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Sefton Council 

MEETING: PLANNING COMMITTEE

DATE: 19th October 2022

TIME: 6.30 pm

VENUE: Bootle Town Hall

Member

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

Substitute

Councillor
Cllr. Natasha Carlin
Cllr. Leslie Byrom C.B.E.
Cllr. Gareth Lloyd-Johnson
Cllr. Anne Thompson
Cllr. Maria Bennett
Cllr. Janet Grace
Cllr. Laura Lunn-Bates
Cllr. Susan Bradshaw
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
Telephone: 0151 934 2181 / 2788
email: 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.

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 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 21 September 2022 (Pages 5 - 8)

4. Applications for Planning Permission - Petitions

A DC/2022/01269 - 102 The Serpentine North, Blundellsands L23 6TJ (Pages 9 - 32)

Report of the Chief Planning Officer

B DC/2021/02497 - Wadacre Farm Chapel Lane, Melling L31 1ED (Pages 33 - 74)

Report of the Chief Planning Officer

5. Applications for Planning Permission - Approvals

A DC/2022/01095 - Park House Park Road, Waterloo L22 3XG (Pages 75 - 102)

Report of the Chief Planning Officer

B DC/2022/01057 - 51 Sandhurst Drive, Aintree L10 6LU (Pages 103 - 110)

Report of the Chief Planning Officer

6. Planning Appeals Report (Pages 111 - 130)

Report of the Chief Planning Officer.

7. Visiting Panel Schedule (Pages 131 - 132)

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 21 SEPTEMBER 2022

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

Councillors Dodd, John Kelly, Sonya Kelly,
McGinnity, Richards, Roche, Tweed, Waterfield,
Lloyd-Johnson, Bennett and Morris

30. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Hansen, Irving, Riley, Spencer and Lynne Thompson.

31. DECLARATIONS OF INTEREST

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

32. MINUTES OF THE MEETING HELD ON 27 JULY 2022

RESOLVED:

That the Minutes of the meeting held on 27 July 2022 be confirmed as a correct record.

33. DC/2022/01546 - THE NORTHERN ROAD, CROSBY

The Committee considered the report of the Chief Planning Officer recommending that the above prior notification application for the installation of 1 No. 18m monopole, supporting 6 No. antennas, 1 No. wrap around cabinet at the base of the monopole, 2 No. equipment cabinets, 1 No. electric meter cabinet and ancillary development thereto including 1 No. GPS module be refused for the reasons stated or referred to in the report.

RESOLVED:

That the recommendation be approved and the application be refused for the following reasons:

- (1) the proposed 18-metre-high monopole would result in a dominating and intrusive feature which would significantly detract from the appearance and character of the area and does not comply with Policy EQ2 of the Sefton Local Plan;

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- (2) no information has been submitted to identify the area of search and it has not been demonstrated that a robust search has been carried out of all practical alternatives; and
- (3) the proposal could cause harm to pedestrian safety contrary to the provisions of Policy EQ3 (f) of the Sefton Local Plan.

34. DC/2022/00950 - 40 BUCKFAST CLOSE, FORMBY

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of a single storey extension to the front, a two storey extension to the side and a single storey extension to the rear, following the demolition of existing porch to front, garage to side and conservatory to the rear, 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.

35. PLANNING APPEALS REPORT

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

Appellant	Proposal/Breach of Planning Control	Decision
Mr T. Hardwick	DC/2022/00079 (APP/M4320/D/22/3299317) - 18 Far Moss Road Crosby Liverpool L23 8TQ - Appeal against refusal by the Council to grant Planning Permission for Alterations to the approved scheme DC/2020/00413 to increase the size of the roof terrace to 6.765m and introduce larger privacy screens.	Dismissed 27/05/22
Mr Sobic	DC/2021/01032 (APP/M4320/W/22/3297484) - Telegraph House Moor Lane Crosby - Appeal against refusal by the Council to grant Planning Permission for the erection of a part four/part five storey building for mixed use including a commercial floorspace (Class E) at ground floor and 74 No. residential apartments (Class C3) on upper floors, roof terraces at fourth floor level and	Withdrawn 11/08/2022

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	associated works including access and landscaping.	
Mr Sobic	DC/2021/02920 (APP/M4320/W/22/3299551) - Telegraph House Moor Lane Crosby - Appeal against refusal by the Council to grant Planning Permission for the erection of a part four/part five storey building for mixed use including a commercial floorspace (Class E) at ground floor and 74 No. residential apartments (Class C3) on upper floors, roof terraces at fourth floor level and associated works including access and landscaping (alternative to DC/2021/01032).	Withdrawn 11/08/2022
Mr. T. Howie	EN/2022/00021 (APP/M4320/C/22/3293859) - 77 Scarbrick New Road Southport PR8 6LJ - Appeal against refusal by the Council to grant Planning Permission for Construction of an outdoor swimming pool and retractable enclosure which is being used to provide swimming lessons which constitutes a material change of use and is not incidental to the enjoyment of the dwellinghouse	Dismissed 10/08/2022
CK Hutchison Networks (UK) Ltd	DC/2021/02314 (APP/M4320/W/22/3295594) - Lulworth Road Birkdale Southport PR8 2AT - Appeal against refusal by the Council to grant Planning Permission under Prior Notification Procedure for the installation of 15.0 metre telecommunications monopole and associated ancillary works.	Dismissed 10/08/2022
Mr Nagender Chindam (Sri & Jays Limited)	DC/2021/02736 (APP/M4320/W/22/3293755) - 459 Lord Street Southport PR9 0AQ - Appeal against refusal by the Council to grant Planning Permission for a variation of Condition 3 pursuant to planning permission DC/2017/00968 approved 12/10/2017, to change hours of business to 07:00 - 02:00 hrs.	Dismissed 19/07/2022

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Mr & Mrs Martin	DC/2021/02736 (APP/M4320/W/22/3293755) - Poplar Lodge 15B Green Lane, Formby Liverpool L37 7DJ - appeal against refusal by the Council to grant Planning Permission for Erection of a two-storey extension to the side following demolition of the existing side extension/garage, porch to the front and first floor extension to the rear of the dwellinghouse in addition to alterations to the roof to form a double-pitch.	Allowed 22/06/2022
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RESOLVED:

That the report be noted.

36. VISITING PANEL

The Committee considered the report of the Chief Planning Officer which advised that the undermentioned sites had been inspected by the Visiting Panel on 20 September 2022.

Application No.	Site
DC/2022/01546	The Northern Road Crosby
DC/2022/00950	40 Buckfast Close Formby

RESOLVED:

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

Report to: PLANNING COMMITTEE **Date of Meeting:** 19 October 2022

Subject: [DC/2022/01269](#)
[102 The Serpentine North Blundellsands Liverpool L23 6TJ](#)

Proposal: Erection of a two storey extension to the south and east elevations, part conversion of the existing garage to a habitable room and erection of a first floor extension to the north elevation of the dwellinghouse, plus roof terrace to the front

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

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

Reason for Committee Determination: Petition endorsed by Councillor Roscoe

Summary

The proposal involves various extensions to the dwelling, including a part single/part two storey extension to the south and east elevations and a first-floor extension on the northern side of the building, plus the partial conversion of the existing garage. The property is located within the Blundellsands Park Conservation Area. It sits to the east of the St Nicholas Grade II listed drinking fountain and the adjacent property to the North, 108 Blundellsands Hall, which has been identified as a Non-Designated Heritage Asset (NDHA). Therefore, the main issues to consider are design and impacts on the heritage and ecology, alongside matters relating to living conditions of the existing neighbours.

The existing post-war property makes a neutral contribution to the character and appearance of the Conservation Area. The extensions comprise a significant increase to the existing dwelling. However, the revised scheme has resulted in a design which is more sympathetic to the original dwelling. The overall scale of the proposals are not disproportionate within the plot or out of keeping with the character of the surrounding dwellings.

The proposal would not cause harm to the surrounding tree coverage, nor does it raise any concerns in relation to ecology within the site or the surrounding area.

The proposal would preserve the character and appearance of the Conservation Area in line with local and national policy requirements. It would not cause harm to the adjacent NDHA or the listed drinking fountain. No harm would arise to heritage assets and as the design is acceptable, and there is no significant harm to living conditions of the surrounding residents. The proposal therefore complies with the development plan and is recommended for approval.

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Recommendation: Approve with Conditions

Case Officer Louise Everard

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=RDZGHNNW08000>

Site Location Plan



Sefton Council



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

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The Site

The application site comprises a detached 1960s two-storey dwelling, located at 102 the Serpentine North within Blundellsands Park Conservation Area.

History

Ref: DC/2021/01739, Proposal: Erection of a two storey extension to one side, a part two storey/part single storey extension to the opposite side, a two storey extension to the rear, single storey extensions to the front and rear of the dwellinghouse, a roof terrace and partial conversion of the existing garages. Decision: refused on 1st June 2022.

Consultations

Merseyside Environmental Advisory Service

The application is for the erection of extensions surrounding an existing dwelling, a roof terrace and partial conversion of the existing garages. The application is similar to previous application DC/2021/01739 which was previously refused. To address the issues of refusal the applicant has made some changes to the original plans. In terms of ecology the relevant amendments include:

- A reduction of the proposed footprint from 422 sq m to 328 sq m; and
- The proposed extensions do not impinge on any root protection zones of the trees in the neighbouring gardens so impact on trees is no longer an issue.

Habitats Regulations

The proposed development site is approximately 150 metres from the following protected sites and Local Plan policy NH4 applies:

- Sefton Coast SAC;
- Ribble and Alt Estuaries Ramsar;
- Ribble and Alt Estuaries SPA;
- Sefton Coast SSSI; and
- Key Park Local Wildlife Site.

Using the source-pathway-receptor model it is concluded that the proposals do not require assessment under the Habitats Regulations for the following reasons:

- The development is contained within the curtilage of an existing dwelling. There will be no land take;

- The site is separated from the European sites by a road and expanse of amenity grassland that is subject to high levels of recreational disturbance;
- Qualifying features using the European sites are exposed to high levels of disturbance closer to them than the development site. Any noise or human activity within the development site is highly unlikely to disturb them over the 150 metre distance as it is unlikely to significantly increase existing levels of disturbance. In addition, the development site is well screened by fences and tall vegetation; and
- It is highly unlikely the proposals would generate pollution that would reach the European sites (dust, run-off).

Protected Species

Bats

The dusk emergence surveys were carried out on 2nd and 16th September. The report acknowledges that this is outside the optimal season for bat surveys. However, the weather was mild and suitable for bat surveys and low numbers (2) of commuting Common pipistrelle were recorded meaning bats were active at this time. No evidence of roosting bats was recorded during the survey.

The June 2022 report refers to the removal of trees, shrubs and hedgerows and acknowledges that these features do provide some commuting and foraging habitat for bats. However, due to the abundance of alternative commuting and foraging habitat in the immediate surrounding area the report concludes that the removal of these features is highly unlikely to harm the local bat population. This is accepted.

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

Sand Lizards and Natterjack Toads

The submitted reports state that no evidence of Natterjack toad and Sand Lizard use or presence was found. The nearest confirmed records of these species are beyond 1 km of the site and habitats within the site are sub-optimum for these species. No significant impacts on reptiles and amphibians are predicted, however as a precaution, and to avoid harm to other common amphibians or reptile species that could cross the site, I advise that the following Reasonable Avoidance Measures should be secured by a suitably worded condition:

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

Red Squirrel

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

Breeding Birds

Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected and Local Plan policy NC2 applies. Therefore, a condition relating to vegetation clearance would be required.

Archaeology

The focus of the Heritage Assessment (Landor Planning July 2021) is the history and impact to the Blundellsands Park Conservation Area.

There are no heritage assets recorded on the Merseyside Historic Environment Record within the proposed development.

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

Highways Manager

No objections

Conservation Officer

Raise no objections regarding the proposed works. However, suggest the following conditions,

- Rooflights should be conservation style installed flush to the roof.
- Samples of proposed materials should be approved before works commence.

The property at 102 The Serpentine North lies within Blundellsands Park Conservation Area, adjacent to what is now considered a Non-designated Heritage Asset, Blundellsands Hall (108 The Serpentine North) and near a grade II Listed Building, St. Nicholas Fountain. The existing post-war property makes a neutral contribution to the character and appearance of the Conservation Area. It is a modern construction which does not possess any architectural merit. The proposed erection of a two storey extension to the South and East elevation, conversion of the existing garage to a habitable room and erection of a part two part first floor extension to the North elevation of the dwelling house, plus roof terrace to the front, will not cause any harm to the heritage assets.

The Conservation officer has no objections regarding the proposed new extensions and the conversion of the existing garage to a habitable space. The proposed design is considered high-quality and an improvement of what is currently on site. The proposal will not cause a harmful alteration to the street scene with the character and rhythm of the application site largely preserved. The scale and mass of the proposal seems acceptable, it respects the original dwelling's design. Although the footprint of the construction will be increased, it will have no significant impact on the overall plot size of the development. The Conservation Area is characterized by large plots which enhances the significance of the area. The existing plot does not therefore contribute positively to the character of the Conservation Area, as it does not have any historic significance as it was previously subdivided by contrast with those larger plots that remain which do contribute positively to the Conservation Area.

The pitch roof is acceptable and encouraged, the flat roof extensions are considered acceptable. A small number of buildings built, particularly around the 1960s and 70s have flat roofs inside the Conservation Area. The trend in more recent decades has been again towards pitched roofs which is more in keeping with the character of the Conservation Area. The proposed changes are such that they would have the potential to enhance the existing property which is of neutral interest. The roofs of buildings within Blundellsands are a particularly important feature to its special character as they are often the most prominent part of a building as the rest can be hidden by trees. Roofing material inside the Conservation Area usually consist of traditional slates or tile. Grey zinc roofing is not keeping in character with the Conservation Area. However, it is acknowledged that because of the low roof pitch it is not practical to use tiles or slate, so some form of sheet material would appear to be the best solution. It is suggested to use a tile effect roofing sheet which will be a more sympathetic choice. Render is featured on some older and newer developments within the Conservation Area, this would be considered acceptable.

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The black aluminium windows are considered acceptable. Sandstone is a building material used inside the Conservation Area, a stone cladding would be considered acceptable, it is recommended to use a buff colour stone.

The proposal does make a number of substantial changes to the existing property, the unique design would as a minimum preserve the character and appearance of Blundellsands Park Conservation Area as required by policies NH9 'Heritage Assets' and NH12 'Conservation Areas'. The changes are such that they would have the potential to enhance the existing property which is currently of neutral interest. The proposal would preserve the character and appearance of the Conservation Area in line with local and national policy requirements. No harm arises to heritage assets given the design is acceptable and considered high-quality which responds positively to the local area in terms of its scale, height, form and massing. It also has no adverse impact on the layout and historic pattern of development in the Conservation Area.

Due to a recently submitted Heritage Statement the neighbouring property of Blundellsands Hall (108 The Serpentine North) is now considered a Non-designated Heritage Asset. The proposal for 102 The Serpentine North will provide a clear contrast in style with the adjacent historic property. However, the extension will not detract attention from Blundellsands Hall. The building and the extension are not considered harmful and will not have a negative impact on the settings of the Non-designated Heritage Asset which makes a positive contribution to the character of the Conservation Area. The proposed development at 102 The Serpentine North would have no impact on the materiality of 108 Blundellsands Hall, nor would the proposed development impact upon the setting of the building which would retain its large and spacious plot. The development would not cause any harm to the significance or the settings of 108 Blundellsands Hall. The proposal complies with local policy NH15 'Non-designated Heritage Assets'.

In terms of the St Nicholas fountain, a grade II Listed Building, the proposal will not cause harm to the significance of the fountain or affect its character as a building of special architectural or historic interest. The fountain is situated in the middle of a busy 3-way road junction sitting approximately 12 metres in front of the application site. There is a significant distance between the fountain and the proposed building. The proposal would not harm the setting of the listed drinking fountain, it will not be affected by the proposed alterations. The proposal adheres with local policy NH11 'Works Affecting Listed Buildings'.

The proposal adheres with relevant NPPF, NPPG and local policies NH9 'Heritage Assets', NH11 'Works affecting Listed buildings', NH12 'Conservation Areas' and NH15 'Non-designated Heritage Assets'.

Tree Officer

The scheme requires the direct loss of trees T10, G11 & T12. It also identifies that trees T7, T27 & T30 should be removed due to their condition. The loss of T7, T27 & T30 is not required for the implementation of the development and as such can not be considered as part of this application.

