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Sefton Council



MEETING: PLANNING COMMITTEE
DATE: 27th July 2022
TIME: 6.30 pm
VENUE: Assembly Hall - Bootle Town Hall, Trinity Road, Bootle, L20 7AE

Member

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

Substitute

Cllr. Natasha Carlin
Cllr. Leslie Byrom C.B.E.
Cllr. Gareth Lloyd-Johnson
Cllr. Anne Thompson
Cllr. Maria Bennett
Cllr. Janet Grace

Cllr. Dave Robinson
Cllr. Mike Morris M.B.E.
Cllr. Linda Cluskey
Cllr. Liz Dowd
Cllr. Gareth Lloyd-Johnson
Cllr. Danny Burns
Cllr. John Joseph Kelly

COMMITTEE OFFICER: Ruth Appleby / Ian Barton Democratic Services
Telephone: 0151 934 2181 / 2788
E-mail: ruth.appleby@sefton.gov.uk /
ian.barton@sefton.gov.uk

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

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

COVID GUIDANCE IN RELATION TO PUBLIC ATTENDANCE

In light of ongoing Covid-19 social distancing restrictions, there may be 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 may be limited.

A G E N D A

1. Apologies for Absence

2. Declarations of Interest

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

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

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

3. Minutes of the meeting held on 29 June 2022 (Pages 5 - 10)

4. Applications for Planning Permission - Approvals

Report of the Chief Planning Officer

A DC/2022/01148 Telegraph House, Moor Lane, Crosby (Pages 11 - 40)
Report of the Chief Planning Officer

B DC/2022/00412 Bates' Dairy, Stamford Road, Birkdale (Pages 41 - 48)
Report of the Chief Planning Officer

5. Planning Appeals Report (Pages 49 - 62)
Report of the Chief Planning Officer

6. Visiting Panel Schedule (Pages 63 - 64)
Report of the Chief Planning Officer

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

PLANNING COMMITTEE

MEETING HELD AT THE BOOTLE TOWN HALL ON 29 JUNE 2022

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

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

ALSO PRESENT: Councillors Howard and Sathiy.

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Spencer, Tweed, Waterfield, Halsall (substitute Member) and John Joseph Kelly (substitute Member).

12. DECLARATIONS OF INTEREST

In accordance with Paragraph 9 of the Council's Code of Conduct, the following declaration of personal interest was made and the Member concerned remained in the room but took no part in the discussion or voting on the item:

Member	Minute No.	Nature of Interest
Councillor Dodd	Minute No. 15- DC/2021/00924 - Land Off Bankfield Lane, Southport	Pre-determination

13. MINUTES OF THE MEETING HELD ON 1 JUNE 2022

RESOLVED:

That the Minutes of the meeting held on 1 June 2022 be confirmed as a correct record.

14. DC/2021/01929 - 1-3 CROSBY ROAD SOUTH, WATERLOO

The Committee considered the report of the Chief Planning Officer recommending that the above application for the 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

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elevation and two new dormers to the rear elevation 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.

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 the amended condition No.7 contained in Late Representations, subject to the completion of a Section 106 legal agreement and subject to the amendment of condition No. 13 to require "turn left only" for traffic leaving site and an amendment to condition No. 9 to seek additional planting in rear garden area.

15. DC/2021/00924 - LAND OFF BANKFIELD LANE, SOUTHPORT

Further to Minute No. 6 of 6 June 2018, the Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of 9 houses, together with a new vehicular access and associated works (part alternative to application reference DC/2017/00821) 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 Sathiy, as Ward Councillor, made representations on behalf of objectors against the proposed development.

RESOLVED:

That consideration of the application be deferred to enable further traffic surveys to be undertaken and review of the content of the Construction Traffic Management Plan to be carried out.

16. DC/2021/01848 - LAND ADJACENT TO 16 MOORHOUSES, HIGHTOWN

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of a detached dwellinghouse with associated access and landscaping (Resubmission of DC/2020/01790 refused 24/6/2021) 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.

Members discussed the proposal in detail and expressed concern at the effect of the construction of the property on important natural habitat and inadequate compensation agreed, and the scale of works required which they felt would have a significant effect on neighbouring residents.

RESOLVED:

That the recommendation be not approved and the application be refused on the basis of Planning Policy NH2 (5) 'Where significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated, then planning permission will be refused', and also on the basis of Policy EQ4 in relation to the harmful impact of the construction of the property on adjoining residents.

17. DC/2022/00575 - 34 GROSVENOR ROAD, BIRKDALE

The Committee considered the report of the Chief Planning Officer recommending that the above application for the change of use of the existing private swimming pool to a public swimming pool on a permanent basis following planning permission (DC/2019/02039) 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.

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.

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

Further to Minute No. 5 of 1 June 2022 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.

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 and expressed continued concern regarding the safety of pedestrians, cyclists and other road users, particularly in busy areas such as the junction with South Road, Crosby.

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RESOLVED:

That the recommendation be not approved and the application be refused as it does not accord with Planning Policy EQ3 (f) which requires development to ensure the safety of pedestrians, cyclists and all road users is not adversely affected.

19. DC/2022/00720 - 55 BOWDEN STREET, LITHERLAND

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

RESOLVED:

That the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report and in Late Representations and subject to an additional condition requiring the development to only be used as a single-family dwelling.

20. PLANNING APPEALS REPORT

The Committee considered the report of the Chief Planning Officer giving an update on progress on appeals lodged with the Planning Inspectorate.

RESOLVED:

That the report be noted.

21. 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 27 June 2022.

Application No.	Site
DC/2022/00720	55 Bowden Street, Litherland.
DC/2021/01929	1-3 Crosby Road South, Waterloo
DC/2022/00087	Land At Crosby Coastal Park, Crosby
DC/2021/01848	Land Adjacent To 16 Moorhouses, Hightown
DC/2022/00575	34 Grosvenor Road, Birkdale
DC/2021/00924	Land Off Bankfield Lane, Churchtown

RESOLVED:

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

22. MR. S. BIRCH - TRANSPORT PLANNING AND HIGHWAY DEVELOPMENT MANAGER

The Chair informed Members that this would be the final meeting which Mr. S. Birch, Transport Planning and Highway Development Manager, would be attending. The Chair paid tribute to the excellent service provided to the Committee and to Sefton Council by Mr. Birch throughout his career with the Council.

RESOLVED:

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

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Report to: PLANNING COMMITTEE **Date of Meeting:** 27 July 2022

Subject: DC/2022/01148
Telegraph House, Moor Lane, Crosby

Proposal: Erection of a mixed-use development containing commercial and community floorspace (classes E/F1) at ground floor level, and 72 No. proposed residential apartments on upper floors, including associated works, all following the demolition of the existing building.

Applicant: Virtue Developments Crosby Limited **Agent:** Mr Matthew Sobic Savills (UK) Limited

Ward: Blundellsands, Victoria and Manor **Type:** Major application

Reason for Committee Determination: Discretion of the Chief Planning Officer

Summary

The application seeks to provide a mix of residential and commercial units within Crosby District Centre, following the demolition of a now vacant building. The report concludes that the development is acceptable in terms of design, highway safety, with the substantial economic benefits of the development outweighing any adverse impacts. The report concludes that subject to conditions and the completion of a Section 106 Legal Agreement the application should be approved.

Recommendation: Approve with conditions subject to completion of Section 106 legal agreement to secure affordable housing, a contribution toward recreation mitigation of the coast and an Employment and Skills Plan.

Case Officer Ian Loughlin

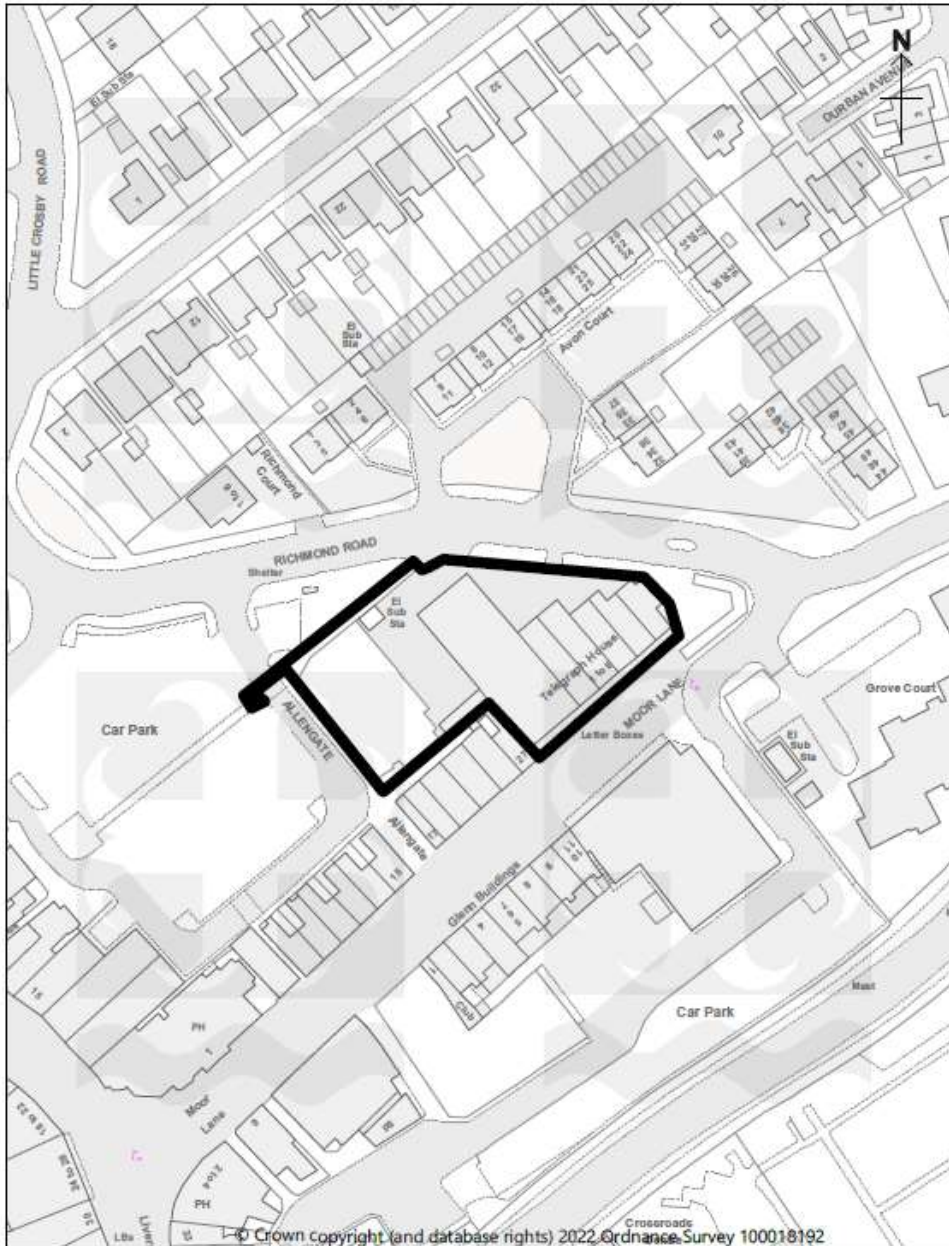
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at: <https://pa.sefton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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Site Location Plan



