

- The report states that the path will have a grey bituminous macadam surface for the shared use sections and the cycle only sections will have a light buff coloured surface but there is no reference to these colours in the application.

Response: This information has been provided by the applicant and is now published online. It clarifies that the small cycle only section at the bottom of South Road and the cycle only section running from Great Georges Road to Cambridge Road are to be light buff in colour. All other sections of the shared use path will be in standard grey coloured bituminous macadam. These colours are reflected in the Construction Details drawings.

Report to: PLANNING COMMITTEE **Date of Meeting:** 29th June 2022

Subject: [DC/2022/00720](#)
[55 Bowden Street Litherland Liverpool L21 8LL](#)

Proposal: Erection of a two storey extension to the side of the dwellinghouse

Applicant: Ms Kirsty Obrien **Agent:** Mr Kevin Leary
The Extension House Ltd

Ward: Litherland Ward **Type:** Householder application

Reason for Committee Determination: Referred to Committee by Chief Planning Officer

Summary

The proposal is a large two storey extension to the side of the existing property. It is considered that it would not cause significant harm to the living conditions of the neighbouring properties or 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=RA6C2FNWHTP00>

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Site Location Plan



Reference: Map reference
Date: 20/06/2022
Scale: Scale 1:1250
Created by: Initials

The Site

The application relates to an end terrace two storey house on the north side of Bowden Street, Litherland. The site was previously occupied by a house which was demolished some time ago. The land is within the ownership of number 55.

History

Planning permission was granted in 1988 to use the vacant land as garden area to no.55 Bowden Street (ref: S/1988/0961) and to erect a single storey rear extension (ref: S/1988/0075).

Neighbour Representations

None received to date.

Policy Context

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

Assessment of the Proposal

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

Living Conditions:

Local Plan policy HC4 (House Extensions, Houses in Multiple Occupation and Flats) states that house extensions should be designed so that there is no significant reduction in the living conditions of neighbouring occupiers.

The proposed two storey side extension would project 3.3m to the side of the original dwelling and would extend to the corner of Bowden Street. The side extension would be positioned as to not significantly impact on the living conditions of neighbouring properties with regard to loss of outlook, loss of light/overshadowing or overbearing/over-dominant effect.

There is currently a first-floor habitable window on the existing rear elevation of the property that serves a bedroom. The distance between this window and the neighbour to the rear (No. 56 Hinton Street) is approximately 12m and falls short of the recommended distance of 21m. The two-storey side extension would include an additional first floor habitable window on the rear elevation. The distance between the additional habitable window and neighbouring windows to the rear would be similar. Although this is below standard, it is consistent with the general

Agenda Item 5b

character of the area and so is considered to be acceptable.

Overall, it is considered that the proposed extension to the side will not cause significant harm to the living conditions of neighbouring properties.

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 Council's guidelines for house extensions advises that extensions should be in keeping with the surrounding area and should not detract from the character of the street scene. Bowden Street has a uniform pattern of development that includes rows of terraced properties with bay windows at ground floor and first floor level. The side extension would incorporate matching bay windows, a consistent roof line and will be constructed with matching materials and brickwork features to match other properties within the street scene. These works are consistent with the existing street scene and would match the original property.

Although the proposal would result in a sizeable increase in the massing and scale of the existing property, in this case a larger extension is required to incorporate the important design feature of the bay windows at the ground floor and first floor levels which match the original property. It would ensure that a balanced design is maintained which fits into the street scene and would not be dissimilar to the house that once would have stood on the site.

Conclusion

Overall, whilst the extension would be a large addition to the existing property, the design of the extension would be in keeping with the street scene and so would not detract from the character of the area. While the distance between habitable room windows is below normal standards, it would not impact significantly upon the living conditions of neighbouring residents and therefore is considered acceptable.

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:

3 (Rev A) - Proposed Ground Floor

4 (Rev A) - Proposed First Floor

6 (Rev A) - Proposed Elevations

9 (Rev A) - Location and Site Plans

Reason: For the avoidance of doubt.

During Building Works

3) The materials to be used in the construction of the external surfaces of the development must be of similar appearance to those used in the existing building.

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 29 th 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

The Executive Director of Corporate Resources and Customer Services (FD 6839/22) and the Chief Legal and Democratic Officer (LD 5039/22) 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 [14 May 2022](#) and [10 June 2022](#)

New Appeals

[Telegraph House Moor Lane Crosby](#)

Reference: DC/2021/01032 (APP/M4320/W/22/3297484)

Erection of a part four/part five storey building for mixed use including a commercial floorspace (Class E) at ground floor and 74 No. residential apartments (Class C3) on upper floors, roof terraces at fourth floor level and associated works including access and landscaping.

Procedure: Informal Hearing

Start Date: 23/05/2022

Decision:

Decision Date:

[18 Far Moss Road Crosby Liverpool L23 8TQ](#)

Reference: DC/2022/00079 (APP/M4320/D/22/3299317)

Alterations to the approved scheme DC/2020/00413 to increase the size of the roof terrace to 6.765m and introduce larger privacy screens.

Procedure: Householder Appeal

Start Date: 27/05/2022

Decision:

Decision Date:

[Lulworth Road Birkdale Southport PR8 2AT](#)

Reference: DC/2021/02314 (APP/M4320/W/22/3295594)

Application under Prior Notification Procedure for the installation of 15.0 metre telecommunications monopole and associated ancillary works.

Procedure: Written Representations

Start Date: 25/05/2022

Decision:

Decision Date:

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Planning Committee
Visiting Panel Schedule

Date Monday 27th June 2022

Start: 09:30 am at BOOTLE TOWN HALL

Agenda Item	Time	Application Details	Ward
5B	09:45am	DC/2022/00720 55 Bowden Street Litherland, L21 8LL	Litherland
4A	10:00am	DC/2021/01929 1-3 Crosby Road South Waterloo, L22 1RG	Church
5A	10:15am	DC/2022/00087 Land At Crosby Coastal Park Crosby	Church
4C	11:35am	DC/2021/01848 Land Adjacent To 16 Moorhouses Hightown, L38 9ER	Manor
BREAK			
4D	12:15pm	DC/2022/00575 34 Grosvenor Road Birkdale, Southport PR8 2JQ	Dukes
4B	13:00pm	DC/2021/00924 Land Off Bankfield Lane Churchtown, Southport	Meols

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