T10, G11 & T12 are low to moderate quality trees and it is the view of the Council's Tree Officer that their loss would not have a significant impact upon the visual amenity of the surrounding area and could be successfully mitigated by replacement tree planting located to the front of the site. With this in mind I would have no objections to the proposed development.

To ensure the scheme is implemented without having a detrimental impact upon those trees identified for retention a tree protection plan has been submitted which in principle is acceptable, however the Tree Officer is not confident that it would be possible to construct the dwelling with the fencing as proposed in the vicinity of T8 & T9.

Should the application be recommended for approval it is advised that a pre-commencement tree condition is attached which requires the submission and approval of an arboricultural method statement. This method statement should include any amendments required to the tree protection and also confirm the proposed trees to be removed (e.g T10, G11 & T12). The Tree Officer also advises the use of a landscaping condition which should include replacement tree planting for the trees to be lost.

Neighbour Representations

A petition of 33 signatures endorsed by Councillor Roscoe has been received by Planning Services opposing the development on the grounds of inappropriate scale of development, impact on trees, design/materials, impact on conservation area and issues unresolved from previous application.

6 objections have been received from 4 individual addresses on the following grounds

Design and Character

- It would harm the character and appearance of the Blundellsands Conservation Area
- The impact on the loss of trees and wildlife will be huge in this conservation area
- The proposed extension are excessively large and disproportionate additions
- Doors and windows do not match
- The glazed balconies are not in keeping with the character or appearance of the conservation area.
- Materials would not preserve or enhance the character of the conservation area.
- The removal of the chimney would not preserve or enhance the character of the conservation area.
- The proposal is not set back from the main wall
- The proposal does not take into account the spacing between the properties
- The massing to the north does not make a positive contribution to the conservation area and blocks views of the historic bay of Blundellsands Hall from the road and into and out of the conservation area.

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Residential Amenity

- The Juliet balconies to the rear elevation means the occupants could look directly into all three neighbouring gardens.
- There is a habitable room of a conservatory in the house to the south and the required clearance is, I believe, not achieved in the present proposal.

Trees and Ecology

- Location of the trees on adjoining sites are incorrect and do not match the tree survey
- Inadequate plans have been provided showing the surrounding trees
- The development would cause harm to the neighbouring trees
- The retained garage wall is not the existing length of the wall and if allowed to be built it would come within the PRA of a neighbouring tree
- Loss of trees will have a significantly impact on foraging and commuting bats
- The submitted bat surveys did not follow best practice guidance due to the timings of the surveys
- The extension to the north will overshadow dune landscaping, a potential habitat for lizards, including sand lizards

10 letters of support have also been received which generally support the investment and renovation of a tired home, believing that it will enhance the area and improve the neighbourhood.

Policy Context

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

Key relevant policies are explained throughout the report.

Assessment of the Proposal

The development proposes several extensions to the existing dwelling, including the erection of a part two storey and part single storey extension to the south and east elevation of the building and a first floor extension to the north facing elevation of the dwelling. The existing garage would also be partially converted and stepped in from the side boundary by 1m, plus a roof terrace would be created to the front of the property.

The current proposal is a revised scheme following the refusal of an application at this site in June 2022. The previous scheme proposed much larger extensions to the dwelling and more radical remodelling of its style. The earlier scheme involved a 109% increase in the footprint of the building and 128% increase on the building's volume. It was refused due to the size, scale and materials not being in keeping with the original dwelling. The current proposal has been significantly reduced in scale from the original refused scheme, approximately halving the size of the extensions. The resulting footprint and volume increase of the current proposal measures 57% and 60% respectively. The design has also been amended, such that it is more sympathetic to the style of the original dwelling, rather than remodelling the entire property, as previously proposed.

The main issues to consider are the impacts on the heritage assets, design, tree and ecology matters, plus the impact on the living conditions of the existing neighbours.

Heritage

The site lies within the Blundellsands Conservation Area, the dwelling to the north is a Non-Designated Heritage Asset and directly in front of the site is the Grade II listed St Nicholas drinking fountain.

National Planning Policy Framework (NPPF) – Relevant Heritage Considerations

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

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

Relevant Local Plan Policies - Heritage

In terms of assessing the impact on the heritage of the surrounding features and area, a number of Local Plan policies are applicable.

Policy NH9 (Heritage Assets) states at section 3:- *'Key elements which contribute to the distinctive identity of Sefton, and which will therefore be a strategic priority for safeguarding and enhancing into the future, include (3c) the spacious planned character of Victorian and Edwardian suburban conservation areas such as those in Birkdale, Blundellsands, Christ Church, Moor Park and Waterloo Park'.*

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Policy NH11 (Works Affecting Listed Buildings) states at section 1, amongst other things:- *‘Works affecting a Listed Building or its setting will only be permitted where (1a): any alterations preserve the historic fabric and features of the building and /or its setting which contribute to its significance; ... (1c) new development affecting the building’s setting respects and conserves historic and positive existing relationships between the listed building and its surroundings’.*

Policy NH12 (Conservation Areas) states at section 1:- *‘Development within conservation areas will only be permitted where the proposal is of high quality design and preserves or enhances the character or appearance of the conservation area. Development must ensure that:*

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

During the assessment period of this application, the owner of the adjacent dwelling to the north, 108 The Serpentine North, has submitted a heritage assessment in support of identifying the dwelling as a Non-Designated Heritage Asset. This has been reviewed by the Conservation team and as a result 108 The Serpentine North has been accepted as a Non-Designated Heritage Asset. Therefore Policy NH15 (Non-Designated Heritage Assets) is also applicable, which states that *‘Development affecting a locally listed asset or its setting, or a non-designated heritage asset or its setting, will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced’.*

Impact of proposals on Heritage Assets

The Conservation Officer has reviewed the proposal and provided detailed comments on the impacts on the surrounding heritage assets.

With regards to important views into the Conservation area, the extension is not considered to give rise to adverse impacts. The two-storey and first floor side extensions will increase the width of the first floor development fronting The Serpentine North, however it is well set back in the street scene and is also set in from the side boundary to no.108, such that views of the neighbouring property from the coastal path to the south and west of the site would remain. This is further emphasised by the substantial distance between the side elevation of no.108 to the boundary with the application site. The bulk and massing of the proposed extensions are not therefore considered to disrupt key views both into and out of the conservation area.

The existing post-war property is of modern construction and does not possess any particular architectural merit. The existing dwelling is considered to make a neutral impact on the Conservation Area. The development would modernise the property in terms of materials and would increase the scale, however the overall style of the property would appear similar to that of the existing dwelling. The design is considered to be of high quality and would offer an improvement to the current appearance of the site. The character and rhythm of the existing property would largely be retained and therefore the development would not appear harmful within the wider street scene. Conditions are suggested to control the materials and roof lights, to ensure appropriate finishes are achieved.

The footprint of the building will be increased, although it will have no significant impact on the surrounding area. The Conservation Area is characterized by large plots which enhances the significance of the area. The existing plot does not contribute positively to the character of the Conservation Area, as it does not have any historic significance having been previously subdivided. This is in contrast with those larger plots that remain which do contribute positively to the Conservation Area. The scale and mass of the proposals is acceptable within this plot and respects the original dwelling design.

In relation to the adjacent St Nicholas Fountain (Grade II listed), the Conservation Officer concludes that there is adequate distance between the proposed development and the fountain (in excess of 12metres) such that whilst the proposed works will fall within the setting of the monument, the works will not have an adverse impact on its setting. There is a variety of property styles which sit within the backdrop of the fountain, including Fountain Court, a three storey flatted development of no discernible merit. The key interest relates to the actual monument itself rather than its wider setting. As such it is considered that there would be no adverse impact on this heritage asset.

The dwelling to the north, 108 Blundellsands Hall is now considered a Non-Designated Heritage Asset (NDHA). The application property currently provides a clear contrast in style with the historic property. It is not believed that the proposed extension to the dwelling, of a similar style, will detract from Blundellsands Hall. The heritage aspects of Blundellsands Hall appear to be the materiality of the building and the setting within a large and spacious plot. The first floor extension would be set in from the common boundary between the two properties and would be located approximately 18.5m from the facing elevation of Blundellsands Hall. The proposed development at 102 The Serpentine North would have no impact on the materiality of 108 Blundellsands Hall, nor would the proposed development impact upon the setting of the building which would retain its large and spacious plot. The development therefore would conserve those aspects which contribute to the significance of 108 Blundellsands Hall and would therefore comply with Policy NH15.

Having regards to the above, the proposal is considered to have an acceptable impact on all of the identified heritage assets. The development is therefore in accordance with Local Plan Policies NH9, NH11, NH12 and NH15, together with the heritage aims within the National Planning Policy Framework.

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Design

The most relevant policies regarding the design and appearance are as follows.

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

Policy EQ2 (Design) states:- *'Development will be permitted where: (Part 3a) In relation to the design of buildings and structures: proposals make a positive contribution to their surroundings through the quality of their design in terms of scale, height, form, massing, style, detailing, landscape and use of materials...'*

The existing property is a 1960s style dwelling, which presents a gable end roof finish to the street, with a shallow pitch. The property also has an attached triple garage towards the northern boundary, with a large roof terrace above.

The proposed development would involve building over the existing garage and part two storey, part single storey extensions to the east and south elevations. With regards to the scale, the extensions would increase the footprint of the building by approximately 57% and the volume by approximately 60%. The additions would represent a sizeable addition to the dwelling. However, a significant portion of this would be in the form of the single storey extension along the southern side boundary. Due to the boundary treatment and landscaping to the front and side, this would not be particularly visible within the street and would add little in the way of perceived additional bulk.

The surrounding area comprises a range of dwellings both in terms of design and scale. The resulting scale would not be out of keeping with that of the surrounding dwellings. The ground floor would extend up to the southern boundary, while the first floor additions would be set in 3.3m from this boundary and between 1.5m and 3.9m from the northern boundary. The development would retain sufficient distance to the side boundary so as not to appear cramped within the plot. The expanse of the extended property, when viewed within the street scene, would be comparable to the dwellings on either side, plus other properties within the vicinity. The first floor extension over the garage would involve the continuation of the existing roof slope, raising the ridge height by 0.6m. While it would not appear subservient, in that it would not be set below the main roof line, the design would appear consistent with the existing character of the dwelling. The increased ridge height is not considered excessive or likely to appear out of keeping within the street, as the maximum height would still remain below that of the neighbouring dwellings on either side. The flat roof on the section to the south is considered acceptable given the existing expanse of flat roof over the garage and therefore would not appear at odds with the overall design.

The amended design conforms with many elements of the existing property, while updating and modernising its overall finish. The roof design comprises a mix of pitched and flat roofs, which are both existing features within the original dwelling. While the original property is mainly brick, it does have elements of render in the front elevation. The material finish following the extension would be predominantly render, which would be considered acceptable, particularly given the use of render on other nearby properties, including the neighbouring property to the south. The fenestration details in the principal elevation include some large openings, with the largest matching the angle of the roof slant above and it echoes the shape of the existing feature window. A double height glazed panel would also be inserted by the entrance door.

The existing roof terrace is visible within the street scene and balconies/terraces are evident at a number of nearby properties. Therefore, the proposed terrace to the front would not be deemed harmful to the appearance of the area.

The proposed extensions would fit comfortably within the plot, retaining adequate private amenity land. The design is considered appropriate for the dwelling, and it would sit comfortably within its general context and not detract from the character of the surrounding area. As such the proposal is considered acceptable in respect of its design and appearance and conforms with Policy EQ2.

In relation to size and scale, these aspects are considered to be acceptable overall in terms of how the dwelling is viewed within its plot and in the context of the surrounding properties and would be in compliance with Policy HC4.

Impact on Living Conditions of Neighbours

The dwellings most likely to be affected by the development would be those on either side. The closest is the dwelling to the south, 98 The Serpentine North, which has a staggered rear building line due to previous extensions at the property. The first-floor addition to the application dwelling would be set in approximately 3.3m from the shared boundary. The side gable of no.98 is blank. There are only two windows proposed in this facing elevation serving a bathroom, which could be suitably controlled by condition to ensure they are obscurely glazed. As such the first-floor extension would not raise any privacy concerns and would not have a significant impact in terms of overshadowing or loss of outlook to the neighbouring dwelling.

At the ground floor level, the single storey extension to the side would abut the southern boundary shared with 98 The Serpentine North. This section has a flat roof with a height of 2.9m. The boundary is screened by vegetation and given the limited height along this boundary it would not appear unduly prominent when viewed from this property.

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The dwelling to the north is 108 Serpentine North, Blundellsands Hall. The common boundary between these dwellings is set at an angle to the application dwelling. At the closest point the rear corner of the first floor extension would be set in approximately 1.5m from the boundary, with this distance increasing to approximately 3.9m towards the front of the extension. The distance between the extension and the side elevation of no. 108 would be 18.5m at the closest point and no windows are proposed in the side elevation of this section. The extension would replace an existing large roof terrace which currently occupies the area above the garage and offers direct views into the garden area of No.108. The removal of this terrace will improve privacy to the neighbouring site. The proposal includes a smaller outdoor terrace towards the front of the extension. Unlike the existing terrace, this would be set away from the boundary and with the inclusion of appropriate screening to the side, there would be increased privacy between the two sites.

The proposal includes three Juliet balconies within the rear elevation. Two would replace existing windows within a similar position in the existing rear elevation, while the third would be positioned in the rear elevation of the proposed first floor extension over the garage. The third Juliet balcony would introduce a new opening closer to the boundary with No.108, however it would be set in approximately 3.6m from the boundary and would only give minimal views towards a section of the expansive rear garden of the adjacent dwelling. It is not considered that the Juliet balconies would give rise to a significant loss of privacy to the adjacent dwellings.

The property directly to the rear of the site is 17 Park Drive. The proposed two-storey extension would retain a minimum distance of 29m to the rear of No.17.

The extensions would retain adequate separation distances to the neighbouring dwellings, in line with distances set within the Council's guidance on House Extensions. As such the development would not appear overbearing or unduly affect the outlook of any of the surrounding dwellings. The orientation of the proposed windows and roof terrace, subject to condition, would not raise any privacy concerns. The living conditions of the surrounding residents would therefore be adequately protected in accord with Policy HC4.

Trees and Landscape

The application has been supported by a Tree Survey which has been reviewed by the Council's Tree Officer. The proposal would involve the direct loss of three trees (T10, G11 and T12) to accommodate the extensions to the south. The tree plans and survey also propose the loss of three further trees (T7, T27 and T30) to be removed due to their condition, all of which are within the application site. As these are not directly required for the implementation of the development they cannot be considered as part of this application and would require separate consent due to their location within the Conservation Area if they were to be removed.

T10, G11 & T12 are low to moderate quality trees and it is not considered that their loss would have a significant impact upon the visual amenity of the surrounding area and could be successfully mitigated by replacement tree planting located to the front of the site.

Based on the tree protection plan submitted, there are concerns that the construction of the extension would not be possible with the fencing as proposed in the vicinity of two further trees (T8 and T9), which are also within the application site. To ensure the scheme is implemented without having a detrimental impact on the trees identified for retention, plus the trees not considered necessary to remove, a pre-commencement tree condition could be attached which requires the submission and approval of an arboricultural method statement. This method statement would be required to include any amendments necessary to the tree protection plan and would also agree the proposed trees to be removed within the site. A landscaping condition would also be required to achieve replacement tree planting for the trees to be lost.

Numerous objections and correspondence have been received from the neighbouring property to the north concerning the accuracy of the plotting of their trees, in proximity to the two storey extension originally proposed to the northern elevation. The proposal has since been amended to remove the two storey section adjacent to the boundary with No.108 and now only proposes a first floor extension over the existing garage to this side of the dwelling. The built form at the ground floor level will therefore not increase on this side and there will be no encroachment into the Root Protection Area of the neighbouring tree. An amended plan has also been received to ensure the existing wall along this boundary will be retained at the current length and will not involve any additional length of wall. No objections were raised by the Council's Tree Officer with regards to neighbouring trees, as the proposal has been amended to ensure sufficient distance would be retained so that the development would not encroach into the Root Protection Area of the trees on neighbouring land, both to the north and south.