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Sefton Council



Reference: Map reference
Date: 06/07/2022
Scale: Scale: 1:1250
Created by: Initials

The Site

The application site comprises a part two storey, part three storey building of 1960s construction at the junction of Moor Lane and Richmond Road in Crosby. The building was in a mix of commercial uses and is now unoccupied, and the site also comprises derelict land to the rear.

The site lies within the town centre and assumes a very prominent position when directly approached off the main A565 roundabout to the north. The site is largely within a commercial setting, bound by the pedestrianised area of Moor Lane to the southeast, with three storey residential blocks to the north and east on the opposite side of Richmond Road and sheltered housing accommodation to the south and east. Directly to the west of the site fronting Moor Lane is one of two blocks known as the Glenn Buildings (North), which have been subject to more recent investment. The remaining immediate surroundings are of a largely commercial nature.

History

A similar scheme to this proposal was put forward on two separate occasions during 2021 (DC/2021/01032 and DC/2021/02920). The refusals are subject to a joint appeal and a hearing is scheduled to take place in September this year. Both schemes included 74 units and commercial units on the ground floor. Both applications were refused for the same 4 reasons, namely:

1. The proposed development fails to provide acceptable levels of affordable housing on-site (following viability considerations) and does not contribute to the creation of mixed and balanced communities. The proposal is therefore contrary to Policy HC1 (part 10) of the Sefton Local Plan adopted 2017 and the provisions of National Planning Policy Framework Paragraph 63 (revised July 2021).
2. The proposed development by way of its bulk and massing fails to respond positively to the character, local distinctiveness and form of its surroundings. The proposal is therefore contrary to Policy EQ2 of the Sefton Local Plan adopted 2017 and the provisions of National Planning Policy Framework Paragraph 130 (revised July 2021).
3. The proposed development fails to provide an adequate level of private outdoor amenity space for future occupiers, being 40% short of that required. The proposal is therefore contrary to Policy EQ2 of the Sefton Local Plan adopted 2017, the accompanying Supplementary Planning Document 'Flats and Houses in Multiple Occupation' and the provisions of National Planning Policy Framework Paragraph 130 (revised July 2021).
4. The proposal provides an inadequate level of vehicular parking for residents which is considered likely to result in significant cumulative impacts on the local highway network by virtue of placing additional pressure on demand on existing car parks in Crosby District Centre and in turn additional pressure for on-street parking. The proposal is therefore contrary to Policy EQ3 of the Sefton Local Plan adopted 2017, Supplementary Planning

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Document 'Sustainable Transport and Development' and Section 9 of the National Planning Policy Framework (revised July 2021).

These reasons for previous refusal will be referred to in this report setting out how they have been addressed in this new application.

An appeal was allowed at the nearby Central Buildings in July 2021 for 39 affordable units (DC/2020/00734). This is referred to at relevant points in this report and represents a relevant material consideration for this proposal.

Consultations

MEAS – Identified that the Preliminary Roost Assessment Survey is now 2 years old and an update is needed; and a need to address impact from recreational visitor pressure on the coast either through 'opting in' to the Council's payment scheme or by undertaking a Habitats Regulations Assessment.

Natural England – identified a need to address impact from recreational visitor pressure on the coast either through 'opting in' to the Council's payment scheme or by undertaking a Habitats Regulations Assessment.

Planning Policy Manager – no objections.

Highways Manager – no objection subject to conditions as set out in report.

Environmental Health Manager – no objection subject to series of planning conditions as set out in report.

Contaminated Land – no objection subject to conditions as set out in report.

Air Quality Manager – no objection subject to conditions as set out in report.

Lead Local Flood Authority – no objection subject to conditions as set out in report.

Neighbour Representations

In total, over 120 properties were notified of the application in addition to the required publicity via site and press notices.

A total of 19 responses were received, 18 in support of the application, 1 objecting. Most comments received are from residents living in the Crosby or Waterloo areas.

The following is a summary of the comments made:

Supportive comments -

- The plans to rebuild are a massive improvement for the surrounding area and will get rid of an eyesore
- The design is of high quality and will be an improvement to what is there now
- The proposals are perfect for the environment and locals
- The scheme will support the vitality of the centre
- It will meet housing needs for so many people who are desperate to live in the village
- It will bring employment and investment to the area
- Welcome the increase in the amount of private amenity space at roof level arising from the omission of two residential units (which also reduces the scale/height of part of the building) and the introduction of balconies
- Should be encouraged to improve the area and support other blossoming business such as restaurants and bars
- Brings forward a more sustainable way of life that comes with combatting climate change.
- Opportunity that simply cannot be missed out on.
- It is a compliment that a business wants to invest in Crosby.

Neutral comments –

- Would suggest that the public realm between the line of the building and the bus stop on Richmond Road would benefit from enhanced landscaping as part of the proposed development.

Objections –

- Consideration must be given to residents regarding parking and access to schools, doctors, dentists and everything appertaining to building 72 properties.
- The roads around Crosby especially the A565 is already locked in rush hour

Whilst there is fewer representations than last time, the majority are broadly or strongly supportive of the proposal, including from those who live locally. On balance, it is considered that the wider public support for the proposals adds a small degree of weight in favour of the development proposed.

Policy Context

The application site lies within an area designated as Crosby District Centre, with the site also positioned within a Primary Shopping Area. The part of the site fronting Moor Lane is identified as a Primary Shopping Frontage in the Sefton Local Plan which was adopted by the Council in April 2017.

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A number of Supplementary Planning Documents are referred to throughout the report and these introduce a number of relevant material planning considerations. In addition, the National Planning Policy Framework was revised in July 2021 and is also a further relevant material planning consideration.

Assessment of the Proposal

The application is for the erection of a part four, part five storey building, which includes 972 sqm of floorspace in commercial units on the ground floor, car parking to the rear and residential development in the storeys above. A total of 72 residential units are provided on the upper floors. 47 of the flats have one bedroom and 25 have two bedrooms.

Principle of Development and Main Issues

The proposal is located within Crosby District Centre and in part is identified as a primary shopping area. The frontage to Moor Lane is part of the primary retail frontage. Local Plan Policy ED2 'Retail, Leisure and Other Town Centres Uses' sets out how proposals in District Centres are considered. It is expected that retail, leisure and other town centre uses (as defined in Annex 2 of the National Planning Policy Framework (NPPF)) would be located in district centres.

Car park access is from Richmond Road, via the existing entrance to the Allengate Car Park, which largely serves customers of the adjacent food store. As the proposal is within the Primary Shopping Area the preference would be for all ground floor units to be in retail uses. However, following recent changes to the General Permitted Development Order, which allow for a broadening of town centre uses, it is considered that the ground floor could acceptably accommodate a wider range of uses within Class E of the Order. In addition to retail units this would include offices for visiting members of the public, and food and drink establishments such as coffee shops and restaurants (but not drinking establishments or hot food takeaways). The applicant would accept a planning condition to limit the range of ground floor uses which balances the need for active frontages with a flexible approach to securing possible end users.

The proposed residential development above ground floor level in the upper floors is acceptable in principle having regard to part 5 of Local Plan Policy ED2. Taking the above into account, there is no objection to the development in principle, subject to compliance with other detailed policies at national and local level.

The main issues to consider relate to affordable housing provision and scheme viability. The report also considers the design and the impact on the character of the area, the impact on parking and highway safety, the impact on the adjoining occupiers and the living conditions of the future occupiers notably the provision of private outdoor useable space. The report also addresses recreational pressures on the Sefton Coast, drainage, contaminated land and waste.

Affordable Housing and Viability

Local Plan Policy HC1 'Affordable and Special Needs Housing' requires that schemes of 15 homes or more in Crosby must provide 30% of the scheme as affordable housing, which should be split 67:33 between affordable/social rent and affordable ownership homes. As the development is for 72 units, it would be expected that 22 affordable units in total would be required on this basis.

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In response to the requirement of policy HC1, the applicant had submitted a viability report to support the 2021 proposal which suggested that the development could not proceed with a reasonable return to the developer (suggested at 15%) if the full affordable housing requirement were provided.

In July 2021, this report was reviewed in detail by the Council's retained viability consultant, CP Viability. This was carried out in accordance with the RICS document 'Assessing viability in planning under the National Planning Policy Framework 2019 for England (Guidance Note 1st Edition, March 2021)', and the Planning Practice Guidance on Viability published in 2018 and since updated.

This report concluded that only 3 affordable housing units can be provided on site in order to allow for a reasonable developer return, or a financial contribution in lieu of on-site affordable homes to provide affordable housing elsewhere.

The report's findings remained valid for a six-month period (i.e. until January 2022). Given that this period has now elapsed the Council asked its retained viability consultants to review the findings. They concluded that, whilst house prices have risen by 4-5% in the intervening period, construction costs have risen by over 8%. Their updated conclusion was that securing three affordable housing on site would be challenging, regardless of the tenure of those homes.

Nonetheless the applicant has agreed that three affordable homes will be provided on site. These will be discounted market sale homes with a 20% reduction on sale price. These will only be available to eligible households, i.e. those who cannot afford to purchase a home at full market price. As local Registered (affordable housing) Providers have confirmed that they would not wish to manage affordable homes for rent in a mix tenure apartment block, the provision of discounted market housing is the best option for this proposal. The affordable homes will be secured through a section 106 legal agreement.

Economic Benefits

The proposal is considered to give rise to urban regeneration benefits and represents investment that will support the vitality and viability of Crosby centre. New employment opportunities will be generated, and new residential properties in the area will also boost spend locally, contributing to supporting new and existing businesses in the area. It is anticipated that the equivalent of 57 full-time jobs will be created during the construction phase and the commercial development could support 39 - 52 jobs and annual earnings of £0.69m – £0.91m.

The applicant has agreed to the submission of an Employment and Skills Plan which will set out the details of the employment training and skills opportunities available during the construction of the development and will be in accordance with the Council's 'Ways to Work programme'. This will include a commitment to a 'Construction Charter', which is a plan that sets targets for recruitment,

apprenticeships and use of local contractors and suppliers and prioritising local residents for employment opportunities. This will be secure by a section 106 legal agreement.

It is also considered that the mix of one and two bedroom accommodation may assist in freeing up a number of existing under-occupied properties elsewhere, through 'down-sizing', and increase the choice of family housing in the vicinity, which offers a social benefit in addition to a boost to the housing market.

There have been substantial reductions in footfall across many town, district and local centres in the past 18 months and significant jobs lost. In such an environment, it is considered investment of this nature ought to be strongly supported subject to compliance with other policies and the appropriate addressing of environmental impacts and social implications.

It is considered that the scheme will deliver substantial economic benefits. In line with Paragraph 80 of the NPPF, these factors must be given significant weight in the planning balance.

Design and Character of the Area

The proposal is for a part four, part five storey building, which will offer active frontages to both Moor Lane and Richmond Road. The existing building currently gives rise to a 'non-active' frontage to Richmond Road, save for a wall opening that would have offered car parking for previous occupiers. This development would resolve this by offering a new strong active frontage with commercial units.

The main pedestrian access to the residential part of the development is onto Richmond Road, but there are opportunities for ground floor access to the commercial premises fronting Moor Lane too. Further safe pedestrian access is available from the car park to the rear of the site as well.

The side of the development facing Moor Lane would improve on what is currently there by bringing the ground floor forward to align with the Glenn Buildings, resolving a townscape issue of the current building being set back behind a canopy above the ground floor. The building does give rise to an obvious transition with the adjacent two storey Glenn Buildings, and the difficulty of linking the buildings is further exacerbated by the existing pitched roof on Glenn Buildings. However, the proposal seeks to minimise this transition by reducing the building by one storey (from 5 to 4 storey) immediately adjacent to Glenn Buildings. The frontage on Moor Lane has also been staggered slightly so that, with a use of contrasting bricks, the impression is given of a row of buildings rather one monolithic façade of a single building. This adds interest to the streetscape and reflects the character of Crosby centre which includes a mixture of buildings of various design, materials and heights.

The bulk of the building in this proposal, as compared to the 2021 schemes, has been reduced by the removal of two flats from the top floor. Viewed from Richmond Road, the key interface between the centre and the surrounding residential area, this has reduced the visual impact to

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those approaching the centre. This has also increased the amount of amenity space available (see below).

The Crosby Centre SPD identifies the site as capable of accommodating development of at least two storeys in height. The building does give rise to a five-storey corner feature when viewed from the non-pedestrianised section of Moor Lane which is a height not especially common across the centre. There is some acknowledged variance in height and scale in the centre, not least with the more traditional buildings fronting the central part of the pedestrian area of a three storey scale, but also various two storey buildings of later construction, single storey components adjacent to the two storey art deco influenced Glenn Buildings (South), the three storey residential flats at Avon Court, and the new sheltered accommodation to the south and east of the site at Grove Court, which is of three storey height but assumes a more significant impact owing to its roof massing.

The height and mass of the building is higher than anything else within the centre at present, but whilst traditional materials are consistent across the centre, there is wider variance in respect of scale and massing. Furthermore, the approved scheme at Central Buildings is entirely four storeys high and does not have the graduated height to adjacent buildings that is being proposed on this scheme. The nearby Grove Court retirement home scheme comprises three storeys with the addition of a pitched roof.

The new design clearly improves on the existing building, which offers largely inactive frontages (none to Richmond Road and Moor Lane compromised by the ground floor setting back and canopies) and internal layouts which would appear to be off-putting to prospective end users as borne out by a lack of occupation. With such variance across Crosby, added to the site's prominence on a corner, it is felt on balance that the increased height is capable of being acceptably accommodated in this location, with the best efforts made to address an awkward joining to Glenn Buildings (North).

Overall, it is considered that the new design improves on that submitted in 2021 in a number of ways:

- reduction in the scale and bulk, particularly when viewed from Richmond Road and the approach to the centre from the north
- a use of contrasting materials that breaks up the elevation along Moor Lane, preventing this being viewed as a monolithic façade
- the introduction of balconies on upper floors, further breaking up the bulk of the building and adding interest
- the top floor being clad in dark grey to break up the massing and tie in with the facade elements
- windows and doors to be finished in a mid-grey to punctuate openings in the façades creating the sense of a deeper reveal and helping to improve the street scene.

The building is stepped back on its upper floors to help reduce its visual impact, with the dark grey tiled mansard roof further helping to reduce the massing. The elevations have been broken down

with a wider selection of materials and greater vertical emphasis to façade. The facades of the building will be a mix of grey, buff & red facing brick and a planning condition is recommended to secure samples. This will complement the material palette of the brick used in the surrounding area whilst the grey will tie in the roof elements giving it a modern twist. The contrast in materials reduces the impression of a single elongated mass, enabling the building's height at its corner to be played down somewhat. These changes add depth and interest to the elevations, and it is considered that the proposal improves the street scene in Crosby centre.

The footpaths around the building will all be improved and the access into the site will be finished to an appropriate standard, which will also match the existing public realm. The space to the rear incorporating the car park is active and well overlooked, making provision for safe pedestrian access whether from Richmond Road or round the back of the Glenn Buildings (South). The design of the rear is enhanced by a lawn proposed to the entrance from the car park.

The applicant also proposes planters at the front of the commercial premises to the corner, which would address approaches from Moor Lane heading in a westerly direction off the main A565 roundabout.

The outdoor space identified for use by occupiers is subject to a bespoke design, and the larger area of the two roof spaces would include a raised lawn area for relaxation, an outdoor lounge with moveable seating, and various communal loungers and seating. The smaller outdoor space proposes communal dining and table tennis facilities. Subject to the precise details and timing of their availability being secured by condition, these spaces are considered to offer excellent opportunities for relaxation in an otherwise confined setting.

Having regard to the above, it is understandable that some reservations over the height and scale of the built form, and the manner of the building's joining to the Glenn Buildings (North), had been previously raised. However, the current proposal offers a substantial improvement on the existing vacant, poor-quality building and land. It addresses long standing concerns over a lack of active frontage and debilitating impacts on the centre due to the prominent location of the building as it stands. The new proposal also addresses the concerns expressed on the previous scheme in relation to bulk and massing. It is considered the development will not give rise to unacceptable visual impacts from wider vantage points whether short or long range. The proposal allows for the gentle intensification of Crosby centre and will, with other approved and planned schemes, help to support the centre as it, like other centres, adapts to the changing roles our town centres must have.

Taking the above into account, the scheme is therefore felt to bring no specific conflict with Local Plan Policy EQ2 'Design', or the provisions set out by Section 12 of the NPPF.

Impact on the adjoining occupiers

The proposals introduce residential and commercial activities consistent with what prevails elsewhere within the district centre. The nearest neighbour, on Moor Lane, is the Glenn Buildings

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(North), which comprises a mix of uses including a bar and function rooms. The proposed uses and built form would not cause harm to this property or any others on the north side of Moor Lane.

On the Opposite side of Moor Lane are further buildings in mixed residential, office and commercial use, and these include Glenn Building (South). The development will not give rise to any adverse impacts in terms of their use or built form.

The other nearest occupiers likely to be affected are Avon Court, on the opposite side of Richmond Road to the north of the development, and Grove Court which comprises sheltered housing to the east. Avon Court comprises various three storey flat roofed residential properties set at right angles to Richmond Road, and the nearest building would be 22 metres away from the proposed Richmond Road elevation. This is sufficient to prevent unacceptable overshadowing and there would be no loss of outlook or privacy resulting to Avon Court, as the nearest buildings do not face the development directly, rather face south west along Richmond Road, or south east towards Grove Court.

Grove Court is set well back into the site towards the A565 by pass and this means the building at its nearest to the development is positioned over 50 metres away, with the car park and landscaped areas intervening. As such it is not anticipated that there would be any unacceptable overshadowing or loss of privacy to these neighbouring occupiers.

The roof terraces will be used for outdoor private space to the residential flats, so it is not unreasonable to raise concerns over impacts on adjoining premises but, in reality, the terrace is not going to enable direct views into nearby residential properties adjacent as it is elevated above those nearest, windows of adjoining premises are offset, and there is acceptable distance between the terrace and other properties above.

Due to the mix of residential and commercial uses proposed a scheme of sound insulation that protects the newly created residential properties from activity in the commercial uses below will be secured by condition.

It has also been identified that complaints occasionally arise relating to noise from entertainment establishments in this area. In addition, the England noise map indicates that part of the site might be impacted by high levels of road traffic noise. It is therefore recommended that appropriate acoustic glazing and acoustically treated ventilation is provided to properties and installed prior to occupation.