Comments have also been submitted from the same objector that insufficient plans have been provided that identify the Root Protection Area (RPA) and Crown Spread of the surrounding trees in relation to the proposed extensions, suggesting that they are needed on all of the proposed floor plans. BS5837-2012 British Standards, section 5.2.1, states the RPA and any other relevant constraints should be plotted around each of the category A, B and C trees on relevant drawings, including proposed site layout plans. These details have been plotted on the existing and proposed site plan, which is common practice. The inclusion of them on the proposed floor plans would add no value in terms of assessing the impact on the trees.

It is considered that with the use of the planning conditions, minimal tree loss would be required within the application site and replacement planting could be secured by way of mitigation. The development would not cause harm to the trees on neighbouring land. Therefore, the development would not result in an unacceptable loss of trees and accords with Local Plan Policy EQ9.

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Ecology

The applicant has submitted supporting ecology reports, including a Dusk Survey Results, October 2021 and an updated assessment in relation to bats, breeding birds and sand lizards, June 2022. These have been reviewed by the Council's ecological advisors, the Merseyside Environmental Advisory Service (MEAS).

MEAS conclude that the proposals do not require assessment under the Habitats Regulations.

The bat surveys concluded that there was no evidence of roosting bats. It acknowledged that the habitats on and adjacent to the site do provide some commuting and foraging habitat for the bats. However, due to the abundance of alternative commuting and foraging habitats in the immediate surrounding area the removal of these proposed trees is highly unlikely to harm the local bat population. The conclusion is accepted by MEAS. Given the possibility that habitats on/adjacent to the site may provide roosting, foraging and commuting opportunities, lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto habitats areas, in line with National Planning Policy Framework (paragraph 180). This can be secured by a suitably worded planning condition.

Following the review of the submitted surveys MEAS have accepted the conclusions set out in the applicant's updated reports that no evidence of Natterjack toad and Sand Lizards' use or presence was found. The nearest confirmed records of these species are beyond 1km of the site and habitats within the site are sub-optimum for these species. No significant impacts on reptiles and amphibians are predicted, however as a precaution and to avoid harm to other common amphibians or reptile species that could cross the site, a condition following Reasonable Avoidance Measures is advised.

Protective measures are recommended in relation to breeding birds during the construction phase and any landscaping should use species compatible with red squirrels. These issues could be dealt with via condition.

Opposition on ecology grounds

Sustained opposition has been received from the neighbouring property to the north including on issues around ecology. The objector has also submitted an ecology report raising concerns, the first being the dusk bat surveys did not follow best practice guidance due to the timings of the surveys. However, MEAS have advised that the while there are some minor limitations to the survey being carried out in September, it did record bat activity and therefore bats were still active during this period and the survey was carried out by a suitably qualified ecologist. The first survey was on 2nd September and the second on 16th September, and the temperatures and weather conditions were appropriate for both survey visits.

The report also raised concern over the loss of trees from the site boundary. However, as referred to above, MEAS have concluded that while the dusk survey identified some limited use of the site boundaries, the development is unlikely to have a significant impact on local bat populations due to the abundance of alternative commuting and foraging habitats in the immediate surrounding area.

The report went on to imply that the proposal would impact on Sand Lizards through the loss of habitat and direct harm to this species, as well as shading of 'Optimum' sand lizard habitat in the gardens to the north. However, MEAS have rebutted this concern, as there is no evidence to demonstrate the potential presence of Sand lizards within the site and no records have been found of them within 2km of the site.

A further objection was received by MEAS on 5th September 2022 which reiterated previous ecology concerns. Again, MEAS have reviewed this and confirmed that it does not raise any additional ecological concerns above those previously raised and responded to.

MEAS have concluded that the supporting surveys clearly demonstrate that there will be no adverse impacts on any protected species or habitats as a result of the development.

Planning Balance and Conclusion

The proposal seeks to extend and modernise the existing 1960s dwelling, which currently has a neutral contribution within the Conservation Area. The design of the development is considered high quality which both respects the style of the existing dwelling and would improve its appearance. The proposal would preserve the character of the Blundellsands Park Conservation Area, the setting of the nearby Listed St Nicholas drinking fountain and the Non-Designated Heritage Asset to the north of the site, Blundellsands Hall. Therefore, the proposal is considered to be acceptable in terms of its impact on the surrounding heritage assets.

The development would result in a sizeable addition to the dwelling. However, on balance the additions are considered acceptable for both the property and the plot. With regards to the footprint, massing and height the development would not appear out of character in the area and in its relationship with immediately adjoining dwellings. Sufficient distances would be retained to boundaries, to both preserve the street pattern but also to protect the living conditions of the neighbouring properties.

The proposal would not give rise to an unacceptable loss of trees, or cause damage to those trees to be retained, nor would it have a significant impact on the ecology within the site or the surrounding area.

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Section 38(6) of the Planning and Compulsory Purchase 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Overall and on balance the proposal is considered acceptable and compliant with the relevant Local Plan Policies and the National Planning Policy Framework. It is therefore recommended for approval.

Recommendation – Approve with Conditions

Conditions & Reasons

Time Limit for Commencement

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

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

Approved Plans

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

686-11-B Proposed Site Plan
686-13-B Proposed Alternative Ground Floor
686-14-D Proposed First Floor
686-17-C Proposed East and North Elevation
686-16-B Proposed West and South Elevation
686-19-D Proposed Roof Plan

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) Notwithstanding the details contained in the Arboricultural Report, no development shall take place (including the pre-construction delivery of equipment or materials, creation of site access or clearance of the site) until an Arboricultural Method Statement (AMS) and tree protection plan setting out measures for the protection of retained trees has been submitted to and approved in writing by the Local Planning Authority. The submission must as a minimum include the following;

- i. A Site Plan to identify all the trees to be retained within the site
- ii. Tree protection fencing details and location;
- iii. Removal of existing structures and hard surfacing
- iv. Installation of temporary ground protection;
- v. Retaining structures to facilitate changes in ground levels;
- vi. Preparatory works for new landscaping;
- vii. Auditable system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision including reporting to LPA at appropriate timings.

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

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

- 4) No development shall take place until a scheme detailing the planting of replacement trees, on a 1:1 ratio has been submitted to and approved in writing by the local planning authority. The scheme shall include details of their species, size and location.

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

- 5) No development shall take place until samples of the facing materials to be used in the external construction of this development have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the rooflights which should be conservation style rooflights, installed flush to the roof.

The approved materials shall then be used in the construction of the development.

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

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

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

During Building Works

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

Reason: To protect birds during their breeding season.

- 8) During the construction of the development, the following Reasonable Avoidance Measures shall be adhered to as a precaution:
- o Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians / reptiles present to move away from the affected areas;
 - o The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians / reptiles from seeking shelter or protection within them; and
 - o Any open excavations (e.g. foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil (or similar) to prevent amphibians / reptiles from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians / reptiles.

Reason: To safeguard conservation of species/habitats.

- 9) Prior to the use of the roof terrace to the front of the dwelling, details of a privacy screen shall be submitted and approved in writing by the Local Planning Authority. The approved screening shall be installed before the first use of the terrace and shall be permanently retained in that condition thereafter.

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

- 10) Prior to the use of the en-suite bathroom within the two storey extension to the south, the two first floor windows in the south facing elevation shall be fitted with obscured glazing, and any part of the windows that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

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

Ongoing Conditions

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

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

Informative

- 1) The applicant is advised that in respect of condition 4, the detailed submission should consider the provision of woody species and other species conducive to Red Squirrel population.

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Report to: PLANNING COMMITTEE **Date of Meeting:** 19th October 2022

Subject: [DC/2021/02497](#)
[Wadacre Farm Chapel Lane Melling L31 1ED](#)

Proposal: Erection of 146 dwellings, to include demolition of existing buildings, construction of new vehicular access, landscaping and associated infrastructure works

Applicant: Jon & Jeanette Catherine
Gould & Matthews-Griffiths
Rowland Homes Ltd &
Wadacre Limited

Agent: Mrs Joanne McGrath
SATPLAN

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

Reason for Committee Determination: Petitioned item

Summary

The proposal is for the erection of 146 dwellings, including the demolition of the existing buildings, the construction of a new vehicular access, landscaping and associated infrastructure works on Wadacre Farm, Chapel Lane in Melling.

The site is allocated as a housing site in the Sefton Local Plan. The main issues to consider in respect of this application are the principle of development, matters relating to highway safety & transportation, flooding and drainage, design and amenity matters, nature conservation requirements, heritage & archaeological issues, air quality, affordable housing and developer contributions.

The proposal complies with the adopted local plan and in the absence of any other material considerations, the application is recommended for approval subject to conditions and a legal agreement.

Recommendation: Approve with conditions subject to the completion of a Section 106 legal agreement to secure financial contributions towards education provision and to mitigate the impact of recreational pressure on the Sefton Coast and to agree the detail of the affordable housing.

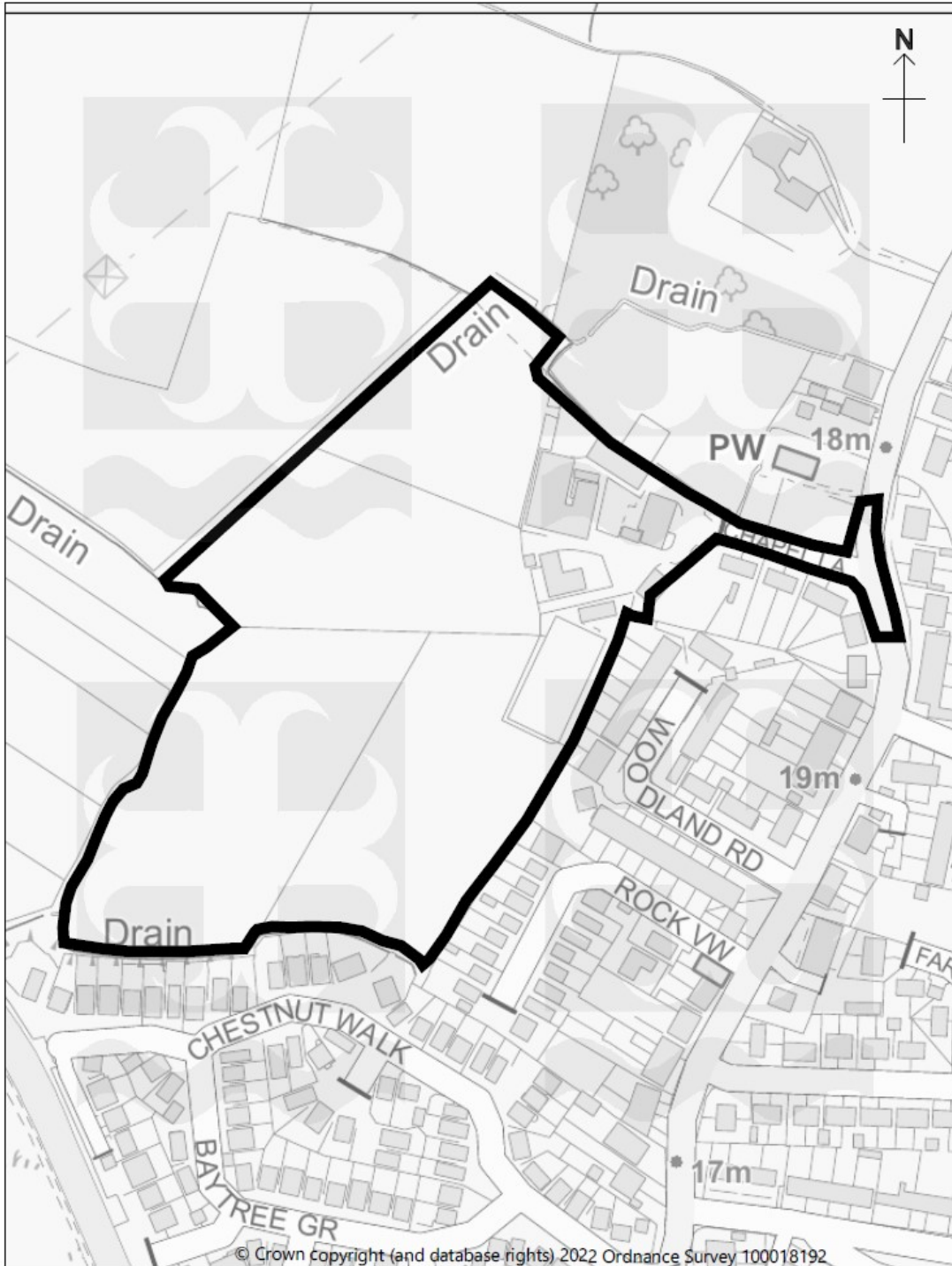
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Case Officer Liz Beard
Email planning.department@sefton.gov.uk
Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R1C1T5NWMR500>

Site Location Plan



Reference: Map reference
Date: 10/10/2022
Scale: Scale: 1:2500
Created by: Initials

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The Site

The site is 4.74 ha in area and includes the Wadacre Farm Day Nursery, Sands School Horse Riding, boarding kennels and a number of farm buildings and a farmhouse. The site is bound to the north and west by open fields and to the south and east by residential development. A public right of way runs along the northern boundary and crosses the site.

History

An Environmental Impact Assessment (EIA) Screening Opinion for residential development was submitted in August 2021 to determine whether the proposal constitutes EIA development (Ref: DC/2021/02120). The Council concluded that the proposal was not EIA development on 14th September 2021.

Consultations

Canals And Rivers Trust

No objection

Community Fire Officer

No objection

Conservation

The building should be ideally retained and sensitively adapted with an appropriate landscaping scheme. If it was determined that public benefits outweigh the total loss of this asset, then a thorough analysis and recording of the asset should be undertaken prior to demolition.

Environment Agency

No comments

Environmental Health Manager

Air Quality

No objection subject to conditions

Contaminated Land

No objection subject to conditions

Noise

No objection subject to conditions

Flooding & Drainage

No objection subject to conditions

Highways Manager

No objection subject to conditions

Historic Buildings & Places (working name of Ancient Monuments Society)

Comments that the amended plans have given no further consideration to the former barn at Wadacre Farm, which is identified as a non-designated heritage asset. They maintain their objection.

Local Plan Manager

No objection

Merseyside Environmental Advisory Service

No objections subject to conditions

Merseyside Police Architectural Liaison Officer

No objection

Natural England

No objections subject to conditions

The Georgian Group

Comment that the proposed demolition will result in the complete loss of a non-designated heritage asset and is such in direct contravention of Sefton's Local Plan policies NH9 and NH15

Tree Officer

No objection

United Utilities

No objection subject to conditions

Neighbour Representations

The application has been called in by Councillor Atkinson on 15th December 2021 and the application has also been called in by Councillor Murphy on 28th December 2021

There was a petition submitted dated 3rd December 2021, which has been endorsed by now former Councillor Carr, who is no longer a councillor.

There was a petition submitted dated 8th December 2021, which has been endorsed by Councillor Murphy.

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A petition to speak at planning committee was submitted, dated 8th September 2022, which has been endorsed by Councillor Atkinson.

In addition to the above objections have been received, along with photographs and video footage from over 130 individual addresses within the local area, Bill Esterson MP, Melling Parish Council and MPD Built Environment Consultants Ltd provided an objection on behalf of residents at Chestnut Walk; on the following grounds:-

Planning Policy

- This is the last bit of Greenbelt left for Melling residents to enjoy because already have two other housing developments under construction.
- Building on Green land means that even more of the countryside will disappear.
- The land is Green Belt and should be preserved for arable purposes.
- Sefton Local Plan states that 60% of the site comprises best and most versatile agricultural land-grade 3A-this will be lost.
- The whole area has changed, and I'd suggest the Local Plan was now in need of review, based on traffic alone.
- Site is overcrowded with 14 more houses than Local Plan.
- Brownfield sites and empty properties within the area of Sefton Council must be seriously considered first. For example, there is suitable land between Irlam Road and Peter Mahon Way in Bootle, near the current development on Capricorn Way.

Nature Conservation and Trees

- This development will affect the wildlife on the canal and the surrounding fields.
- No suggestions on how this will affect the surrounding environment and now it will be managed.
- There has been no environmental survey, we all know there are Bats and other wildlife in this area, how will this help save the protected species and our environment.
- To build on a greenfield site is extremely detrimental to the landscape, the habitats and the ecological value of the area, which can never be replaced.
- We need more green space for wildlife.
- The proposal to leave tree G13 on the plan and enclose it by fencing off isolating it from the rest of the estate would create problems for myself and the surrounding properties.
- There are Pink Footed Geese on the surrounding fields less than 0.5 km away.
- There at least two species of bats observed flying at the site.
- There is concern that the development presents a potential risk to the fish population in the adjacent canal.
- An impact on wildlife, infrastructure and the loss of further arable/green belt in this area.

Transportation and Highways

- Traffic through village at its highest, with lorries and cars speeding.
- An already exceptionally large amount of traffic on Waddicar Lane.
- The road infrastructure in Melling is already too busy to support such an increase in traffic load that the erection of so many dwellings will bring.
- The village frequently gets blocked due to cars parked at the shops and too much volume for the size of road.
- Melling is a small road (lane) for traffic and this already has a high volume of traffic travelling through, often exceeding the speed limit.
- The entrance for the estate is on a very dangerous bend.
- One bus goes to Liverpool via Aintree and one to Maghull. There are no bus links to any other areas including Kirkby where new supermarket has been built.
- Uncontrolled parking.
- The road through the Waddicar part of Melling is a rat run now, and people do not drive carefully.
- Increased traffic will cause chaos.
- The amount of traffic coming through from Kirkby seems to also be increasing.
- Will there be a traffic study undertaken using recent data (not 2011 census) incorporating actual use figures on Waddicar Lane that this development will add in terms of noise, pollution and risk to injury of pedestrians due to increases in volume?
- Will Sefton be consulting with local public travel providers to ensure there is suitable public transport options?
- The infrastructure is not suitable to support a mass influx.
- Allowing this proposal to go ahead could cause increased road accidents.
- The public footpath that is at the north east side of the site is heavily used and access will be limited during development of the site.
- Traffic will be made worse by hundreds of houses to be built in Maghull (off Poverty Lane) and Kirkby that use Melling to avoid Switch Island.
- There needs to be serious investment in the transport links in and out of the village, so we aren't going to see such a big increase in cars on the road.
- Rock View, which has a local shop on its junction, makes navigation of the junction extremely difficult, Sefton Council are well aware of this.
- The traffic plan contained in this application was taken from outdated data obtained in 2011. We believe that this data should be updated and taken at peak travelling times.
- Only one bus and none to Kirkby. Hospital bus only runs approx. 2 hourly and finishes early. 345 finishes early evening.
- Drivers already ignore zebra crossings on Waddicar Lane.

Design and Amenity

- The proposed site will ruin our amazing views.
- No detailed plans and existing properties built on higher levels than proposal site this will be a major issue into privacy.

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- More land covered, more traffic, more noise, more risk of flooding, Waddicar Lane is the lowest lying area in Melling.
- Don't want constant noise in our house/back for any amount of time.
- Even more houses being added to Melling contributing to increased congestion and air pollution.
- There is no green space allocated within the new housing development, unlike other developments within Melling.
- People have brought houses in this area for the lovely greenery, which is being taken away.
- My property backs onto this development and due to the construction of these homes I will barely be able to see in my property due to the amount of natural light that will be blocked.
- New residents will be able to see directly into my home and me into theirs, surely we have a right to a private life and you as a public authority must ensure this.
- When can we expect to see the Contractors Traffic Management and Welfare Plans for the development to confirm that neighbours will not be inconvenienced?
- Nearby listed buildings will be lost.
- This potential mix of pedestrians, narrow lane and large construction vehicles presents a very real dangerous risk to life and property.
- Detrimental impact on mental health and well-being linked to loss of open green space/building work etc.
- Noise pollution during construction.
- There is a gap between the fencing of the proposed development and fencing on Rock View.
- Loss of heritage asset and archaeological significance of existing site.
- 13% of the low-cost housing is overlooking my property. There are 6 low-cost houses, which will obstruct my view, creating noise and pollution and will mean that I am surrounded by 9 houses.
- The overwhelming noise, fumes and serious traffic problems this development will cause is too much for residents to endure.

Flooding and Drainage

- Roads constantly flooding.
- Proposals drains will be on part of our land.
- Flooding issues from the canal bursting to water table being higher than construction site to general flooding.
- Already drainage issues in Melling.
- New housing must increase the risk of flooding.
- There have been issues with drains since we moved here in 2002 and United Utilities have only recently corrected the problem.
- These properties will be elevated to protect them, but this will just ensure residents lower down will flood, that's me.
- Our roads mainly Waddicar Lane is already struggling to disperse water when it rains.
- Can your proposed SUDs tank accommodate surface water from two developments plus surrounding areas?

- The watercourses are not maintained and therefore have blockages and create a flood risk for existing properties.
- How will you inform any potential property owners bordering the watercourse their responsibilities as a riparian owner?
- What determined the location of the SUDs basin?
- Confirmation that Waddicar Lane can cope with capacity increase.
- SUDs ponds will not be sufficient to deal with the drainage of the site.
- Object to using the drainage brook at south side as I own 50% of it.
- The proposed attenuation pond could be a potential safety hazard for young children.
- Pumping station near to existing properties.
- Melling is reclaimed bog land and concreting it will soon lead to water drainage issues.
- The culvert running under the canal that services the water in our drainage channel is not suitable to take on additional capacity and doing so would cause the culvert to collapse and flood the whole farm again.
- I object to the position of their holding pond as we currently have a lake in the same area for up to 9 months of the year as it is the lowest point in all the land around us and it's where the standing water collects.
- The developer is proposing to use existing drainage in the village but United Utilities had to put in a holding tank in the village last year at a cost of £4m just to handle the existing housing not new developments as the system couldn't handle anymore.
- The canal trust has also raised objection/concern due to the proposed site being at risk of flooding.
- Assume a SUDs is proposed as this is cheaper to build than conventional drainage.
- I do not give Rowland Homes permission to use this brook as per their plan.
- Sefton are more than aware of the history of flooding in this part of Melling.
- There are not considered to be sufficient provisions for run off drainage to avoid the risk of flooding within the development itself and existing housing nearby.
- Pressure on the sewer system-there is already flooding on Chestnut Walk and residents fear adding more homes on the sewerage network would make it worse.

Development Pressures and Other Matters

- The village is not set up to deal with the volume of people and homes that already here, adding another 149 homes is only going to do more damage.
- Plans not to scale.
- No suggestion how you (Rowland) are going to support and manage this proposal.
- No school for extra children.
- Don't have Drs surgery, hasn't opened since before Covid.
- Facilities and services already struggling with overpopulation of Melling.
- Disappointed with Rowland leaflet as only a few people got them.
- Where's the investment into services and facilities?
- Melling has only two local shops, one small school and a part time GP surgery that would be incapable of accommodating more families.
- Thank you for the opportunity to comment.

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- No info has been posted through our letterbox re this development.
- No nursery in the village if Wadacre is demolished, school already at capacity, Drs only open on certain days.
- Our village is expanding too quickly. When does a village stop becoming a village?
- Why do we need additional housing here?
- Look at the plans in the bigger picture, at least wait and see the effects of the development already undertaken in the area.
- Confirmation area can accommodate local schooling needs.
- Have local Dr surgery and health requirements capacity been taken into account.
- Have Sefton carried out an assessment on the viability financially of the developer to be able to deliver a scheme of this nature (such as Dunne and Bradstreet checks) in the current inflationary market pressures?
- Why are these houses needed when there are hundreds being built 2 miles away in Maghull?
- I understand that new housing is needed but feel that Melling has undergone sufficient increases in housing over the years.
- No public consultation. Developers leaflet was delivered to some neighbouring properties and not the area they indicate in their planning statement.
- No consultation with riparian owners of the water course being used for drainage.
- Rowland Homes are seeking to deliver a substandard development, which will negatively impact the village and surrounding areas.
- The infrastructure just can't cope with anymore.
- Our village values its community and green space, this promotes well being and mental health something we need to look after.
- I feel if the housing development goes ahead, we'll have to sell up and move due to Melling already being over occupied, I mean how many people can you fit into a tiny village that has only one road in and out.
- When was the last census to show all of the above and the impact within the local area.
- Residents were not consulted when it was allocated for housing.
- Loss of identity as a rural village.
- No plans for elderly residential housing.
- Some errors in the documents FRA mentions Widnes and Interim Travel Plan mentions Radcliffe Road. There is no Radcliffe Road in Melling.
- Development would irreversibly alter Melling's character.
- I would like to know why this site was not removed from the Local Plan when the culvert failed a few years ago.
- I cannot help feel that the time spent writing this comment is time completely wasted, because at the end of the day, the powers that be do not care about the local residents.
- Personally, I feel the negatives outweigh the positives in this matter.
- If these go ahead, then the views and mental health of residents of Waddicar have not been considered.
- Despite S106 money being given by the Developer, as with the S106 money from Morris Homes, Persimmon and recently Bellway, this money goes to Sefton and not to Melling for improved infrastructure.

- Demolition of historical buildings should be avoided and other 'brownfield sites' be considered before we lose our natural heritage forever.
- Should a new housing scheme of such scale not have adequate local greenspace provision.
- The affordable housing contribution is inadequate.
- I'm concerned regarding the power supply to our property.
- The public consultation was inadequate as the member of staff that was there to answer questions was unable to answer many of the queries the residents had.
- A soil composition survey should be carried out and further tests should be carried out.
- Haven't we had enough development in the last 20 years.

Consultation Process

Pre-application consultation was carried out by Rowland Homes, and they also state that they attended the Melling Parish Council Meeting, the details of which are set out in the Planning Statement, which accompanies the planning application.

The local planning authority carried out initial consultation, when the application was received, and further consultation was carried out when amended plans and further information was received. The proposal has recently been amended, which includes the removal of one of the units, therefore reducing the proposal to 146 dwellings. There was no additional technical information required, the amendment was sought for detailed layout reasons and was not significant enough or materially different to warrant a re-consultation, therefore the original consultation is still sufficient.

Sefton Council publish all comments received on the public access application file unless it has been expressed that the comments should not be made public.

All statutory duties were fulfilled in terms of the consultation process.

Policy Context

The application site lies within an area allocated for housing MN2.32 Wadacre Farm, Chapel Lane, Melling in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

The main issues to consider in respect of this application are the principle of development, matters relating to highway safety & transportation, flooding and drainage, design and amenity matters, nature conservation requirements, heritage & archaeological issues, air quality, affordable housing and developer contributions.

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Principle of Development

The application site is allocated for housing within the Sefton Local Plan, which establishes the principle of development. The site allocation is ref MN2.32 'Wadacre Farm, Chapel Lane, Melling', where the Inspector's report, into the Local Plan states (page 70):

'The Plan's objectives of meeting the borough's housing need close as possible to where they arise necessitates some provision in the Melling/Aintree area, but (as demonstrated below) suitable land is difficult to find. Waddicar Lane and Wadacre Farm would make a substantial contribution to meeting those needs in a sustainable location and with relatively few adverse impacts. In these circumstances, and having regard to the moderate harm (at worst) to the Green Belt, the allocations are sound.'

Local Plan Policy HC3 'Residential Development' states that new residential development must achieve a density of 30 dwellings per hectare of the net developable area, this proposal achieves this.

There are site specific requirements as set out in Appendix 1 of the Sefton Local Plan which include:

'Development of this site must:

- ensure that sufficient information is provided with the planning application to enable the Council to make a Habitats Regulations Assessment; and*
- identify opportunities to reduce flood risk elsewhere through a Flood Risk Assessment and implement any appropriate solutions. This should include improvements to the capacity of the existing watercourse that forms the northern and western site boundaries.'*

These are discussed in the report under the appropriate headings.

There have been some comments provided that this housing allocation should be removed from the Local Plan. This is not something that can be carried out without a review of the whole of the Local Plan.

The principle of residential development has been established.

Highway Safety & Transportation

There were no specific requirements put forward by the Planning Inspector during the Local Plan Inquiry and the conclusion in the Inspector's Report was (page 70):

'Accessibility to the local services and facilities in Melling would be excellent from both sides. Despite local residents' concerns, studies show that the cumulative impact of the traffic generated by both sites would not be significant, with all local roads to continue to operate within their design capacity. Furthermore, provision of the M58 slip roads in conjunction with the Land East of Maghull

development is predicted to reduce flows along Waddicar Lane, so the studies may represent, a worst case scenario. All other constraints are minor and capable of mitigation.'

A Transport Assessment (TA) and supporting technical notes (TNs) have been submitted and assessed by the Council's Highways Manager, in relation to this application. This information considered the impact that the proposed development is likely to have on the existing highway network and the accessibility for sustainable modes of transport.

Trip Generation and Impact on the Highway Network

The applicant carried out traffic surveys in September 2021 to help review the level of traffic and gain turning counts. As a consequence of the Covid-19 pandemic, volumes and patterns of traffic have changed and it is difficult to understand what the 'new normal' is or will be for traffic. In order to provide an acceptable base from which the impacts are taken, the 2021 surveys were compared to the traffic flows from a 2015 assessment associated with the on-going development off Waddicar Lane to the north of this site. The 2015 values, with added growth from 2015-2021, detailed higher volumes of traffic when compared with the 2021 surveys and therefore the 2021 survey data was not used.

Included within the future years' assessment are traffic growth figures. TEMPRO, the industry standard, calculated with the National Transport dataset has been used to generate the traffic growth factors specific to the sites for the 2021 base year, 2023 opening year and 2026 future year.

The TRICS database has been used to obtain the estimated trip rates for the proposed development, which is the industry standard and accepted method. The estimated trip rates have been carried out based on 149 dwellings during the AM peak (08.00-09.00) and the PM peak (17.00-18.00). The review shows that the site is forecast to generate 76 two way vehicle trips in the AM peak and 77 two way trips in the PM peak hour. This equates to slightly more than one additional trip per minute in the peak hours.

The performance of junctions is a major factor in determining the way the whole network in the area functions with the addition of trips associated with the proposed development. Therefore, as part of assessing the impact of the development on the network, the impacts on a number of junctions were assessed in detail. These include the junctions at Chapel Lane/Waddicar Lane (priority), Waddicar Lane/Prescot Road (B1592) (mini roundabout) and Waddicar Lane/Spencer's Lane (roundabout).

The applicant suggested that these assessments demonstrated that all the junctions reviewed would operate within theoretical capacity in the AM, PM peak periods in both the base and future years. They concluded that all opening and future year within development scenarios are expected to operate below capacity with minimal levels of queuing and delay. The highest Ratio of flow to capacity (RFC) forecast is 0.69, which occurs on Prescot Road (South) in the AM 2026 Future Year + Development Scenario and increase of 0.02 when compared to the corresponding without

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development scenario for the 2026 future year.

Values of 0.85 RFC and below, for unsignalised junctions, are generally considered to be acceptable when the resultant queues lengths do not significantly increase. For each junction reviewed there will be a slight increase in delay and queuing, with Chapel Lane showing the highest increase. The RFC values and the queue and delay increases are not considered to be significant, and the applicant has satisfactorily demonstrated that the level of traffic generated from the development is not expected to have a severe impact on the highway network.

Accident Analysis

Accident data has been submitted by the applicant for the study area for the five year period up to the end of 2019. This showed that there were three recorded injury accidents on Waddicar Lane, all of which are classed as slight. One occurred approximately 200 metres north of Chapel Lane and the other two approximately 200 metres south of Chapel Lane.

The applicant has suggested that there are no existing notable accident patterns to indicate any specific safety issues and taking into account the likely impact of the additional traffic due to the development, there are no concerns about the potential for additional accidents.

The Highways Manager accepts that the details provided and information associated with accidents, do not indicate a particular highway safety issue in the area that would be exacerbated by the proposed development.

Site Access & Layout

The site layout plan shows that the access into the site will be via a vehicular and pedestrian access, via a continuation of Chapel Lane. Chapel Lane currently consists of a single carriageway approximately 4.8 metres wide with a 1.5 metre wide footway to the south and a 2 metre verge/public footpath to the north. As part of the proposals Chapel Lane will be realigned in order to provide a 5.5 metre wide carriageway with a 2 metre wide footway along the south side. The priority junction with Waddicar Lane will be built out with new radii to enable suitable visibility splays and reduce speeds of vehicles at the junction.

The applicant has provided details within the Transport Assessment (TA) to demonstrate that the proposed junction improvements at Waddicar Lane will achieve visibility splays of at least 2.4m x 43 m.

The proposed layout of the site and the details provided in the TA and Technical Notes show that all the roads meet the standards expected, which is a 5.5m wide road with a 2 m wide footway on either side. In order to safely accommodate pedestrian movement, there will need to be a flat-topped speed table with tactile paving provided, adjacent to 11 Chapel Lane. This can be included as part of a condition for the provision of off-site highways works.