It is also recommended in the absence of clarification in a noise assessment that any music proposed within the building is played at background levels only.

A Construction Environmental Management Plan (CEMP) can address any issues arising during the construction process and this is secured by condition.

In summary the proposal brings with it a number of impacts similar to those the development will face itself owing to its district centre location. The scheme is acceptably designed and with appropriate planning conditions will comfortably co-exist alongside those uses around it. In these respects, the scheme is fully compliant with Local Plan Policies EQ2 'Design' and EQ4 'Pollution and Hazards'.

Living Conditions of Future Occupiers

The size of the apartments meet or exceed the Council's minimum internal space standards for flats, and the outlook and living conditions are acceptable. All entrances to the flats (and commercial premises) have been designed to have level thresholds and provide step free access into the building. The building has been designed to be accessible to all residents and each floor will have use of a separate communal staircase. The communal corridors are all 1.5m wide and there are two lifts proposed, which affords access for all residents to all floors and the private amenity area on the roof. Each of the dwellings is designed to meet Building Regulation Requirement M4(2) for accessible and adaptable homes.

The Council requires private amenity space to be provided with new flats at 20m² per flat. For a development of 72 flats, a total of 1,440 sq metres would be required. This proposal provides 1,145 sq metres of outdoor amenity space, including three separate public areas, predominantly on the roof of the building, and through the provision of private balconies. Paragraph 32 of the Supplementary Planning Document (SPD) 'Flats and Houses in Multiple Occupation' sets out that a communal area such as a roof terrace is one way of meeting the standard. The level of amenity space proposed equates to marginally under 80% of the required amenity space required. Whilst this falls short of delivering the required amount, it is an improvement on the scheme that came before planning committee last year which provided just 60% of the overall requirement. The amount of private amenity space provided is considered very generous for a town centre location.

Paragraph 33 of the SPD states that a lower standard of amenity space may be acceptable where the proposal is within easy walking distance to a local centre, where the benefits of being close to community facilities and public transport are significant. Clearly, that is the case here as the site is within Crosby District centre. It also allows for reduced standards where the re-use of a building has wider significant community or regeneration benefits. Whilst the proposal does not give rise to the re-use of the building, it is currently vacant, and its redevelopment added to the fact it would otherwise remain vacant meets with the spirit of what the guidance intends.

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Under recently revised permitted development rights, it would prove possible to secure the existing building's reuse for residential development, subject to prior approval being obtained, with no outdoor space and further roof top extensions which would be capable of delivering approximately 40-45 units. The current proposal is therefore significantly preferable to that which could be done under permitted development rights. Whilst this option has not been suggested by the applicant, it is used here to show what could be done outside the planning application process. This proposal is seeking much improved provision of outdoor amenity space.

The recent appeal decision at Central Buildings is a material consideration that is relevant to this proposal. Although some of the findings of the Inspector are not accepted, such as the undue weight given to the reliance on occupiers using high-specification tumble dryers for clothes' drying, the Inspector has identified similar points relating to the development's central location and has also pointed to the proximity of various parks nearby. These are not accepted to represent a substitute for the provision of private outdoor space for residents, but it is considered reasonable given the number and quality of those parks for them to justify a small shortfall in available private space.

Additionally, the useable space provided is accessible to all residents and has been designed to a high quality specification. It is therefore considered that the total area of 1,145 sq metres of private amenity space is a substantial area offering plentiful space for future residents.

In conclusion, whilst the scheme fails to meet the Council's quantitative requirement for private outdoor amenity space to be provided for new flats, appropriate justifications have been presented that accord with the provisions of Paragraphs 32-34 of the SPD 'Flats and Houses in Multiple Occupation'. Furthermore, the applicant has sought to maximise the amount of amenity space provided and has increase the amount available from that previously proposed, reducing the shortfall by a half (i.e. 40% shortfall to a 20% shortfall).

Parking, Transport and Highway Safety

The main vehicular access into the site would be from Richmond Road, sharing the access available for Allengate car park. The access into the site adjacent to the building itself would be gated and parking is confirmed only to be available for use by residential occupiers. 26 parking spaces are provided in total, two of which are accessible, and three are provided with electric vehicle charging points. There are also two motorcycle bays and 80 bicycle spaces.

There are no defined parking requirements in town centres for 5 dwellings or more and standards must be considered on a site-by-site basis. The Supplementary Planning Document 'Sustainable Travel' also confirms that lower standards, even car-free development, may be accepted where it can be demonstrated that there is good access to public transport and local amenities, and where there is no adverse highway safety impact.

The Planning Statement explores the level of parking and in particular references the previous reason for refusal (reason number 4) in relation to parking levels. The Planning Statement

concludes that the site is highly accessible to sustainable transport, with numerous bus routes near the site and bus stops on Richmond Road, Islington and the Northern Road. It also concludes that the pedestrian accessibility of the site is high due to it being located within the district centre, with its various local amenities and that it fronts onto the pedestrianised area.

In addressing this reason for refusal, the applicant has referred to a 'Minimum Accessibility Standards Audit' (MASA) and accessibility review of the site. It states that the outcome scores achieved within the MASA are equal to or exceed the minimum required scores for all but one of the sections – i.e. car parking. It suggests that due to the location of the site, and that it is not within a controlled parking zone, it would not be possible to achieve the required MASA score for car parking. The applicant also states that the scores for the walking, cycling and public transport sections demonstrate that the site is highly accessible by sustainable modes of transport. The applicant also states that, with the site being in the district centre, it is accessible to services, employment, amenities and other facilities.

In this regard the site presents an excellent opportunity to support sustainable travel patterns and to promote a modal shift away from car usage to active travel and public transport, and it is appropriate to consider reduced car parking levels given its accessible and sustainable location. Reducing car parking levels at developments is an established method of promoting a shift in travel patterns and contributes to the wider Council priorities of health and wellbeing, air quality and climate change. Low car parking provision would also accord with the Council's emerging Sefton Low Carbon Transport Strategy.

There are two other car parks within the district centre (The Green and Cookslands) which in addition to Allengate, comprise over 300 parking spaces. For residential development, the greatest pressures are generally in evenings and at weekends, and consequently, it is at weekends where demand will be greatest given that during most evenings there will be reduced demand on parking associated with the wider centre.

The applicant has indicated that leasehold arrangements for the flats would allocate spaces for some occupiers if needed. Other residents would be able to apply for permits to park in the district centre for an annual fee. The Council's highway team has confirmed that, whilst there is a limit to the number of permits on the public car parking, this is available as an option if the on-site car parking is over-subscribed.

Notwithstanding this, prospective purchasers of the flats will be aware of the limited amount of on-site parking, and this will inform their decision as to whether this is a suitable location for them to live. It is unlikely that a household for which a car is essential would be attracted to this location and this type of scheme would predominantly be aimed at people who like to be close to services and amenities and are happy using public transport and/or cycling. The location, type and likely cost of flats in this location are likely to be most attractive to first time purchasers who are not yet at the stage of their life to need their own garden space, on-site parking or significant space.

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It is therefore considered that available parking is sufficient to cater for likely demand resulting from the development. This conclusion has regard to the appeal allowed at Central Buildings in July 2021, which also provided for lower levels of parking on-site due to being in a District Centre. In his report to that appeal, the Inspector concluded the 'lower level of parking provision is acceptable in this location'. Another recent example is at the former BHS building on Chapel Street, Southport which was converted for 30 flats as a car free development, justified by its excellent central location and access to public transport.

The Transport Statement from the previous application has been re-submitted and reviewed. This has established likely trip rates to be in the order of 7 two-way trips in the AM peak (8am to 9am) and 11 two way trips during the PM peak period (5pm to 6pm) which would amount to less than one vehicle every five minutes in the peak hours. This level of traffic is easily capable of being accommodated on the existing highway network. Though the building is currently vacant, the existing commercial space is of a comparable size to that proposed, and it is accepted that if the building were fully occupied the number of trips associated with the new proposed units would be no different.

The applicant has indicated that refuse collection for both the retail and residential aspects of the development will be from the proposed car parking area and has provided tracking drawings to demonstrate how this will be achieved. In terms of servicing the retail units, it is proposed that this will take place from Moor Lane, which is in line with many of the other units within the district centre. There are existing restrictions that control when loading/unloading in the district centre can take place, between 6pm and 10am.

The refuse and servicing arrangements are considered acceptable.

Several conditions are attached to the recommendation including a requirement to secure a Car Parking Management Strategy to ensure spaces are maintained for residents. A Travel Plan is recommended by the Highways Manager, and this will enable the promoting of a range of sustainable means of travel and will complement the car park management plan. These conditions will help ensure that no significant issues arise from the relatively limited amount of on-site car parking.

A construction traffic management plan is also required and is incorporated as part of a Construction Method Statement (CMS), as is a condition to ensure that redundant vehicle crossings to Richmond Road are reconstructed plus a condition ensuring that the proposed new block paving ties in effectively with that existing to Moor Lane and Richmond Road.

Having regard to the above, whilst the Highways Manager is of the view that there may be additional pressures on parking availability within the centre at certain times, this would not give rise to conditions harmful to highway safety and the development can be accommodated acceptably. There would be no conflict in this respect with Sefton Local Plan Policy EQ3 'Accessibility' or Section 9 of the National Planning Policy Framework (Promoting sustainable transport), in particular paragraph 111.

Flooding and Drainage

The applicant is required to demonstrate that the requirements of policy EQ8 'Flood risk and surface water' are met, including the incorporation of sustainable drainage systems and provision for their long-term management and maintenance. The site is in Flood Zone 1.

The applicants provided information in respect of the Sustainable Drainage System (SuDS). It is recommended that the site is drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. This can be included in a condition to ensure that this is implemented and would ensure that there is no conflict with Sefton Local Plan Policy EQ8 'Flood Risk and Surface Water' and the provisions of Paragraph 167 of the NPPF. A condition to confirm the assumptions set out in the Sustainable Drainage Strategy will also be secured by condition.