Following an assessment, it is considered that the site has some short comings in terms of its accessibility. In order to enhance the level of accessibility by sustainable modes of travel and to provide a development which would be acceptable in terms of Local Plan Policy EQ3 'Accessibility', a package of highways improvements for pedestrians/cyclists will be required.

The applicant reviewed this and has proposed upgrades to the two nearest existing bus stops on Waddicar Lane, that will include new raised access kerbs. The provision of a new pedestrian crossing facility on Waddicar Lane, north of the junction with Chapel Lane has also been proposed. This will be located outside 128 Waddicar Lane and consist of dropped kerbs and tactile paving. The applicant has also proposed the introduction of dropped kerbs and tactile paving at the following junctions to enhance pedestrian facilities and accessibility at Woodland Road/Waddicar Lane, Liddell Road/Waddicar Lane and Station Road/Waddicar Lane.

There is an existing Public Right of Way, Melling Footpath No. 4, running along the northern side of Chapel Lane and the development site. This footpath will also be surfaced with crushed stone to a width of 2m to enhance the accessibility of the footpath. There will also be a 2 metre wide bitmac path provided from the site to the footpath, which will run adjacent to plot 140.

It is considered that the proposed enhancements, with the addition of improvements to the bus stop outside 121 Waddicar Lane, consisting of the installation of access kerbs, will comply with the requirements of Local Plan Policy EQ3 'Accessibility'. The off-site highway improvements, as set out above can be included as a condition.

Parking

All of the proposed dwellings will have the benefit of off-street parking facilities, which includes at least two off street parking spaces. This meets the standard as set out in the Council's Sustainable Travel and Development Supplementary Planning Document (SPD) and part g. of Local Plan Policy EQ3 'Accessibility'.

Cycle parking for all the properties will be required in accordance with the Sustainable Travel and Development SPD.

Accessibility

A Minimum Accessibility Standards Assessment (MASA) has been completed and submitted as part of the initial Transport Assessments (TA) review of the accessibility of the site. The applicant suggested that the review within the TA demonstrated that the proposed development can be accessed by a variety of travel modes, and that it would accord with the national and local planning policy guidance. It concluded that the site is accessible by non-car modes, which would assist in promoting a choice of travel modes other than the private car. However, the scores achieved fell short of that expected for such a development for pedestrians and access to public transport.

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A further detailed consideration of the site's accessibility was included within the TNs. The applicant initially suggested that the proposed improvements to Chapel Lane will enhance the accessibility of the site and that no further enhancements are necessary.

As mentioned above a package of highways improvements for pedestrians and cyclists will be required to enhance the level of accessibility by sustainable modes of travel.

Other Highways Requirements

The applicant will be required to introduce a scheme of street lighting on all roads within the development site. This can be secured by a condition.

A Framework Travel Plan (FTP) has been submitted, which is generally acceptable. The requirement for a travel plan can be secured by a condition.

Given the size of the proposed development a Construction Traffic Management Plan (CTMP) will be required. There will need to be details of the routes that the construction traffic will take when accessing and leaving the site and this traffic must be along routes that have the least impact on the residential areas of Maghull and Kenyon's Lane area. A CTMP has been submitted as part of the application and indicates that construction traffic will utilise Chapel Lane as the site access, the site operational hours included and measures to tackle vehicle speeds and dust. This information will need to be fully detailed in the CTMP.

All delivery vehicles and parking associated with the construction of the development, must be accommodated within the site. There must be no parking on Chapel Lane, Waddicar Lane or within the adjacent residential streets in the area and there must be no delivery vehicles parked up waiting to access the site at any times.

Therefore, taking all of the above into account there are no highway safety concerns associated with the development and no objections subject to the following conditions; off-site highways improvements, vehicle parking, cycle parking, visibility splays for vehicles and pedestrians, a travel plan, mud on carriageway (which can be included as part of a Construction Environmental Management Plan) and the access road shall be completed to base course level prior to occupation. The proposal complies with Local Plan Policy EQ3 'Accessibility'.

Flooding and Drainage

The Planning Inspector's report into the Local Plan considered both of the sites at Waddicar Lane and this site at Wadacre Farm and the flooding issues, which were presented to the Local Plan Examination. The conclusion on page 70 of the Inspector's report was that both sites were wholly in Flood Zone 1, so have a low risk from fluvial flooding, but a sizeable area of Wadacre Farm is at significant risk from surface water flooding, exacerbated by limited capacity in both the perimeter stream and culvert under the Leeds and Liverpool Canal. In accordance with the Sequential Test carried out, as part of the Local Plan Review, all dwellings will be sited on higher ground away from

the stream. It was acknowledged that because flooding occurs to some nearby properties, which drain onto the site, then it is appropriate for a site specific requirement to be included as part of the Local Plan allocation. This includes on page 186 of the Local Plan:

'MN2.32 Wadacre Farm, Chapel Lane, Melling

Development of this site must:

...Identify opportunities to reduce flood risk elsewhere through a site Flood Risk Assessment and implement any appropriate solutions. This should include improvements to the capacity of the existing watercourse that forms the northern and western site boundaries.'

There have been a number of objections received from the neighbouring residents in relation to flooding issues. There have also been photographs provided to highlight the concerns. The Lead Local Flood Authority (LLFA) carried out an initial review of the Flood Risk Management proposals and identified some points of clarification and additional information, which was required. The LLFA requires an 8m buffer strip provided along open watercourses and works affecting ordinary watercourses will require Land Drainage Consent from the LLFA. As the developer becomes the riparian owner of the watercourses bordering the site, maintenance of these watercourses should form part of the development's lifetime management and maintenance plan submitted.

There was additional clarification sought from the LLFA and information was provided in relation to the possible waterlogging of gardens. The groundwater monitoring undertaken demonstrates the existing groundwater to generally be 1m below existing ground level with the shallowest level being 0.5m below ground level. The levels on the layout will be raised above existing ground levels, in particular the gardens along the existing watercourse will fall away from the houses towards the watercourse. It is likely that land drainage will also be installed in garden areas with outfalls to the existing watercourses long the western and southern boundaries. The LLFA are satisfied with the information provided but have recommended that a condition is provided to ensure that the land drains are provided to mitigate any possible waterlogging of garden areas.

The Canal and River Trust were also consulted and raised concerns in relation to the drainage layout plans. An attenuation pond is shown closest to the canal corridor, as part of the SuDS arrangements on the site, and an outfall shown into the existing land drains, which then passes under the canal via a culvert. The Canal and River Trust noted that this culvert, which is located under the canal, did collapse, and cause the canal to breach approximately 6 years ago, which flooded the surrounding area. The culvert was fully replaced and renewed following the collapse. Therefore, provided that the flow rate to the culvert would not be increased as a result of this development, then this would be acceptable.

Notwithstanding this, the Design and Access Statement shows an existing watercourse/ditch going around the site towards the existing built-up area and away from the canal and suggests that surface water might be discharged into this watercourse/ditch instead. However according to the Canal and River Trust records this watercourse also joins to the ditch, which passes through their

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culvert. It would be important that the ongoing operation and maintenance of the SuDS system within the site is secured in perpetuity/for the lifetime of the development.

United Utilities were consulted and reviewed the Drainage Strategy, which was submitted with the planning application. They confirmed that the proposals are acceptable in principle and should planning permission be granted then they requested that a condition is included that the development is carried out in accordance with the principles set out in the Foul & Surface Water Drainage Design Drawing and that the surface water must be restricted to a rate of 22.2 l/s and no surface water will be permitted to drain directly or indirectly into the public sewer.

United Utilities also recommend that a condition is included to require foul and surface water shall be drained on separate systems, together with a condition regarding a management and maintenance regime for any sustainable drainage system which forms part of the development.

MEAS assessed the flood risk information and recommended that the conditions relating to water vole inspections prior to any works being carried out impacting on the banks of the drainage channels on site should be adhered to.

Following the submission of additional details from the applicant in terms of how the flows to the culvert under the canal would be restricted, the Canal and River Trust are satisfied that the development would not impact on their culvert.

The LLFA also reviewed the additional information including the Flood Risk Assessment, SuDS Strategy Report, Technical Note and Flood Modelling Report and SuDS Pro-forma. The layout of the proposal was also amended in line with the previous comments received. Calculations to support this rate were provided. The calculations demonstrate the flow from the development in all events up to and including the 100 year flood event plus 40% climate change allowance will be restricted to 22.2 l/s.

The SuDS Strategy report indicates that the volume of run-off through the system in the 100-year, 360-minute event has been calculated as 787.8m³, which is less than the 830.2m³ for the existing site. Both the discharge rate and the 100-year 360min run-off volume are in accordance with Local Plan Policy EQ8 'Flood Risk and Surface Water' and is acceptable to the LLFA.

Therefore based on review of the revised FRA by Rowland Homes, ref:30500/SRG September 2021, the SuDS Strategy report by Ironside Farrar Limited, dated November 2021, the completed SuDS Pro-forma, the proposed measures to mitigate future waterlogging of the gardens and the 5.5m easement provided between the top of the bank of watercourses and any permanent construction as indicated on the Planning Layout, the LLFA are satisfied. They have no objection to the proposal subject to the conditions and informative for the developer to obtain the necessary Land Drainage Consents from the Council for works near or that may affect the ordinary watercourses. The proposal therefore complies with Local Plan Policy EQ8 'Flood Risk and Surface Water.'

Design and Amenity Matters

The planning application is for a residential development of 146 homes including the demolition of the existing buildings, construction of a new vehicular access, landscaping and associated infrastructure works.

Layout & Built Form

Local Plan Policy EQ2 'Design' requires that new development responds positively to the character, local distinctiveness and form of its surroundings. While the site is currently an open area, with a few buildings located within the site, the Planning Inspector stated that the overall harm to the Green Belt would be moderate and the impact on the local landscape would be minor, which was a key factor in taking the site out of the Green Belt.

In terms of build form, the surrounding area is characterised by detached, semi detached and terrace properties, which include cul-de-sacs and organic road layouts. The proposed development will be accessed from a single point as a continuation of Chapel Lane and the layout is organic in nature, as opposed to having a strong grid type layout, which fits in with the surrounding area. The density and grain are consistent with what would be expected of a suburban development.

The dwellings proposed are a mix of detached, semi-detached and terraced, all of which are two storeys in height. The properties are of a traditional style and complement the dwellings in the surrounding area. Facing materials include red brickwork and interchanging red and grey roof tiles. There is some detailing provided to different house types including decorative porches, bay windows and black mock-Tudor boarding and render to the pediment (triangular upper part on the frontage of a property) on some of the house types.

Overall, it is considered that the proposal responds positively to the character and form of its surroundings in terms of layout, density, style, height and form of dwellings. The proposal therefore complies with Local Plan Policy EQ2 'Design'.

Housing Mix

Local Plan Policy HC2 'Housing Type, Mix and Choice' requires that a minimum of 40% of the market homes should be 3-bedroom and a minimum of 25% should be 1 or 2 bedroom. The scheme shows that this has not quite been met for the market homes as 24.5% two bedroom (25 out of the 102 market dwellings) but it has been met for three bedroom dwellings with 43.1% three bedroom (44 out of 102) and the remainder are four and five bedroom.

The proposals comply with the requirement that at least 20% of the market properties are designed to meet Building Regulations M4(2) 'accessible and adaptable' dwellings. The M4(2) properties include the Tatton, Aroncroft and Ordsall house types.

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Living Conditions of Future Occupiers

The application is subject to Local Plan Policy HC3 'Residential Development and Primarily Residential Areas and the accompanying guidance within the 'New Housing' Supplementary Planning Document, which provides standards and recommendations for suitable living conditions for future occupiers. The Council's guidance recommends a distance of 21m between windows serving habitable rooms and 12m between non-habitable rooms or habitable rooms and blank elevations.

The proposed development is well laid out so as to achieve the distance between dwellings overall. The majority of the 'rear to rear' separation distances exceed 21m with all exceeding 19m, which is acceptable. There are a couple of pinch points, where the front of the house measures just over 18m. However, given that this is across a public highway, this would not affect privacy to any significant extent. The recommended garden depths is 10.5m. The majority of gardens meet or exceed this requirement, with all exceeding 9m in depth. On balance, this is deemed to be acceptable.

In relation to the proposed garden sizes, the Council's guidance recommends that 50 sqm is provided for two-bedroom properties and 60 sqm is provided for homes with three bedrooms or more. Following amendments to the layout it is considered that an acceptable standard of living has been provided to all of the proposed dwellings. Overall, it is considered that the proposal provides a good standard of living space for future occupiers in terms of levels of light, outlook, privacy and outdoor private amenity space.

Noise

In relation to the desirable noise levels for outdoor amenity spaces, it is recommended that the proposed acoustic boundary elements should be increased to 2 metres in height to mitigate any noise. Further noise modelling will be required to identify any properties which may require acoustic mitigation measures to the building envelope to deliver internal noise level requirements of Table 4 of BS8233:2014, including the glazing and possible acoustic trickle glazing.

It is also recommended that the proposed close boarded fence must have a minimum surface density of 10 kg/m² and have no gaps. This may cause conflict with the nature conservation requirements in relation to the provision of gaps in the fencing to allow hedgehogs to move across the site. It is therefore recommended that a condition is included requesting further details of the boundary treatment and where acoustic fencing is not required then a gap of 13cm x 13cm shall be shown in order to maintain pathways for hedgehogs.

Air Quality

An air quality assessment (AQA) has been submitted in support of the application. The AQA has considered the air quality impacts during the construction phase and operational phase.

The AQA specifically considered the impact of future additional traffic associated with the development on air quality locally. AQ monitoring has predicted the future levels of pollution due to this additional traffic at a number of sensitive receptors in key locations.

The results of this modelling predict that future traffic resulting from development will not impact unduly on air quality at any sensitive receptor in the locality and levels of air quality at all modelled receptors will be well within national air quality standards.

The Environmental Health Manager is satisfied that the air quality impacts have been assessed accurately as far as able to be determined and taking the above into account and a scheme of control of dust emissions throughout the groundwork and construction phase, which can be included in a Construction Environmental Management Plan (CEMP), there are no objections on air quality grounds. The proposal therefore complies with Local Plan Policy EQ5 'Air Quality'.

A revised Construction Management Plan was submitted (Revision C), which includes details on how to control dust emissions, which will be included in the conditions as part of the approved plans and documents.

Impact on Existing Residents

There have been a number of objections received from local residents in relation to the proposed housing being located close to the existing houses. The layout was amended to ensure that there is a minimum of 21 metres interface distance provided between the proposed housing and the existing houses. This complies with the minimum recommended in the New Housing Supplementary Planning Document and part 2a. of Local Plan Policy HC3 'Residential Development and Primarily Residential Areas'.

There have been some objections received in relation to the proposed pumping station, which is to be located adjacent to the SuDS pond and is required as part of the drainage strategy. There have not been any details provided, therefore it is recommended that a condition is included to request that the details are submitted and approved.

There have also been concerns raised in relation to the construction works and potential traffic. The CEMP will ensure that the development will be carried out within the appropriate guidelines and appropriate mitigation. The CEMP states that neighbouring residents will be informed by letter drop, with contact details, prior to the commencement of each phase of work, namely demolition, construction of roads and sewers and house building works. It also states that once the compound has been set and a phone line is available, then Rowland Homes will pass on the contact details to the neighbouring residents, to enable them to contact the site manager if they have any concerns. A condition will also be included to ensure that a Highways Construction Management Plan is provided prior to the commencement of development.

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Trees & Landscaping Requirements

The Council's Trees and Woodland Officer reviewed the information provided and stated that the tree report identifies 14 trees, 18 groups and 4 hedges as being relevant in relation to this application. The proposed scheme would require the loss of 7 trees, 3 groups and one of the hedges.

Due to the low quality of the trees and hedges to be lost, there is no objection to the scheme as the submitted landscaping scheme would mitigate this loss. Therefore, taking this into account there are no objections to this proposal, and it is recommended that the tree reports form part of the approved documents covered by condition.

In line with Local Plan Policy NH2 'Nature' and paragraph 175 of the National Planning Policy Framework (NPPF) biodiversity and mitigation measures should be incorporated into the proposals. As set out above the majority of the existing trees on the site boundaries are to be retained and a new attenuation pond is to be created, which includes associated species of wet grassland. Merseyside Environmental Advisory Service (MEAS) welcome this and these habitats will contribute towards the wildlife corridor along the adjacent canal. The landscaping proposals include new native tree planting and as set out above the landscaping proposals, along with the tree reports and plans will be included as part of the approved documents and plans.

Contaminated Land

The Environmental Health Manager has reviewed the reports and correspondence provided in relation to contaminated land and has advised that the preliminary risk assessment undertaken by E3P has identified the site has primarily been used as agricultural farmland. The north-eastern area of the site has a long history of being occupied with agricultural buildings and a residential property and the historical mapping shows the remainder of the site has remained predominantly undeveloped.

Due to the age of some of the structures and buildings on the site, E3P has identified that there is the potential for an asbestos containing material (ACM) being present with the building fabric and the surrounding topsoil and Made Ground underlying them. A pre-demolition asbestos survey may be required for all existing buildings within the site boundary. A condition can be included, which will request a scheme that details all the information and procedures to be adopted during the proposed demolition works, prior to the commencement of any development.

From a review of the historical mapping E3P has identified a former off-site saw mill works and depot adjacent to the southern boundary, a former depot now recorded as housing adjacent to the south-eastern boundary, and the possibility that mobile contaminants may have migrated into the southern area of the site.

The historical mapping also identifies ponds in the north-eastern area of the site and along the central eastern boundary, that have been filled in. E3P identify that Made Ground may be present in the infilled ponds and in the locality of field boundaries.

E3P has recommended an intrusive investigation across the site and within the vicinity of the buildings, to include the collection of soil, groundwater and surface water samples for chemical analysis, and ground gas monitoring.

The Environmental Health Manager agrees with the recommendation for a site investigation and recommends conditions in relation to a preliminary investigation, the submission of a remediation strategy, a verification report and the reporting of any unexpected contamination. The proposal, with the inclusion of these conditions, would comply with Local Plan Policy EQ6 'Contaminated Land'.

Minerals

The site partially falls within a Minerals Safeguarding Area. The applicant has submitted a Minerals Safeguarding Statement, which indicates that mineral deposits are thin, and extraction would not be viable. The Merseyside Environmental Advisory Service (MEAS) agree with the conclusion and there is sufficient information to comply with Local Plan Policy NH8 'Minerals'.

Nature Conservation & Habitats Regulations Assessment

There has been a Preliminary Ecological Assessment (PEA), a bat survey and shadow Habitats Regulations Assessment (HRA) provided in support of this application. The PEA was considered acceptable, but additional information was required in relation to the bat survey and HRA.

The Merseyside & West Lancashire Bat Group (MWLBG) object to the application as they consider that the bat emergence survey is not acceptable, fit for purpose and does not provide sufficient information where bats may be affected by the application, for which consent is sought.

Further information was submitted, MWLBG accepted the results of the dusk survey being to a reasonable standard of survey effort. However, with regards to the transect surveys MWLBG do not accept that the additional information is sufficient to withdraw their objection.

Habitats Regulations Assessment (HRA)

The site is located close to land, which could be functionally linked to the following European designated sites Sefton Coast SAC, Ribble and Alt Estuaries Ramsar site, Ribble and Alt Estuaries SPA, Liverpool Bay SPA, Mersey Narrows and North Wirral Foreshore Ramsar site and Mersey Narrows and North Wirral Foreshore Special Protection Area (SPA).

The habitats within the development area comprise predominantly horse-grazed improved grassland, which will have a limited value to qualifying bird species of the above European

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designated sites. Arable land to the north and west of the development area could however represent Functionally Linked Land for qualifying bird species.

Records of qualifying bird species including Pink-footed geese exist within 1km of the application site, including records of several hundred flying over the application site. Non-breeding bird surveys of land 200m east of the application site did not identify qualifying species on the land under survey, however significant number of qualifying species including pink-footed geese were recorded flying across the site.

The applicant submitted a shadow HRA. The assessment of likely significant effects undertaken as part of the shadow HRA concludes that given the distance from the European sites (7.5km) direct impacts on these sites is unlikely and MEAS have accepted this.

The shadow HRA further states that there are no areas of land adjacent to the site, which are likely to constitute functionally linked land for birds associated with European Sites. MEAS accept that the land immediately adjacent to the site is primarily residential and horse-grazed pasture with limited suitability for qualifying species, however there are arable fields located less than 70m from the western site boundary. These fields have potential to be functionally linked to the European sites and given their proximity to the site and the lack of visual or acoustic barriers between the site and the arable land, MEAS believe that there is a risk of noise and visual disturbance to qualifying bird species during construction and a likely significant effect can therefore not be ruled out.

Additional information was requested to determine whether an appropriate assessment is required. Based on that, MEAS concluded that, without mitigation/preventative measures, that there will be likely significant effects on the sites listed above.

An Appropriate Assessment is required in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. This concluded that, with mitigation/preventative measures, there will be no adverse effect on the integrity of the international and national sites, listed above. In order to ensure that the outcomes of the Appropriate Assessment are implemented on site, the following mitigation measures are required:

- Erection of noise/visual screening on fencing along the north-western boundary of the site.
- Pollution control measures.
- Timing restrictions on any piling works avoiding the period October to March.

The above mitigation measures have been incorporated into the revised Construction Environmental Management Plan (CEMP) (revision C), which can be accepted as an approved document; the information in relation to the CEMP is discussed below.

Recreational Pressure

The proposal will result in increased visits (recreational pressure) to the sites listed above. This may result in significant effects on habitats and species, for which these sites are designated.

The Sefton Local Plan HRA and the Nature Conservation Supplementary Planning Document (SPD) identifies recreational pressure from residential development is a Likely Significant Effect alone and in-combination. Further consideration is required of recreational pressure impacts on the adjacent potential functionally linked land. A network of footpaths is located through the arable fields to the north and west of this application. These footpaths are accessible immediately adjacent to the development area, and it is likely that they will be used by new residents for activities such as dog walking. This could impact on non-breeding birds during the winter months.

The shadow HRA concludes that recreational pressure is a likely significant effect and has recommended the provision of a resident's information pack. The conclusion of a likely significant effect is accepted by MEAS, however further analysis was requested, as to whether a resident's information pack is adequate mitigation, particularly when the proposals are considered in combination with the amount of new residential development in the area. It was requested that the revised HRA considered further the recreation impacts, however alternatively the applicant could 'opt in' to the approved recreation pressure Sefton Interim Approach.

The site lies within the Outer Zone (more than 5km from the coast), which would require a contribution of £63 per dwelling to contribute towards management of the Sefton Coast and enhancing visitor facilities at alternative sites away from the coast. The applicant has agreed to this approach and a commuted sum of £9,198 will be provided and secured via a Section 106 Legal Agreement.

Protected/Priority Species

There were a number of surveys carried out, which included a bat survey, an amphibian and reptile survey, and surveys for badger, hedgehog, water voles, otter & breeding birds.

Bats

The six buildings at Wadacre Farm were the subject of a bat survey in 2021. The bat survey includes the results of a daytime assessment of the buildings on site, as well as dusk emergence surveys. MEAS pointed out a number of limitations to the survey.

Buildings 3, 4 and 5 were classed as having negligible potential for roosting bats and MEAS accepted the conclusion. However, additional dusk/dawn surveys of the remaining buildings were requested along with additional transects surveys to allow a full assessment of the impacts. The additional reports were requested to determine whether bats were present.

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There was further information submitted and MEAS do not believe that additional transect surveys are required. Whilst the survey was not complete following best practice guidelines, in this instance additional survey information is unlikely to significantly impact the proposed mitigation measures on site. Existing boundary features will be retained and enhanced as part of the proposals, which will allow bats to continue to commute across the site into the wider landscape. In combination with a sensitive lighting scheme, where impacts on bats should be minimised (secured by condition), new landscaping will provide additional foraging habitat and the introduction of bat boxes, which can also be secured by a condition, will provide suitable mitigation.

Habitats on and adjacent to the site may provide foraging and commuting habitat for bats. These include ditches at the site boundaries, the woodland area to the north and the Leeds and Liverpool Canal to the south. Lighting for the development may affect these areas, therefore a lighting scheme that is designed to protect ecology and does not result in light spill onto important habitats should be considered. This can be secured by a condition.

Amphibians and Reptiles

The habitats on the site have some limited suitability for common reptile and amphibian species. MEAS advised that there should be Reasonable Avoidance Measures (RAMs) during the construction phase included as part of a Construction Environmental Management Plan (CEMP).

Badgers and Hedgehog

The habitats on the site are suitable for badger and hedgehog, which are protected/Priority Species. As with the amphibian and reptile species MEAS advise that there should be Reasonable Avoidance Measures (RAMs) during the construction phase included as part of a CEMP.

To ensure that hedgehog can continue to move within the site, it is recommended that gaps are retained in the bases of fences, where appropriate. This can be secured by a condition.

Water Voles and Otters

The ditch network located adjacent to the site may provide habitat for water vole, which is a protected species. No evidence of this species was identified during an assessment of the ditches undertaken as part of the preliminary ecological appraisal, however records of this species exist along the nearby Leeds and Liverpool Canal and local residents have also seen water voles in the area. MEAS therefore advise that avoidance and mitigation measures are included as part of the CEMP.

Breeding Birds

The buildings and vegetation on site may provide nesting opportunities for breeding birds, which are protected species. There should be no tree felling, scrub clearance, hedgerow removal,

vegetation management or demolition is to take place during 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. This can be secured by a planning condition.

MEAS also recommend that a condition is included requesting details of bird boxes to be provided through-out the development to mitigate the loss of bird breeding habitat.

Construction Environmental Management Plan (CEMP)

MEAS advised that the applicant prepared a CEMP to manage and mitigate the main potential environmental effects during the construction phase of the proposed development. If this was not provided at the application stage, then it could be secured by a suitably worded condition.

The developer submitted a series of CEMPs, with the latest CEMP (Revision C) being acceptable. A ditch network is located adjacent to the western and southern site boundary of the proposed construction area. The ditch connects a wider ditch network outside of the site boundary. There is a risk of pollution of the ditch network in the area as a result of works on site, which could lead to pollution of watercourses. In response to previous comments the application has submitted a revised CEMP (Rowland, August 2022 Revision C). The CEMP includes the following measures:

- Protection measures for retained and adjacent habitats including trees, woodland, ditches and the nearby canal corridor.
- Precautionary measures in respect of breeding birds.
- Pollution control measures, including dust and runoff.
- Avoidance measures for badger and hedgehog.
- Avoidance measures for amphibians and common reptiles.
- Avoidance measure and precautionary working measures for water vole and otter.
- Timing restrictions in respect of piling works.
- Screening to minimise noise and visual disturbance to non-breeding birds.

The revised updated CEMP 'Construction Management Plan-Wadacre Farm', Rowland 22nd August 2022; Revision C is acceptable, and MEAS advise that it can be accepted as an approved document.

Natural England

Natural England were consulted following the completion of the Appropriate Assessment as the proposed development falls within the 'zone of influence' for one or more European designated sites. Natural England have considered the Appropriate Assessment carried out by MEAS and advise that they concur with the overall assessment conclusion, provided that all the mitigation measures are appropriately secured in any planning permission given. The following measures should be secured by suitably worded planning conditions.

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- The production of a CEMP including measures to reduce disturbance impacts on nearby functionally linked land. The CEMP is to be produced and agreed prior to the commencement of any works on site and is to include:
 - The installation of visual/noise screening panels along the north-western site boundary prior to commencement of works.
 - Piling works to take place between April to September only, outside non-breeding bird season.
- Payment of a commuted sum, £66 per new dwelling in the zone of influence, to be secured through a S106 planning obligation to mitigate against increased recreational pressures in line with the Council's Interim Approach.
- Advisory leaflets to be provided for each new dwelling. These should explain the sensitivities of the nearby designated sites, promote the use of Suitable Alternative Natural Greenspaces (SANGs) and include a 'responder user code' to mitigate against disturbance to the designated sites as a result of increased recreational pressures.

Natural England's concerns regarding the potential impacts on the Mersey Narrows Site of Special Scientific Interest (SSSI) and the Sefton Coast SSSI coincide with concerns regarding the potential impacts upon the above international designated sites, therefore Natural England contend that providing the application is undertaken in strict accordance with the details submitted and providing the above conditions are secured, the development is not likely to damage the interest features for which the site has been notified.

The CEMP has been revised accordingly and is accepted as an approved document and the commuted sum of £66 per dwelling will be secured by a planning obligation as part of the Section 106 legal agreement and the condition in relation to the provision of an advisory leaflet to each new home will be secured by a condition. Therefore, taking the above into account the proposal complies with Local Plan Policy NH2 'Nature'.

Heritage & Archaeology

The proposal affects a non-designated heritage asset (NDHA), which is Wadacre Farm Day Nursery, Chapel Lane, Melling (Ref: MME14164). This is a former barn, which was originally a threshing barn, but had been converted into stables and shippon by 1981. A new slate roof was added in the mid-20th century, the brickwork is cement rendered and the roof trusses are original.

A Heritage Statement has been submitted, which outlines the history and significance of the site. It concludes (page 27); *'The Building is of low significance with component values of varying, but moderated strengths. In terms of ranking, the evidential historic, aesthetic and communal values all contribute to something to the significance, reflected in the identification as a non-designated heritage asset'*.

Local Plan Policy NH9 'Heritage Assets' states that *'Sefton's heritage assets together with its historic landscape character should continue to contribute to the Borough's sense of place, local*

distinctiveness and quality of life and development proposals should contribute positively towards achieving this’.

The policy then goes on to say, in part 5; that *‘Proposals affecting Sefton’s heritage assets and their settings should ensure that features, which contribute to their significance are protected from losses and harmful changes. Development should therefore (a) secure the long-term benefit of the heritage asset; (b), be designed to avoid harm; (c), incorporate proposals for proper repair and reinstatement of historic features and/or involve work, which better reveals the significance of Sefton’s heritage assets and their settings’.* Part 5 e. of the policy states *‘Where losses are unavoidable, a thorough analysis and recording of the asset should be undertaken.’*

Local Plan Policy NH15 ‘Non-Designated Heritage Assets’, states:

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

This proposal includes the complete loss of the NDHA, which is contrary to both Local Plan Policy NH9 and NH15, as set out above, as both policies seek to retain the Borough’s heritage assets and seek the opportunity for enhancement, where losses can be avoided.

The advice provided by the Conservation Team is that the building should ideally be retained and sensitively adapted into a residential dwelling/s to complement the proposed scheme and create a viable use and retain the heritage values embodied within the structure. This would comply with the aims of Local Plan Policy NH9.

Local Plan Policy NH15 explicitly states that development, which causes harm to the setting on a NDHA will not be permitted unless the aspects of the asset, which contribute to its significance are conserved or enhanced. The complete demolition of this heritage asset would mean that it is irretrievably harmed. If retained, there would also be a strong degree of harm due to the loss of the surrounding agricultural setting and historic context of the heritage asset. However, with an appropriate spatial landscaping scheme, this harm has the potential to be mitigated.

Although the Conservation Team do state that ideally the Wadacre Farm building should be retained and sensitively adapted with an appropriate landscaping scheme, if it was determined that the public benefits outweigh the total loss of this asset, then a condition recommending the thorough analysis and recording of the asset should be undertaken prior to demolition.

Historic Buildings & Places (HB&P), previously known as the Ancient Monuments Society, state that while the heritage value of Wadacre Farm is mainly of local value, its complete demolition does equate to substantial harm to a heritage asset. They state that there are options to retain and adapt the barn and re-route the proposed access road to the new estate either side, and this has not been considered in the application. This would retain and enhance the historic value of the building and its former agricultural use of the site. In their view the demolition of the barn also

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fails to meet the environmental sustainability objectives of the Local Plan and the National Planning Policy Framework.

The Georgian Group echoes the comments made by HB&P and those made by the Conservation Team. The group advise that the proposed demolition will result in the complete loss of a non-designated heritage asset and is a direct contravention of Sefton Local Plan policies NH9 'Heritage Assets' and NH15 'Non-designated Heritage Assets'. The Georgian Group recommend that the Wadacre Farm Day Nursery should be retained and preserved in situ as a non-designated heritage asset. They recommend that the applicant withdraws this application and revises it and if the applicant is unwilling to do so then planning permission should be refused.

The Merseyside Environmental Advisory Service (MEAS) have not raised any objections to the loss of the heritage asset but advise that a programme of archaeological work is undertaken prior to the commencement of any development. This can be secured by a condition.