Contaminated Land

A preliminary risk assessment has identified potentially contaminative sources, including Made Ground associated with the construction / demolition of buildings on site, and an electricity sub-station in the north of the site. As such, the applicant's consultants have recommended a site investigation to establish the depth and nature of any Made Ground soils and contamination, and to obtain information on the ground conditions for a geotechnical assessment.

The Made Ground and / or infilled basements could be a potential source of ground gases, and it has been recommended that ground gas monitoring wells should be installed if deep Made Ground is encountered during any intrusive investigation.

The Contaminated Land Team Leader agrees with these recommendations for a site investigation and a full suite of planning conditions and informative form part of the recommendation. Subject to these safeguards the proposals would not conflict with Sefton Local Plan Policy EQ6 'Contaminated Land' and the provisions of NPPF paragraph 183.

Air Quality

It has been recommended that electric vehicle recharging points are provided in line with the Sefton Council Lowering Transport Emissions Planning Policy Note. It has also been recommended that a written scheme to control dust from construction activities should be submitted to the Council for prior approval and will be a specific part of a condition requiring a Construction Environment Management Plan. This ensures compliance with Sefton Local Plan Policy EQ4 'Pollution and Hazards'.

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Heritage Impacts

There are no adjacent conservation areas or listed buildings, though some buildings on Moor Lane including the Glenn Buildings (North and South) and The George Public House are considered to be non-designated heritage assets. The latter is of such distance from the site that it is not adversely affected by the development. Though, as mentioned above, there is a difficult connection to the setting of the Glenn Buildings (North), the general setting is likely to be improved overall by the removal of the existing derelict, vacant building.

The development therefore gives rise to no conflict with Policy NH15 of the Sefton Local Plan.

Ecology and Habitats Regulations Assessment

The following international and national designated sites are identified to be accessible (by foot, car and public transport) to the development site.

- Ribble and Alt Estuaries SPA (2.1km);
- Ribble and Alt Estuaries Ramsar (2.1 km);
- Sefton Coast SAC (2.1km);
- Mersey Estuary SPA (17.4km);
- Mersey Estuary Ramsar (17.4km);
- Liverpool Bay SPA (11.9km)
- Mersey Narrows and North Wirral Foreshore SPA (17.5km);
- Mersey Narrows and North Wirral Foreshore Ramsar (17.5km);
- Dee Estuary SAC (18.7km)
- Dee Estuary SPA (28.9km); and
- Dee Estuary Ramsar site (22.9km.)

As the proposal is for 72 net residential units, this will result in increased visits (and in turn, increased recreational pressure) to international and national sites. This may result in significant effects on habitats and species for which these sites have been designated.

The Council have adopted an approach to allow developers to opt into a scheme that allows them to provide a financial contribution towards mitigation for increased visitors to Sefton's protected sites and avoid a full Habitats Regulations Assessment. This approach is endorsed by Natural England. As the proposal is within the 'coastal zone' this is required at a rate of £314 per new home. The applicant has agreed to this payment (total of £22,608) which allows them to meet the requirements of the Habitats Regulations. This will be secured by a section 106 legal agreement. An information pack will also be provided at each home informing residents of the presence and importance of the designated nature sites, and how residents can help protect them through appropriate use. This will be secured by condition.

The applicants resubmitted the Preliminary Bat Roost Assessment that had been undertaken for the 2021 application. Whilst this had found the building had negligible habitat value for roosting bats, and no nesting birds, the assessment is now almost 2 years old. The Merseyside Environmental Advisory Service (MEAS) requested that an updated assessment be undertaken. The applicant has reviewed and updated the assessment, and it has been confirmed that the building still has negligible habitat value for roosting bats and there was no evidence of nesting birds. A condition will be included that will protect nesting birds if these are present in the future.

Climate Change

The site's district centre location enables higher density residential and commercial development offering services to the public whilst drawing residential occupiers closer to existing services. This gives rise to sustainable development which ought to reduce the need for travel and facilitate linked trips, and in turn reducing carbon emissions.

The development will be required to meet energy efficiency measures required under the regulatory framework through Part L of the Building Regulations and, as part of that detailed assessment at the detailed design stage, Standard Assessment Procedure ('SAP') Calculations will be undertaken. Given that these SAP Calculations may generate a requirement for decentralised energy, the applicant has identified areas on the roof where photovoltaics may be located as shown on the Roof Plan provided with the application.

As such, the building will meet energy efficiency requirements as required by legislation and opportunities for photovoltaics are capable of further exploration subject to requirements under Part L and viability. Even if photovoltaics are not delivered at this stage, the scale of roof space presents that opportunity in the future.

In addition, Policy EQ7 allows for major development to incorporate measures to reduce greenhouse gas emissions where practicable. One of these measures relates to infrastructure or low emissions vehicles and to this extent the scheme is compliant with that policy. There are no specific issues brought by the development that give rise to concerns on this point and there is no conflict with Policy EQ7 of the Sefton Local Plan.

The Waste Local Plan, policy WM8, requires that information on how waste from the demolition and construction of the proposal must be minimised and managed. This will be included within the construction management plan and secured by condition.

Other Matters

There is capacity within the residents' bin storage areas for twelve 1,100 litre bins. This would provide an average of 136 litres for each one bedroom flat and 272 litres for each two bedroom flat for refuse/recycling. There is a separate bin storage area for the ground floor commercial units. This is a similar level of provision provided at the Central building development and is considered more than appropriate for future occupants.

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The National Planning Policy Framework (NPPF) outlines how high quality and reliable communications infrastructure is essential for economic growth and social well-being, the importance of which is now being demonstrated during the Coronavirus Pandemic. The inclusion of adequate broadband facilities for each residential unit can be secured by a condition to comply with the NPPF and Local Plan Policy IN1 'Infrastructure and Developer Contributions'.

In Crosby, the Council normally seeks to secure contributions to expand primary education provision. However, this site is in reasonable walking distance to a primary school (Great Crosby) that has spare capacity. Given that only 25 of the flats will have 2 bedrooms, the number of children expected to live in the block is expected to be minimal. Therefore, no education contributions are justified. Similarly, the number of homes is not expected to generate more than minimal demand for other local services, including health facilities.

Section 106 Legal Agreement

The report has outlined the need for planning obligations to secure on-site affordable housing (three units), a financial contribution towards recreation mitigation on the coast and an Employment and Skills Plan, and these will be included in a Section 106 legal agreement.

It is considered that these meet the necessary planning tests and are relevant to the development and comply with Local Plan Policy IN1 'Infrastructure and Developer Contributions'.

Planning Balance and Conclusion

The benefits of the scheme relate to a high quality design that deals very effectively with a currently vacant, poor quality site, bringing investment and regeneration to the town. The development will bring new residents to the village and with it increased spending power to use in existing services and facilities, whilst revitalising the existing commercial offer in this part of Crosby. These factors weigh significantly in favour of the development. This scheme would also make a meaningful contribution to the Council's five-year housing supply position on a brownfield site, and this also weighs significantly in favour of the development.

The Highway Manager considers that parking levels are acceptable and will not bring additional concern over highway safety. There are no identifiable adverse impacts on the environment, in relation to air quality, contaminated land, drainage, ecology in respect of non-designated heritage assets. Impacts on nearby and future occupiers can also be appropriately managed. These factors attract neutral weight in the planning balance.

It is accepted that the development will not deliver the full amount of on-site affordable housing required by policy. However, the applicant has agreed to provide three discounted sale homes in the scheme to be available to households who would otherwise struggle to buy a home at full price. The level of on-site affordable housing has been determined as appropriate following an open and transparent review of the applicant's viability report by the Council's retained consultant, CP

Viability. This approach is endorsed by Policy HC1 of the Sefton Local Plan and the failure to make the full on-site provision is not therefore considered to weigh against the development.

In relation to the disadvantages of the scheme, it provides approximately 80% of the private amenity space required by the Council's 'Supplementary Planning Guidance'. However, the applicant is considered to have taken advantage of all available opportunities to provide as much private amenity space as is practicable. The site's central location plus other nearby facilities and the possibilities now available through the permitted development regime is such that this limited harm is not considered to be sufficient to outweigh the other factors favouring the granting of planning permission. The scheme provides plenty of private outdoor amenity space when measured against comparable town centre schemes.

In assessing any proposal of this nature, all relevant matters must be weighed and a balanced view taken. The scheme offers significant regeneration benefits and will bring a positive use to a site which is vacant at present and quite dated and will likely continue to remain vacant without any meaningful form of investment.

As such the scheme offers a range of regeneration benefits - physical, economic and social - and would be a stimulus for further redevelopment in Crosby. These are given significant weight in the planning balance and it is considered that these outweigh any harm or disadvantages of the scheme. In all other respects the proposal accords with national and local planning policy and is recommended for approval subject to the completion of a legal agreement and conditions as set out below.

Recommendation - Approve with conditions subject to completion of Section 106 legal agreement to secure affordable housing, a contribution toward recreation mitigation of the coast and an Employment and Skills Plan

Time Limit

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

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

Approved Plans

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

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- RBA_187_(2-)_A001 Rev P02 Site Location Plan
- RBA_187_(2-)_A002 Rev P01 Existing Site Aerials
- RBA_187_(2-)_A003 Rev P01 Existing Elevations
- RBA_187_(2-)_A100 Rev P03 Proposed Site Plan in Context
- RBA_187_(2-)_A101 Rev P04 Proposed Ground Floor
- RBA_187_(2-)_A103 Rev P04 Proposed First and Second Floor
- RBA_187_(2-)_A104 Rev P05 Proposed Third Floor
- RBA_187_(2-)_A105 Rev P03 Proposed Fourth Floor
- RBA_187_(2-)_A106 Rev P03 Proposed Roof Plan
- RBA_187_(2-)_A201 Rev P03 Proposed Elevations Sheet 1
- RBA_187_(2-)_A202 Rev P04 Proposed Elevations Sheet 2
- RBA_187_(2-)_A203 Rev P03 Proposed Elevations Sheet 3
- RBA_187_(2-)_A204 Rev P03 Proposed Contextual Rendered Elevations
- RBA_187_(2-)_A205 Rev P01 Proposed Elevation & Section Extract to Balcony
- RBA_187_(2-)_A300 Rev P03 Proposed Interface Compliance Diagram
- RBA_187_(2-)_A301 Rev P01 Proposed Enablement Strategy
- 1014-ASRI-XX-XX-DR-L-0001 Rev 01 Landscape Ground Floor Plan
- 1014-ASRI-XX-XX-DR-L-0002 Rev 01 Fourth Floor Landscape Arrangement
- Drainage Strategy and SuDs for Telegraph House, Crossfield Group Ltd Revision 4, 30 June 2022
- CGIs and sketch visuals

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the location of a site compound;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) measures to control the emission of dust and dirt during construction;
 - vi) details of all wheel washing facilities including provision for the wheel washing of every vehicle directly engaged in construction/demolition activity prior to it leaving the site;
 - vii) measures to control noise and vibration during construction, including details of piling and the days/hours when piling will take place;
 - viii) details of external lighting during construction;
 - ix) a scheme for minimising, recycling and disposing of waste resulting from demolition and construction works;

- x) details of construction working hours;
- xi) The name and contact details of person(s) accountable for air quality and dust issues, and
- xii) A programme for issuing information on construction activities to residents that border the site.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

- 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 National Planning Policy Framework, revised July 2021). 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) No development shall commence until the approved scope of works for the investigation and assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. Remediation shall proceed in accordance with the approved details.

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

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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) No development shall commence until a remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, has been submitted to and approved in writing by the Local Planning Authority. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development. The remediation strategy must be carried out in accordance with the approved details at all times.

Reason: The details are required prior to development 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.

During Building Works

- 7) Prior to the occupation of the first dwelling full details of an information pack to be provided informing residents of the presence and importance of the designated nature sites, and how residents can help protect them shall be submitted to and approved in writing by the Local Planning Authority. The pack shall include a responsible user code and a list of alternative greenspaces. The agreed information must be supplied to occupiers on first occupation of each dwelling.

Reason: To mitigate recreational pressure on the designated coast.

- 8) If it is necessary to undertake works to demolish the existing building during the bird breeding season of 1 March to 31 August, then the existing building is to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: To protect potential nesting opportunities for breeding birds.

- 9) The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved Sustainable Drainage Strategy, Revision 04, dated 30 June 2021 by Clancy Consultancy, Report Reference 4/47682, compiled by Olivia Blackhurst and Michael Dean and, the submitted Sustainable Drainage Pro-forma dated 30 June 2021. The approved scheme shall be fully

constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved Sustainable Drainage Strategy.

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

- 10) Prior to occupation, confirmation of the assumptions made within the approved Sustainable Drainage Strategy, Revision 04, dated 30 June 2021 by Clancy Consultancy, Report Reference 4/47682, including in relation to invert level of the outfall of the existing sewer, should be submitted to and approved in writing by the Local Planning Authority.

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

- 11) No development shall commence above slab level until a detailed scheme of highway improvement works has been submitted to the local planning authority for its written approval. The scheme shall include the full reconstruction of the two redundant vehicle crossings as footway on Richmond Road and works to the existing block pavements on the Moor Lane/Richmond Road frontage to ensure the proposed areas of hard landscaping tie into the existing footway. No part of the development shall be brought into use until the highway improvement works and accesses have been constructed in accordance with the approved details.

Reason: In the interests of highway safety.

- 12) No part of the residential development shall be occupied until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority which sets out measures ensuring that on-site car parking spaces will be available for residents of the development at all times. The provisions of the Car Parking Management Plan shall be implemented and strictly adhered to and shall not be varied other than through agreement with the Local Planning Authority.

Reason: In the interests of highway safety.

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

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

- 14) Within six months of the development being first occupied or brought into use a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in

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writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

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

- 15) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the development 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.

- 16) No development shall commence above slab level until a scheme of sound insulation to protect future residents from noise associated with the ground floor commercial use has been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that no harm results to the living conditions of residents above proposed ground floor commercial uses.

- 17) No development shall commence above slab level until a timetable for the provision of all private outdoor amenity space in conjunction with drawing no. 1014-ASRI-XX-XX-DR-L-0002 Rev 01 – ‘Fourth Floor Landscape Arrangement’, including confirmation of full access for all properties, has been submitted to and approved in writing by the local planning authority. The private outdoor amenity space shall be made available for occupiers of the development at all times thereafter.

Reason: In the interests of residential amenity

Before the Development is Occupied

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

Reason: In the interests of highway safety.

- 19) 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.

- 20) No dwelling hereby approved shall be occupied until details of full fibre broadband connections to all proposed dwellings within the development have been submitted 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.

- 21) A detailed scheme of acoustic glazing and acoustically treated ventilation for the residential dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwelling. The approved scheme must be installed in each dwelling prior to its first occupation and retained thereafter.

Reason: To safeguard the living conditions of future occupiers.

- 22) Prior to the first use, or subsequent alternative use, of the commercial units, a scheme of noise and odour control for any kitchen equipment, plant or equipment shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To safeguard the living conditions of adjoining occupiers and to prevent unacceptable noise and odour in the wider district centre.

- 23) 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.

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.

Agenda Item 4a

- 24) 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 23.

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.

Ongoing Conditions

- 25) Foul and surface water shall be drained from separate systems at all times.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

- 26) The commercial units on the ground floor of the development hereby permitted, shown on drawing no RBA_187_(2-)_A101 Rev P04 – ‘Proposed Ground Floor Plan’, shall be used for only for the uses falling within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification):

- i) Retail
- ii) Restaurant / Café
- iii) Banks / Financial Services
- iv) Indoor sport, recreation and fitness
- v) crèche, day nursery or day centre
- vi) art gallery
- vii) museum
- viii) library

Reason: To ensure the vitality and viability of the town centre is retained.

- 27) No live or recorded music or entertainment shall be provided in the commercial units other than background music.

Reason: To safeguard the living conditions of adjoining users.

- 28) Use of the commercial units hereby permitted shall only take place between the hours of 08:00-23:00 on any day, including Sundays and Bank Holidays.

Reason: To safeguard the living conditions of adjoining users.

Notes to Applicant

Highways matters

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4569 or E-Mail snn@sefton.gov.uk 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

Remediation

- 3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 5 and 6 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition 24 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.

Piling

- 4) There are a variety of piling methods available, some of which cause considerably greater noise and vibration than others. It is common for the prevailing ground conditions to influence the chosen method of piling. Where the prevailing ground conditions would permit more than one piling method, the Council would expect the contractor to choose the method which causes the least amount of noise and vibration, in accordance with the following hierarchy
 - Pressed-in methods, e.g. Hydraulic jacking
 - Auger / bored piling
 - Diaphragm Walling
 - Vibratory piling or vibro-replacement
 - Driven piling or dynamic consolidation
 - Should the contractor propose to use a method which is not the preferred lower impact option, then satisfactory justification will need to be provided in order to demonstrate the piling method that is utilised meets Best Practicable Means (BPM). Please note vibration monitoring will be required for all piling projects. For further advice on what to include in your

Agenda Item 4a

piling methodology scheme and current standards please contact Sefton's Pollution Control Team.

Legal agreement

- 5) The proposal also includes a Section 106 Agreement.

Access for fire appliances and water supply

- 6) Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations. Water supplies for fire-fighting purposes should be risk assessed in accordance with relevant guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied. Multi occupied housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any single hydrant on the development.

Report to: PLANNING COMMITTEE **Date of Meeting:** 27th July 2022

Subject: [DC/2022/00412](#)
[Dairy 21 Stamford Road Birkdale Southport PR8 4ES](#)

Proposal: Removal of condition 4 (hours of use of new bottling room) pursuant to planning permission DC/2021/00118 approved 07/09/2021.

Applicant: Mr. Stevan Bates **Agent:** Mr. David Bailey
Bates Farms & Dairy Ltd NJSR Chartered Architects LLP

Ward: Birkdale Ward **Type:** Removal of condition

Reason for Committee Determination: Chief Planning Officer's discretion

Summary

The application seeks the removal of a restrictive operating hours condition (limited to 07:00 - 13:00 - Monday to Saturday) that was attached to the existing planning approval for an additional bottling plant to the dairy. To support this removal an updated noise assessment has been provided that demonstrates that the operation of the additional bottling plant outside of these hours wouldn't cause significant impacts over and above that already occurring at the dairy. In view of the updated noise assessment and having regard to the absence of evidence to counter this, it is recommended that the condition is removed.

Recommendation: Approve with Conditions

Case Officer Neil Mackie

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=R881H3NWH5C00>

Agenda Item 4b

Site Location Plan



Sefton Council



Reference: Map reference
Date: 19/07/2022
Scale: Scale 1:1250
Created by: Initials

The Site

The existing commercial dairy site accessed from Stamford Road lies within a primarily residential area of Birkdale. The building subject to this proposal is positioned to the eastern edge of the site abutting Broome Close.

History

Planning permission was granted in September 2021 for the erection of a detached building to be used as a Dairy building, following the partial demolition of the existing building (App.ref: DC/2021/00118).

Consultations

Environmental Health Manager

Based on the information provided the noise assessment demonstrates that the new plant could operate outside of the hours 07:00 to 15:00 Monday to Sunday. The report shows that the calculated sound levels would be below the existing background L90 for the corresponding hours.

The Environmental Health Manager commented on the original application (DC/2021/00118) and made the following comments:

'I am unsure as to whether the existing bottle plant is to remain operational or if it is to be replaced by this development. The applicant should clarify this point.

'The after 05:00 levels appear to be highly influenced by this existing noise therefore, any changes to the operational aspects of the site could significantly alter the overall level of impact.

'If the intention is to remove the existing plant, the Environmental health team would recommend that the noise assessment should omit the existing bottle plant contribution.