Paragraph 202 of the National Planning Policy Framework (NPPF) states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefits of the proposal including, where appropriate, securing its optimum viable use. The bringing forward of this site to meet the Borough's housing needs, as set out in the Sefton Local Plan is considered to be a public benefit. The Planning Inspector did not require that the heritage asset was retained and there were no site-specific requirements included as part of the allocation of the site for housing.

Paragraph 203 of the NPPF goes on to state that;

'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Therefore, on balance, while Wadacre Farm would be lost in its entirety, its significance is limited and is deemed to be outweighed by the benefits as set out in this report. The inclusion of a condition to ensure that the building is recorded and to make this evidence publicly accessible, is in line with paragraph 205 of the NPPF. A condition will be included for a report on a programme of archaeological and historic building investigation to be submitted for approval prior to the commencement of development and demolition of any buildings.

Affordable Housing

The proposal shows 44 out of 146 homes being affordable, this is 30.1% in total. The affordable housing is split by 67% social/affordable rent and 33% as affordable homes ownership homes. 15 out of the 45 affordable homes are to be affordable home ownership. This is just over 10% of the scheme and is 33% of the affordable housing. This complies with Local Plan Policy HC1 'Affordable and Special Needs Housing'. The detail of the affordable housing will also be included as part of the Section 106 legal agreement.

The affordable units are indistinguishable from the market housing in terms of their location, external appearance, design, standards and build quality to ensure that the communities are mixed. The spread of affordable housing throughout the site is considered to be acceptable.

Education

Due to the level of local housing growth, the proposal will be required to contribute to additional primary education in the local area. This is set at £2,344 per new dwelling (at 2022-23 rates). For 146 homes this is £342,224 at 2022-23 rates. The applicant has agreed to pay this as a commuted sum, which will be included as part of a Section 106 Legal Agreement.

Development Contributions & Section 106 Legal Agreement

As set out above the applicant has agreed to a commuted sum of £342,224 to contribute to primary education in the local area.

The applicant has agreed with the opt-in approach in relation to the mitigation of the impact of recreation pressure on the Sefton Coast, which is a commuted sum of £66 per home, which is a total of £9,636.

The detail of the affordable housing will also be included as part of the Section 106 legal agreement. The proposal shows 44 out of 146 homes being affordable, which is 30.1%. The affordable housing split will be 67% social or affordable rent and 33% as affordable home ownership homes.

Planning Balance and Conclusion

The proposed development of the site for residential development is acceptable in principle given the site's allocation for housing in the Local Plan. The density, design and general layout are acceptable with regard to the character of the local area. However, the loss of the non-designated heritage asset of Wadacre Farm causes harm in planning terms.

In terms of amenity, future occupiers will be afforded a good standard of living and the proposal will provide 44 affordable homes, while the remaining market homes are 'accessible and adaptable under the Building Regulations. The applicant is also required to provide a contribution towards primary education in the local area.

The site is considered to be accessible from non-car based transport and the off-site highways requirements will ensure that the site is integrated with the surrounding area, in transport terms. The Highways Manager is satisfied that the highways and transport requirements are met.

The Lead Local Flood Authority are satisfied that that the site can be drained satisfactorily without increasing the risk of existing flooding.

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The mitigation requirements as set out in the Construction Environmental Management Plan satisfy both MEAS and Natural England.

Therefore, taking all of the above into account there are clear benefits to the proposal contributing to the Council's housing supply, including affordable housing along with developer contributions towards primary school education. The main area of harm identified is in relation to the loss of the designated heritage asset, however this loss is not deemed so harmful to outweigh the benefits of developing the site for housing. Overall and on balance the proposal complies with the National Planning Policy Framework, adopted Local Plan and guidance, and is therefore recommended for approval subject to conditions and the completion of a Section 106 legal agreement.

Recommendation - Approve with conditions subject to the completion of a Section 106 Legal Agreement to secure financial contributions towards education provision and to mitigate the impact of recreational pressure on the Sefton Coast, and to agree the detail of the affordable housing.

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

Time Limit for Commencement

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

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

Approved Plans

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

- Site Location Plan Drawing no. R110/1000
- Planning Layout Drawing no. R110/1 Rev H
- Illustrative Site Layout Drawing no. R110/1 Rev H
- Fencing Layout Drawing no. R110/2 Rev D
- Materials Layout Drawing no. R110/3 Rev D
- External Surfaces Hard & Soft Landscaping Drawing no. R110/4 Rev D
- Affordable Housing Layout Drawing no. R110/7 Rev D
- Street Scenes Drawing no. R110/1001 Rev A

- 1.8 m High Close Boarded Timber Fence Drawing no. SD.1A
- 900 mm Post & Rail Fence Drawing no. SD.21
- Knee Rail Fence Details Drawing no. SD.23B
- 1.8 m High Screen Wall Drawing no. SD.46A
- Preliminary Drainage Layout Drawing no. 30500_100
- Tree Constraints Plan Drawing no. 4182-01 Rev A
- Tree Protection Plan 4182-02 Rev C
- Construction Management Plan 22nd August 2022 Revision C
- Flood Risk Assessment 30500 SRG September 2021
- Foul & Surface Water Drainage Design Drawing no. 30500/100 Rev B
- E3P (January 2022) Phase 1 Geoenvironmental Site Assessment ref: 14-664-R1-3

House Types

- Waddington Drawing no. HT117(A) P/117
- Hatton Drawing no. HT139/P/115
- Regency Drawing no. HT142/P/01
- Bonington rear aspect no bay -Floor Plans Drawing no. HT147/P/113
- Bonington rear aspect no bay- Elevations Drawing no. HT147/P/114-2
- Bonington side aspect with bay- Floor Plans Drawing no. HT147/P/112-12
- Bonington side aspect with bay – Elevations Drawing no. HT147/P/110-11
- Lowry- Floor Plans Drawing no. HT164/P/2/V4-2
- Lowry- Elevations Drawing no. HT164/P/2/V1-1
- Gladstone Floor Plans & Elevations Drawing no. HT165(H)/P/3
- Charleston II Drawing no. HT166/P/119
- Brantwood II Drawing no. HT167/P/5
- Aroncroft Drawing no. HT169/P/205
- Kingswood-Floor Plans Drawing no. HT174/P/1
- Kingswood- Elevations Drawing no. HT174/P/2
- Bridewell Drawing no. HT181/P/1
- Bridewell-Bressingham-Floor Plans Drawing no. HT181-182/P/1
- Bridewell-Bressingham-Elevations Drawing no. HT181-182/P/2
- Arley Drawing no. HT186/P/1
- Tatton-Floor Plans Drawing no. 188/P/01
- Tatton-Elevations Drawing no.188/P/02
- Duxbury Drawing no. HT189/P/01
- Ashbury Drawing no. HT190/P/01
- Elworth Drawing no. HT191/P/01
- Rivington Drawing no. HT192/P/01
- Ordsall M4(2) Drawing no. HT194/P/01
- Garage-Single Detached Garage Drawing no. P/SG/1

Reason: For the avoidance of doubt.

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Before the Development is Commenced

3) No development shall commence, including any demolition works, until a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

Reason: This is required prior to the commencement of development in order to ensure the safety of highway users during both the demolition and construction phase of the development. If the details are not approved prior to commencement it will prejudice the safety of highway users.

4) Prior to commencement of development a preliminary investigation must be prepared in accordance with best practice and current guidance. 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 DLUHC National Planning Policy Framework, 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 'Land contamination risk management, April 2021.'

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.

5) Prior to commencement of development the approved scope of works for the investigation and assessment must be undertaken by competent persons and a written report of the findings must be produced. The report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the Local Planning Authority.

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

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

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

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

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

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

7 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.

8) No development or demolition should take place until a report on a programme of archaeological works and historic building investigation has been submitted and approved in writing by the Local Planning Authority. The programme of historic building investigation works should be undertaken in accordance with a Written Scheme of Investigation (WSI), which must include the following:

- A programme and methodology of site investigation and recording.

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

Reason: To provide a record of the remaining historic building on the site.

9) No development shall commence, including any works of demolition, until a scheme including full information on procedures to be adopted during the proposed demolition works has been submitted to and approved in writing by the local planning authority. The approved scheme shall be adhered to throughout the demolition period.

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

During Building Works

10) No development shall commence above slab level until a detailed scheme of off-site highway works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include alterations to the existing priority junction and Waddicar Lane and Chapel Lane, including dropped kerbs and tactile paving either side and alterations to Chapel Lane to provide a 2m wide footway along the south side of the carriageway for its full length and a 5.5m wide carriageway. No part of the development shall be brought into use until the required highway works have been constructed in accordance with the approved details.

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

11) No development shall commence above slab level until a Noise Impact Assessment has been submitted to and approved in writing by the local planning authority to identify any properties which may require acoustic mitigation measures to the building envelope to deliver the internal noise level requirements of Table 4 of BS8233:2014, including the glazing and possible acoustic trickle ventilation.

Reason: To safeguard the living conditions of the future occupiers.

12) No dwelling shall be constructed until full details of the existing and proposed ground levels (referred to against Ordnance Datum) within the site and on land and buildings around the site by means of spot heights and cross sections, proposed finished floor levels of all buildings and

structures, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved level details.

Reason: To safeguard the living conditions of the existing and future occupiers.

Before the Development is Occupied

13) No dwelling shall be occupied until the access road shown on plan R110/1 Revision H has been constructed to the base course level to enable access to the dwellings

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

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

- Bus stop improvements to the stops on both sides of Waddicar Lane including access kerbs and new posts and signs outside no.s 121, 130 and 151 Waddicar Lane.
- The provision of dropped kerbs and tactile paving on both sides of existing junctions at Woodland Road/Waddicar Lane, Liddell Road/Waddicar Lane and Station Road/Waddicar Lane.
- Provision of a pedestrian crossing on Waddicar Lane opposite no.128 Waddicar Lane, including dropped kerbs and tactile paving.
- 2 m wide stone surfacing to Melling Footpath No.4 from a point adjacent to the proposed speed table on the site access road by no.11 Chapel Lane to the existing timber footbridge at the rear of plot no 139.

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

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

15) The development shall not be occupied until a Traffic Regulation Order (TRO) to introduce waiting restrictions on both sides of the junction at Waddicar Lane and Chapel Lane to prohibit parking at all times has been implemented in full.

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

16) The development shall not be occupied until a Traffic Regulation Order (TRO) to introduce waiting restrictions on the north side of Chapel Lane to prohibit parking at all times has been implemented in full.

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

17) The development shall not be occupied until a detailed scheme of traffic calming designed to maintain vehicle speeds at 20 mph or less on the proposed access roads within the development site has been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

18) The development shall not be occupied or brought into use until 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 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.

19) No dwelling shall be occupied until space has been laid out within the curtilage of all dwellings for car(s) to be parked and that space shall thereafter be kept available for the parking of vehicles in perpetuity.

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

20) 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.

21) Prior to the occupation of the development the details of any proposed external lighting scheme shall include measures to reduce light spillage onto foraging habitats for bats. The scheme shall be submitted to and approved in writing by the local planning authority and the agreed scheme shall be implemented in full and retained throughout the lifetime of the proposal.

Reason: To safeguard conservation of bats.

22) Prior to the occupation of the development a detailed scheme of the street lighting on the proposed access road, internal footpaths and public footpath no.4, shall be submitted to and approved in writing by the local planning authority and the agreed scheme shall be implemented in full prior to the development being brought into use.

Reason: For the safety of pedestrians and vehicle users.

23) No dwelling hereby approved shall be occupied until details of the full fibre broadband connections to all proposed dwellings within the development has 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.

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

Reason: To safeguard conservation of bats and birds in the area.

25) No development shall commence above slab level until the details of the electricity sub-station as shown on plan R110/1 Revision H has been submitted and approved in writing by the local planning authority. The infrastructure shall be installed prior to occupation.

Reason: To safeguard the living conditions of the future occupiers.

26) No development shall commence above slab level until the details of the pumping as shown on plan R110/1 Revision H has been submitted and approved in writing by the local planning authority. The infrastructure shall be installed prior to occupation.

Reason: To safeguard the living conditions of the future occupiers.

27) Prior to the first occupation of any dwellings within a particular phase, a plan indicating the positions, height, design and material and type of boundary treatment to be erected, including acoustic barriers to be provided within the site, shall be submitted to and approved in writing by the local planning authority. Where acoustic fencing is not required, a gap of 13 cm x 13 cm shall be shown within the base of each length of boundary fencing serving the respective plot in order to maintain connectivity for hedgehog. The boundary treatment shall be completed as approved before the dwellings become occupied and retained thereafter.

Reason: To ensure an acceptable visual appearance to the development, to protect the living conditions of future occupiers to the site, to ensure that the privacy of neighbouring occupiers/land user is retained at all times and to secure biodiversity enhancement.

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28) 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 agreed information must be provided on first occupation of each dwelling.

Reason: In order to comply with the Habitats Regulations Assessment Regulations and mitigate increased recreational pressure on European sites.

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

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

c. A full management plan for the watercourse corridors will be prepared and submitted.

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

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

30) No development shall commence above slab level until the details of the land drainage system to serve the properties facing onto or backing onto a watercourse are submitted and approved in writing. The approved scheme shall be installed prior to occupation.

Reason: To safeguard the living conditions of residents and mitigate the waterlogging of any garden areas.

Ongoing Conditions

31) The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted updated Flood Risk Assessment, Updated Drainage Strategy Plan & Foul & Surface Water Drainage Design Drawing 30500/SRG – Dated 19/01/21, which was prepared by Ironside Farrar. For the avoidance of doubt the surface water must drain at the restricted rate 22.2 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

32) Foul and surface water shall be drained on separate systems.

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

33 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 7.

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.

34) Prior to the first occupation of any dwelling visibility splays of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 1.0 metre above the footway level of the new development. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

35) No tree felling is to take place between the period of 1st March to 31st August inclusive. If it is necessary to undertake any works during the bird breeding season then all trees are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted to and approved in writing by the local planning authority.

Reason: To safeguard conservation of protected species.

36) The proposed close boarded fence, as shown on plan R110/1 Revision H must have a minimum surface density of 10 kg/m² and have no gaps.

Reason: To safeguard the living conditions of the future occupiers.

Informatives:

1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4569 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.

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

3) No development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 6 & 7 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 9 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.

4) A Traffic Regulation Order (TRO) to introduce a 20 mph zone is required and a programme for its implementation shall be proposed. Please contact the Highways Development and Design Team on HDD.Enquiries@sefton.gov.uk for further information and to progress this process.

5) There is a requirement for the applicant to enter into a S278 Highways Act 1980 Legal Agreement to facilitate works to the adopted public highway. Please contact the Highways Development and Design Team on HDD.Enquiries@sefton.gov.uk for further information.

6) Land Drainage Consents from the Lead Local Flood Authority (LLFA) shall be obtained for works near or that may affect the ordinary watercourses. Please contact the LLFA on flooding@sefton.gov.uk.

Report to: PLANNING COMMITTEE **Date of Meeting:** 19th October 2022

Subject: [DC/2022/01095](#)
[Park House, Park Road, Waterloo L22 3XG](#)

Proposal: Erection of 2 apartment buildings to provide 106 affordable independent living apartments with ancillary support services and communal facilities, together with associated landscaping, amenity space and car parking, following the demolition of the existing buildings.

Applicant: Dean Fisher **Agent:** N/A
Anwyl Partnerships

Ward: Church Ward **Type:** Major

Reason for Committee Determination: Chief Planning Officer Discretion

Summary

The application seeks full planning permission for the construction of 106 affordable independent living apartments, to be split between two separate blocks. The proposal would be 100% affordable housing for persons aged 55 and above and includes the demolition of the existing Park House Guest House on Park Road/Haigh Road within Waterloo District Centre.

The main issues to consider in respect of this proposal are the principle of development, loss of a non-designated heritage asset, the effect on the character and appearance of the area, living conditions, highway safety and loss of trees.

When applying the planning balance it is considered that the significant weight afforded to the provision of 106 affordable housing units for persons aged 55, and moderate weights attached to the economic benefits outweigh the moderate weight arising from the loss of the non-designated heritage asset. It is recommended that permission is granted subject to conditions and entering a legal agreement to secure the affordable housing and financial contribution to mitigate recreation pressure on the Sefton Coast.

Recommendation: Approve subject to Conditions and signing of a Section 106 legal agreement to secure affordable housing and a financial contribution to mitigate recreation pressure on the Sefton Coast.