'If the intention is for the exiting plant to remain operational, I agree with the aim of the report to ensure that noise breakout from the new development does not exceed the background L90 at the sensitive receptors'.

He has added these comments for this application:

It should be noted that the updated noise assessment does not clarify the above. It is stated that the current plant operates between the hours of 04:00 to 18:00 daily and the noise from the existing plant room is subjectively audible after 05:00 hours. The applicant should clarify the above points as this may require a further noise assessment. Please note: The Environmental Health team are aware of noise concerns from some residents in that area relating to the existing use. Currently those concerns are not being investigated under the Environmental Protection Act 1990.

If the existing plant is to remain operational at the current rate and extent of use, then I would recommend the following condition.

Agenda Item 4b

- a) A suitable scheme of noise control that ensures that the plant noise levels do not exceed the existing background L90 at the residential dwellings must be agreed in writing with the Local Planning Authority. The approved scheme must be installed before the plant becomes operational.
- b) Within 2 months of (A) becoming operational a noise verification report must be submitted to the Local Planning Authority. The verification report must demonstrate that the noise level requirement under (A) has been achieved or make further recommendations for enhanced noise control and sound insulation were satisfactory compliance has not been achieved.
- c) Further noise mitigation recommendations made in (B) must be installed within 3 months of approval including the submission of noise a verification report to demonstrate that the additional scheme of noise control achieves the noise level stated in (A) etc.
- d) Noise control measures must be retained thereafter.

Operating hours:

The new bottle plant must not be operational outside of the hours 05:00 to 18:00

Neighbour Representations

A representation has been received from Number 32 Stamford Road. The representation makes reference to the long history of the site and the growth and expansion of the dairy since the early 1970s, highlighting ever increasing vehicle trips and an increase in the size of vehicles accessing the site. This growth has caused harm through noise, annoyance, traffic movement and general disruption to neighbours. The expansion of the dairy and the resultant increase in movements to and from the site has made it impossible for residents to park vehicles on Stamford Road and has also resulted in damage to vehicles.

The neighbour highlights the existing restrictive hours condition on the new bottling plant being necessary due to "the amount of noise emanating from the premises in the early hours of the morning, which exceeds the World Health Organisation's criteria recommendation as acceptable." They consider that this application should not be approved as it contradicts all the advice associated with the original application, with the removal of the condition permitting the new bottling plant to operate 24 hours per day.

On the request of this neighbour, Councillor Brough asked for this application to be called-in and be determined by planning committee if the recommendation was to approve. Under the scheme of delegation within the constitution this type of application, i.e. the proposed removal of a condition, can only be determined by planning committee by way of the chief planning officer's discretion, which has been exercised here.

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

In granting permission for the erection of a building to the existing dairy to provide for a new additional bottling plant, a condition was attached that restricted the hours of use of this building. This was in line with the noise assessment that accompanied that application and was attached to protect the living conditions of local residents from unacceptable noise levels.

Condition 4 attached to approval DC/2021/00118 states:

"The bottling room hereby approved shall only be operated between 07:00 - 13:00 Monday to Saturday and at no other time, as stated within the approved Noise Assessment for Planning Purposes, AEC Report reference P4366/R1/MR, 14th May 2021 and as confirmed by email by the agent on the 29th July 2021.

Reason: In the interests of neighbouring living conditions."

This application seeks to remove that condition in full, noting that the existing bottling plant typically operates between 04:00 - 18:00 and is not subject to restrictions or limitations on the hours of use, and that the proposed additional bottling plant is to operate in a similar manner.

Recordings of background noise level, between the hours of 04:30 - 07:00, along with the details of the materials to be used in the construction of the new building to house the bottling plant have been considered within an updated noise assessment. The assessment has had regard to noise outbreak from this building on the nearest sensitive receptor, Number 7 Broome Close, and considers that any break out noise from the new bottling plant building "before 0500h will be no greater than the existing background noise level" and that the height of the new building "will provide screening to the nearest noise sensitive properties from other noise sources including HGV/vehicle movements and plant noise". As such the assessment concludes that "noise should not be considered a determining factor in relation to any planning permission being sought."

This conclusion is acknowledged by the Council's Environmental Health Manager (EHM) who states that based on the information provided, the "noise assessment demonstrates that the new plant could operate outside of the hours 07:00 - 15:00 Monday to Sunday. The report shows that the calculated sound levels would be below the existing background for the corresponding hours."

The EHM notes that the findings of the assessment are predicated on the continuing use of the existing bottling plant but if this is to change then the assessment would have to be updated, which could have a bearing upon this use. The agent was asked for clarification and confirmation

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on this matter and stated that "the applicant has advised that the existing plant will remain, but the 2 elements will not be used at the same time."

Given that the existing bottling plant will remain in use with operating hours not controlled by condition it is considered that the findings of the submitted noise assessment are sufficient to warrant the removal of the condition.

However, the EHM has in their comments recommended a replacement hours restriction condition to 05:00 - 18:00 as well as a condition to secure a scheme of noise control for the building.

In respect of the hours, this is a narrower period than used by the existing bottling plant and as sought for the new bottling plant. Given what has been applied for and the findings of the noise assessment it is difficult to sustain an argument that an hours' condition is required, and that such a condition would pass the necessary tests for conditions as outlined in the National Planning Policy Framework.

It is noted that the base permission does not have a condition requiring a scheme of noise control. In having regard to the information for this application the noise assessment considers no further mitigation is necessary to protect neighbouring amenity and advances an argument, as set out above, that this new building may provide some screening of existing noise to No 7 Broome Close.

However, the noise assessment does make explicit reference to the construction of the building and within Appendix C it provides details of the roof and wall construction for the building to house the bottling plant. To ensure that the outcome of the noise assessment is correct and to lessen any potential impacts on neighbouring properties it is considered reasonable to attach a new condition to any approval to ensure that the construction of the roof and the walls for this building adhere to the cross sections and details set out in Appendix C of the noise assessment.

Therefore it is recommended that Condition 4 is removed in its entirety, subject to the additional condition requiring the building to be constructed in accordance with the noise insulation details specified in the noise assessment.

Recommendation - Approve with Conditions

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the 7th September 2026.

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:

A101 Rev 4 'Proposed Site and Location Plan'

A103 'Proposed Elevations'

P6447-01 Rev E 'Plan and Elevations'

Noise Assessment for Planning Purposes, AEC Report reference P4366/R1a/PJK, 21 February 2022

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) a) 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 that shall include controls for dust, noise and vibration referencing suitable guidance and standards and demonstrate how the Best Practicable Means standard (BPM) will be achieved throughout the construction phase.

b) The approved statement shall be adhered to throughout the demolition and construction periods.

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

During Construction

- 4) The roof and walls of the building hereby approved shall be constructed in accordance with the details shown within Appendix C of the approved Noise Assessment for Planning Purposes, AEC Report reference P4366/R1a/PJK, 21 February 2022.

Reason: To safeguard the living conditions of neighbouring occupiers.

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Report to:	Planning Committee	Date of Meeting:	Wednesday 27 th July 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

There are no direct revenue costs associated with the recommendation in this report.

(B) Capital Costs

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There are no direct capital costs associated with the recommendations in this report.

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.6873/22) and the Chief Legal and Democratic Officer (LD.5073/22) 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 11 June 2022 and 10 July 2022

Appeal Decisions

Rear Of 54 Sefton Road Litherland Liverpool L21 7PQ

Reference: DC/2019/00464 (APP/M4320/W/21/3283298)

Erection of a 2 unit mews development following demolition of existing three storey building.

Procedure: Written Representations

Start Date: 08/02/2022

Decision: Dismissed

Decision Date: 04/07/2022

Land At Strawberry Hall 293 Southport Road Lydiate Liverpool L31 4EB

Reference: DC/2021/01679 (APP/M4320/W/21/3289226)

Permission in principle for a development of 4 dwellings.

Procedure: Written Representations

Start Date: 08/02/2022

Decision: Dismissed

Decision Date: 04/07/2022

New Appeals

Orrell Hill Farm House Orrell Hill Lane Ince Blundell Liverpool L38 5DA

Reference: EN/2021/00648 (APP/M4320/C/22/3301292)

Appeal against Without planning permission and within the last ten years, the unauthorised change of use of the land from agricultural to storage of buses, caravans and other non-agricultural vehicles.

Procedure: Written Representations

Start Date: 29/06/2022

Decision:

Decision Date:

47 Ovington Drive Southport PR8 6JW

Reference: DC/2021/02299 (APP/M4320/W/22/3290446)

Proposed outdoor seating area (retrospective).

Procedure: Written Representations

Start Date: 07/07/2022

Decision:

Decision Date:

9 Winstanley Road Waterloo Liverpool L22 4QN

Reference: DC/2022/00223 (APP/M4320/X/22/3300633)

Certificate of lawfulness for the proposed change of use from a dwellinghouse (Class C3) to a childrens home (Class C2)

Procedure: Written Representations

Start Date: 21/06/2022

Decision:

Decision Date:

19 Winstanley Road Waterloo Liverpool L22 4QN

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Reference: DC/2022/00224 (APP/M4320/X/22/3300634)

Certificate of lawfulness for the proposed change of use from a dwellinghouse (C3) to a children's home (C2).

Procedure: Written Representations

Start Date: 21/06/2022

Decision:

Decision Date:

144 Deyes Lane Maghull Liverpool L31 6DW

Reference: DC/2022/00969 (APP/M4320/X/22/3301638)

Certificate of Lawfulness for the proposed change of use from dwellinghouse (C3) to a residential children's care home (C2)

Procedure:

Start Date: 05/07/2022

Decision:

Decision Date:

Appeal Decision

Site visit made on 14 June 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2022

Appeal Ref: APP/M4320/W/21/3283298
Rear of 54 Sefton Road, Litherland L21 7PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Maclaren against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/00464, dated 20 February 2019, was refused by notice dated 22 March 2021.
 - The development proposed is the erection of a 2 unit mews development following demolition of existing three storey building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The scheme before me was amended during the planning application to reduce it from three dwellings to two. The description was also changed to reflect this by agreement of the main parties. I have used this description in the header above and have consider the scheme as amended.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area; and,
 - The living conditions of neighbouring occupiers.

Reasons

Character and Appearance

4. The appeal site is accessed off Sefton Road, which is characterised primarily by traditional residential dwellings with pitched roofs. The site itself is an area of land surrounded by residential properties on three sides and contains a rectangular two-storey building with a pitched roof. Immediately adjacent to the site is a Masonic Hall which has a more commercial appearance and does not reflect the wider character of the area. Nevertheless, I do not find the effect of the Masonic Hall to be so significant as to change the character of the area as a whole. Notwithstanding its location behind buildings, the appeal site is still readily visible from Sefton Road across the car park serving the Masonic Hall.

5. The proposed replacement building would have a similar footprint to the existing and would retain a significant area of open space around the building, which would maintain the spaciousness of the site and to this extent the plot would not appear cramped as a result. However, the proposed building would provide three floors served by a flat roof. Therefore, whilst also of similar height to the existing building, the additional floor, by way of replacing the pitched roof, would result in the building appearing taller and bulkier than the existing. Moreover, the form and appearance of the building, including the flat roof, appears akin to buildings more typically associated with former warehouse or dockyard areas rather than a traditional residential area. Whilst I note the level of detailing proposed, it does not result in building that is sympathetic to the traditional dwellings nearby.
6. Therefore, overall, the character of the building is of a stylised utilitarian design and consequently would be out of keeping with the traditional residential character of the surrounding area. As a result of this harm, the proposal would not be an efficient use of the site.
7. The existing use on site is for the storage, maintenance and repair of commercial passenger vehicles, such as minibuses and coaches. I understand that this use has not been carried out for some time, but it has not been demonstrated that the use is no longer extant. Given the scale of the existing use in relation to the proposal, I find that the residential use would not result in an over intensification on-site and would be more appropriate to the residential character of the area than the use it replaces.
8. Nevertheless, the proposed development would, by way of its form, appearance and scale, be harmful to the character and appearance of the surrounding area. It would therefore conflict with Policy EQ2 of A Local Plan for Sefton (the LPS, April 2017) which requires that developments respond positively to the character, distinctiveness, and form of its surroundings. The proposal would also conflict with the design guidance contained within the New Housing Supplementary Planning Document (the SPD, June 2018).

Living Conditions

9. There is a dwelling either side of the driveway serving the appeal site, and both have windows which face out on to it. I find it highly likely, should the existing use restart, that both dwellings would experience disturbance from the noise and vibrations of vehicular movements along this driveway, this would be more acute due to above mentioned windows. While I understand the existing use is not being carried out at present and neighbouring occupiers may be used to the current situation, I find no reason to believe the use could not easily be restarted.
10. The pair of proposed dwellings would also result in a number of vehicular movements each day, and these would again affect the living conditions of the neighbouring occupiers. However, domestic vehicles are typically much smaller and lighter than those associated with the existing use. As such any associated noise and vibrations would also be more limited in comparison. Moreover, I find it unlikely that the comings and goings associated with the dwellings would be so much greater that there would be an unacceptable increase in noise and disturbance to the neighbouring occupiers to the detriment of their living conditions.

11. Therefore, the proposal would not harm the living conditions of neighbouring occupiers as a result of an unacceptable increase in noise stemming from any potential vehicular movements. The proposal would therefore comply with LPS Policy EQ2 which requires, amongst other matters, that proposals protect the amenity of those adjacent to the site. In this way it would also comply with the aims of the SPD guidance relating to properties next to access roads.

Other Matters

12. Although the Council may have made supportive comments, including encouraging a bold design, during pre-application discussions, such discussions cannot bind a planning authority's determination of any planning application they may subsequently consider. Furthermore, I must consider the scheme against an impartial assessment of the planning merits.

Planning Balance

13. The government's objective is to significantly boost the supply of housing and the proposal would provide two new dwellings with a good level of access to public transport links. The scheme would also lead to a small and time-limited economic benefit during the construction phase, as well as potentially some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal, these benefits attract modest weight.
14. Whilst the proposal may not result in any harm to the living conditions of neighbouring occupiers or to highway safety, these matters are a lack of harm rather than a benefit. I therefore attach them only neutral weight.
15. Conversely, the proposal would harm the character and appearance of the surrounding area and would thus conflict with the development plan taken as a whole. This matter attracts significant weight and outweighs the benefits associated with the proposed development.

Conclusion

16. The proposal would conflict with the development plan and there are no other considerations, including the National Planning Policy Framework, that outweigh this conflict. Therefore, and for the reasons given above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR

Appeal Decision

Site visit made on 14 June 2022

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th July 2022

Appeal Ref: APP/M4320/W/21/3289226

Land at Strawberry Hall, 293 Southport Road, Lydiate, L31 4EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by HGG Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/01679, dated 24 June 2021, was refused by notice dated 2 August 2021.
 - The development proposed is for permission in principle for a development of 4 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. Following the submission of further information by the appellant, the Council have withdrawn their second reason for refusal regarding the effect of the development on the Ribble and Alt Estuaries Special Protection Area and Ramsar site, and the Martin Mere Special Protection Area and Ramsar Site. I have therefore not considered this matter further.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

6. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
7. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. Policy MN7 of A Local Plan for Sefton (the LPS, April 2017) specifically relies on the exceptions as set out within the Framework and is therefore, to this extent, compliant with the Framework.
8. The site is a parcel of land that, although recently cut back at the time of my site visit, showed signs of otherwise having been left to grow naturally. It is bounded on all sides by mature trees, hedgerows and other mature vegetation. The site adjoins the large garden serving Strawberry Hall as well as fields which form part of the open countryside, the site is further separated from nearby buildings by Southport Road and the Leads-Liverpool canal. Beyond the canal is the settlement of Maghull, a large built-up area while, on the appeal site side of the canal are a number of residential buildings which I understand form part of Lydiate.
9. The Framework does not specify that a village must have a settlement boundary, or that only those parts of the village within the boundary are deemed to be a village for the purposes of the exception under Paragraph 149. Therefore, whilst I understand that the appeal site is outside of the settlement boundary for Lydiate this does not necessarily preclude it from being within the village for the purposes of this appeal.
10. I understand Lydiate to be a large built-up area which has formed a contiguous block with Maghull. Whilst this may be the case, I have not been provided with any substantive evidence that the Lydiate is no longer a village in its own right. I have therefore considered it as such. The above mentioned canal forms a defined feature that divides Lydiate from the more sporadic development and predominantly open countryside on the opposite side of the canal. Nevertheless, the development immediately surrounding the appeal site forms an incursion on this side of the canal that, by way of its visual and physical connection, is read as a continuation of Lydiate. Therefore, for the purposes of Framework Paragraph 149, I find that the appeal site is within a village.

11. However, although within a village, the appeal site is an open and undeveloped plot which is visually separated from nearby buildings by open garden land, roads and the canal. The resulting separation is further compounded by the mature trees bounding the site that screen it from being viewed in connection with the built-up area. Consequently, the site reads as a part of the wider, open countryside rather than a gap within the built environment. Therefore, I do not find that the proposal would be infilling for the purposes of Framework Paragraph 149.
12. The appellant has also submitted that the appeal site forms part of the gardens associated with Strawberry Hall and that as such it is previously developed land (PDL). The Framework sets out within its glossary that PDL includes the curtilage of developed land excluding land in built-up areas such as residential gardens. However, I have not been provided with any substantive evidence to demonstrate that the appeal site is within the curtilage of the appeal site. In particular, during my site visit I noted no means of access between the appeal site and Strawberry Hall. Given this, and the degree of visual separation between the appeal site and Strawberry Hall, I find that lacking any evidence to the contrary the site cannot be described as within curtilage of Strawberry Hall for the purposes of this appeal and consequently is not PDL.
13. Even if I were to have found that the site was part of Strawberry Hall's curtilage and PDL, the Framework requires that I consider the effect of the development on the openness of the Green Belt. In this case, the erection of up to four dwellings would, by way of the innate scale of the development, have a greater impact on the openness of the Green Belt than, as it currently stands, an area of open land. Whilst this loss of openness would be limited in regard to the Green Belt as a whole, harm to the Green Belt would nevertheless occur.
14. The proposal would amount to inappropriate development in the Green Belt, this matter carry substantial weight. No other considerations have been submitted in support of the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Therefore, the location, use and scale of the proposal would be unacceptable and would conflict with LPS Policy MN7 as outlined above. The proposal would also conflict with the Green Belt aims of Section 13 of the Framework, and in particular Paragraphs 147 to 151. In reaching this decision I have been mindful of the judgement referred to by the appellant² as well as the two appeal decisions³.

Other Matters

15. I do not have the full details of the pre-application enquiry, DC/2015/01471, before me, so I do not know the full context. However, it is clear that it was for a significantly different proposal as it would have provided 19 affordable homes. Moreover, pre-application advice cannot bind a decision maker in their assessment of a planning application. As a result, I do not find that this enquiry is particularly relevant to the proposal before me, and it has not been determinative in my consideration. I have been mindful of the more recent advice sought under pre-application enquiry DC/2021/00541, where I note that the Council concluded in a similar manner to their decision for the appeal scheme.

² Wood v SOSCLG and Gravesham [2015] EWCA civ 195

³ APP/R0660/W/17/3170279 and APP/N5090/W/16/3151579

Conclusion

16. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, and for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR

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Planning Committee
Visiting Panel Schedule

Date Monday 25th July 2022

Start: 10:00 am at BOOTLE TOWN HALL

Agenda Item	Time	Application Details	Ward
4A	10:20am	DC/2022/01148 Telegraph House Moor Lane, Crosby	Manor
4B	11:20am	DC/2022/00412 Dairy 21 Stamford Road, Birkdale PR8 4ES	Birkdale

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