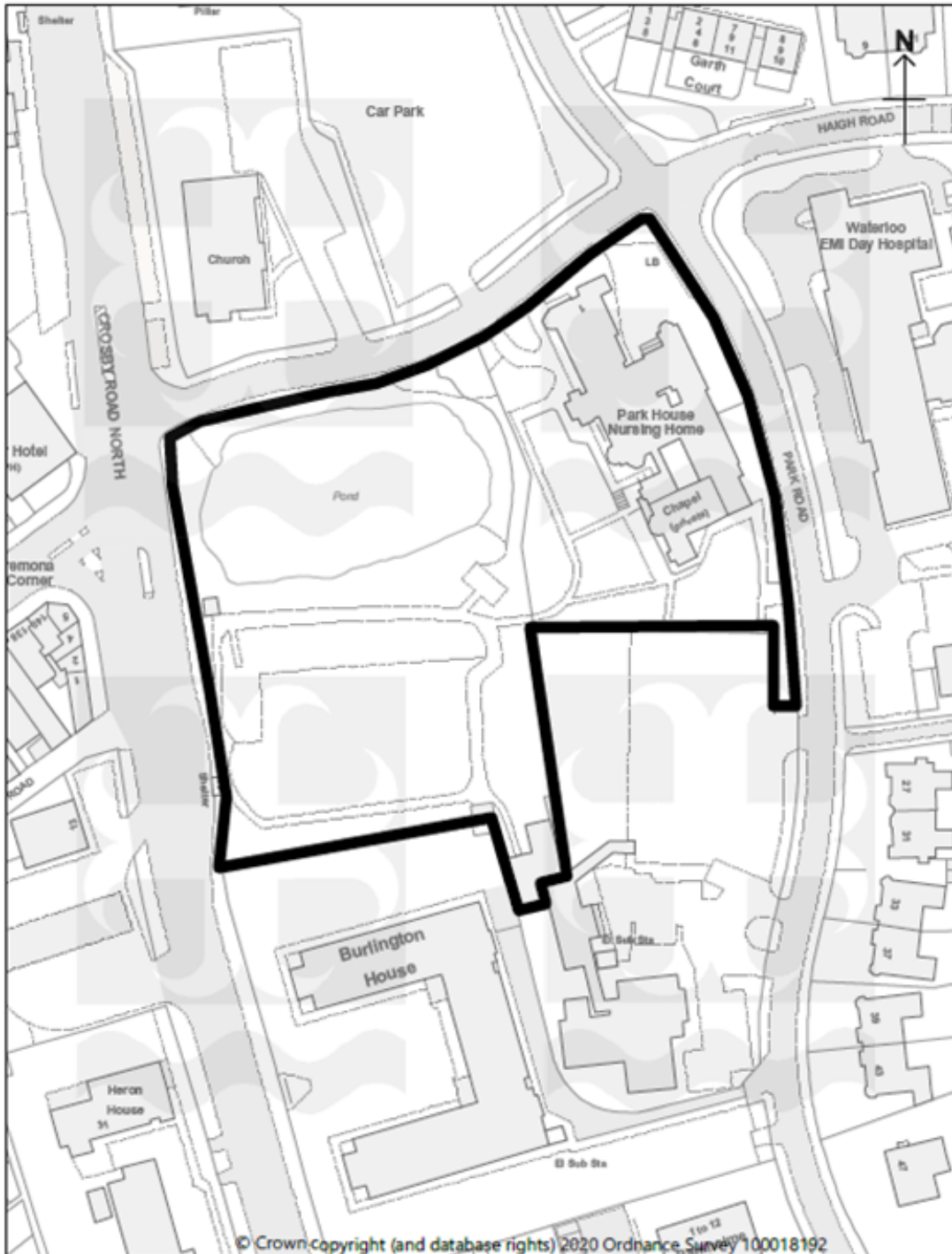
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Case Officer Rob Cooper
Email planning.department@sefton.gov.uk
Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RBTHOFNW08000>

Site Location Plan



Sefton Council



Reference: Map reference
Date: 19/08/2020
Scale: Scale 1:1250
Created by: Initials

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The Site

The application site lies within the designated Waterloo district centre, bordered to the north by Haigh Road, Park Road to the east and Crosby Road North to the west. To the south of the site, adjacent to the existing buildings is an open air car park. To the south of the open space, where block 2 is proposed, is the five-storey Burlington House building, with car parking lying between the building and the boundary to Park House.

The site consists of the Park House, which dates from the late 19th century. It was initially used as a single family dwelling but occupied by the Augustinian order for over a century. The original building is largely two-storey in appearance with bays and detailing that would be expected of a prominent building of that time. There has been a mix of extensions to the building over the years, from four-storey to two-storey that are prominent when viewed from Park Road and Haigh Road.

The strongest public views of the original building are from Haigh Road as approached from Crosby Road North, where the higher levels of the building and older façade can be viewed over the high-level boundary wall. Views of the building as a whole from Crosby Road North and from South Road to the west are limited due to the extent of mature trees within the site and adjacent to the boundary.

History

Extensive history relating to this site, the most recent and relevant of which include:

Ref: DC/2021/02184, Proposal: Outline planning application with all matters reserved except for access for extra care residential apartment building and independent living residential apartment building (C3) (up to 142 units), for occupants aged over 55 years and 100% affordable, including demolition of existing building. (Alternative to DC/2019/01043 refused 07.09.2020). Application was declined for determination on 28 September 2021.

DC/2019/01043 - Outline planning application with all matters reserved except for access for extra care residential apartment building and independent living residential apartment building (C3) (up to 142 units), for occupants aged over 55 years and 100% affordable, including demolition of existing building. Refused 02 September 2020. (Later dismissed at appeal 08 November 2021).

DC/2017/00674 - Change of use of ground and first floors from part Guest House (Use Class C1), part Convent (C2) to Nursing Home (C2) including alterations to external landscaping. Approved 24 July 2017.

DC/2013/00572 - Layout of an improved junction comprising: a revised and widened junction layout with right turn lanes, pedestrian crossing, cycle facilities and realignment to sections of the boundary walls to The Church of the Latter Day Saints and Park House Guest House. Approved 11 February 2014.

Consultations

Highways Manager

No objections subject to conditions

Local Plans

No objections

Conservation Officer

Objects to the total loss of the non-designated heritage asset. The original villa should be retained within the re-development.

Air Quality

No objection. The submitted Air Quality Assessment is acceptable. A condition is recommended for a scheme to control dust from construction/demolition activities. This can be included in the Construction Environmental Management Plan.

Noise

No objection, conditions recommended in relation to plant and machinery, sound insulation and piling.

Tree Officer

No objections, the level of tree removal, tree protection measures and compensatory planting are acceptable.

Building Control

No comments have been received on the planning application

Flooding and Drainage

No objection subject to drainage condition

Contaminated Land

No objection subject to conditions for further site characterisation following demolition, a remediation strategy, and validation.

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Adult Social Care / Housing Manager

No objection

Merseyside Environmental Advisory Service

No objections subject to conditions

Natural England

A full assessment of the potential impacts of additional recreational pressure as a result of the development or confirmation of opting in to Sefton Council's Recreational Management Interim Approach.

Community Fire Officer

No objections but have requested informative to be added to any approval.

Merseyside Police Architectural Liaison Officer

No comments have been received.

United Utilities

No objection subject to drainage condition.

Neighbour Representations

Letters were sent to surrounding residents, and site notices displayed in a number of locations around the site as well as a press notice being published in the local paper. Additional letters were sent to residents following the receipt of amended plans.

In response to the above consultations 6 representations have been received from 5 individual local residents raising concerns in relation to:

- The appearance of the proposed buildings - Brutal appearance, looks like a car park, unattractive and box like appearance, looks like city centre block of student flats
- Heritage and Character of the area - Victorian building should be retained, loss of the old building would be to the detriment of the local community, character of the area, and loss of local heritage.

- Highways safety - Park Road is already dangerous as used as a rat run with speeding cars, insufficient parking proposed.
- Light spillage / pollution

Policy Context

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

Assessment of the Proposal

The main issues to consider in respect of this proposal are the principle of development, loss of a non-designated heritage asset, the effect on the character and appearance of the area, living conditions, highway safety and loss of trees.

Principle of Development

The designated use of the land as Waterloo District Centre and Local Plan policy ED2 'Retail, Leisure and Other Town Centre Uses' allows for residential development if it does not compromise the vitality and viability of the centre.

As this proposal does not seek to replace a 'main town centre use' (as defined within the National Planning Policy Framework) then this residential development cannot compromise the vitality or viability of the centre. Also 106 independent living apartments, along with any associated management and maintenance staff, are likely to increase customers and users for the district centre as a whole.

In terms of residential development, Local Plan policy HC3 'Residential Development and Primarily Residential Areas' allows for residential development outside of designated primarily residential areas save for four exceptions:

- the land is required for the purpose for which it is designated
- the development would conflict with the allocated or designated land use
- it would result in an unacceptable residential environment
- it would be inconsistent with other policies in the Local Plan

The application site has not been formally allocated for a specific purpose and as such it is considered the first exception is not applicable. The second exception has been covered by the assessment that the development would not compromise the viability or vitality of the district centre while the two remaining exceptions will have to be considered against the plans as submitted.

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The remaining two exceptions will be addressed directly or indirectly in the assessment that follows.

Loss of a Non-Designated Heritage Asset

Park House is a substantial, two-storey villa, originally dating from the late 19th Century, with later extensions including a 20th Century chapel. It was originally built as a private residence and was later used as a school, a convalescent and rest home and latterly as a nursing home. The property has been vacant since around 2015.

The original villa retains some detailed high quality architectural features which reflect its original status, however these are generally confined to the west and southern elevation. The original appearance and architectural quality of the villa has been significantly harmed by later unsympathetic additions and alterations to the north and east elevations. Numerous windows have been replaced and a number of chimneys removed.

As concluded by the Planning Inspector who dismissed the 2021 appeal, ***“The architectural significance of Park House primarily stems from the original 19th century villa set within extensive walled grounds. The building also has some historical significance resulting from its previous uses both as a private villa and in connection with its use by the Sisters of Notre Dame and the Augustinian Sisters. However, previous unsympathetic alterations and additions to the building means that its architectural significance has been reduced somewhat resulting in its overall significance being low to moderate”***.

Local Plan policy NH15 ‘Non-designated Heritage Assets’ states that *“development affecting a ... non-designated heritage asset or its setting will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced”*. Furthermore, paragraph 203 of the National Planning Policy Framework states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.

The Council’s Conservation Officer has objected to the proposal on the basis that its total loss would not comply with NH15, and he does not believe the benefits outweigh the total loss of the Non-designated Heritage Asset. Whilst the Officer does not have any objections to the demolition of later additions, he states that the original villa should be preserved and enhanced. The Officer acknowledges that if the building cannot be re-used and its loss is considered unavoidable then a condition should be added to secure a historic and photographic analysis and recording of the asset before it is demolished.

With regards to retaining the original villa, the applicant has previously appraised their development options for the site, and their architect carried out a review to consider if conversion

utilising the original building was achievable. This concluded that it wasn't practical or feasible, when trying to provide modern standards of accessibility, thermal efficiency and fire performance.

In July 2022, the building was subject to an arson attack. Due to concerns with the damage caused the applicant instructed a consulting engineer to carry out a structural inspection of the building. Amongst the significant fire damage, the report and associated photographs show how the fire caused the collapse of the roof, and partial collapse of the first floor.

The Conservation Officer acknowledges that the fire damage has compromised part of the significance and value of the villa, resulting in the partial loss of the heritage asset. However, reconstruction and re-use of the asset is still possible.

Consequently, whilst its value has been diminished, having regard to its potential to be reused, overall, its significance is still considered to be low to moderate. The proposal would fail to comply with policy NH15 as the total loss of the building would neither conserve nor enhance aspects of the asset that contribute to its significance. Consequently, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

Character and Appearance of the Area

The application site is bounded by the A565 (Crosby Road) to the west, Haigh Road to the north and Park Road to the east. The existing building is highly visible from the latter two roads and largely screened from Crosby Road by mature trees within the grounds. The boundary of the site is marked by a high-level red brick wall. The surrounding area is mixed in character and appearance comprising commercial, community and residential uses in buildings of varying heights, designs and materials.

The existing Park House building is positioned in the north east corner of the site, adjacent to Haigh Road and Park Road. The older part (the villa) is 2 storey in appearance, but is relatively tall by modern standards given its grand period construction and high ceilings, whereas the modern flat roofed extensions to the rear are a mix of 3 and 4 storey. The remainder of the site is largely undeveloped with a large pond in the northwest corner. The site contains a large number of trees which contribute to its appearance and the character of the wider area.

The proposed new apartments would be laid out in two separate blocks: block one in the north eastern part of the site is part 4 and part 5 storey, and block two in the south western part is 5 storey in height.

Though there are residential buildings near to the site, the immediate surrounding area is very mixed in character and appearance with Crosby Road having a busy, commercial character and Haigh Road and Park Road containing non-residential buildings. Given the height and appearance of the existing extensions adjacent to Park Road, the scale and design of the proposed new apartment blocks would not be out of character with either the existing building, or the surrounding area. This is especially so when considering the presence of a five-storey office

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building at Burlington House to the south.

At four and five storey, understandably the density, scale and massing of the proposed apartments blocks do not reflect the appearance of residential properties in the wider area, especially further along Park Road and Haigh Avenue. However, it does reflect the character of its immediate surroundings which is more mixed in scale and appearance. Furthermore, their modern design and finish would be of a high quality that is considered to respond positively to the character, local distinctiveness and form of the site's surroundings. The proposal is considered to be consistent with Local Plan Policy EQ2.

Previous scheme

One of the reasons for refusal of the previous scheme (DC/2019/01043) was based on concerns that the development's density, scale and massing would harm the character and appearance of the area. That scheme was submitted as outline, but the applicant provided indicative details showing how the proposed 142 units could be achieved in 4 and 5 storey blocks. Whilst the appeal was dismissed at appeal, the Inspector did not uphold this specific reason for refusal, and in the decision letter stated:

“Although the application is for outline planning permission, the indicative layouts and artist's impressions show a development comprising two buildings, a largely 4 storey building positioned in the north east corner of the site near to Haigh Road and Park Road and a largely five storey building in the south west corner adjacent to Crosby Road”.

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

The previous appeal decision is a material consideration that needs to be taken into account when determining this planning application. The current scheme has a lower density of units than the previous, and the scale, massing and height are similar. Consequently, a refusal on such grounds is unlikely to be sustained at appeal.

Living Conditions

Living Conditions of Future Occupiers

The submitted floor plans demonstrate that each of the room sizes and overall size of each apartment would meet the Council's minimum standards, with a good outlook being possible from

all habitable room windows. With regards to the interface distances between habitable room windows, block 1 has a U-shaped footprint so some apartments would have an outlook towards each other. However, this interface would meet the minimum distance of 21m between habitable room windows.

The Council's guidance requires 20m² of private outdoor amenity space to be provided for each flat so in this instance a minimum of 2,120m² would be required. The proposal provides for extensive outdoor communal amenity space for the residents, including the wooded parkland and the lake. This is in excess of 5,400 square metres, and even when taking away the area of the lake and incidental landscaped areas to the front and around the parking areas this would still exceed 3,200 square metres. In addition to this, the majority of the apartments would have Juliet balconies off the living rooms.

The applicants have noted that the roof of the two storey element of block 1 also has potential to provide for a garden roof terrace in the future. However, that does not form part of this current application, and is not required to meet the necessary levels of amenity space in the application as currently submitted.

The application site is located near to Crosby Road North. Given that this a well trafficked main road, the applicant has submitted noise and air quality assessments. These demonstrate that subject to detailed mitigation residents would have good living conditions and would not be severely harmed through road traffic or other noise nor would the air quality give rise to significant or severe harm.

The Environmental Health Manager has been consulted and is satisfied with the conclusions of the noise and air quality assessments. He has recommended conditions in relation to control dust from construction/demolition activities, the details of any permanent plant and equipment, and a scheme of piling methodology.

He has noted that the applicant would be carrying out an Overheating Risk Assessment, which is likely to have some impact on final make-up of the building envelope. Consequently, the final detail for the acoustic mitigation measures necessary for each apartment can be conditioned.

Living Conditions of Neighbouring Properties

The nearest residential properties are to the northeast at Garth Court, at the junction of Park Road and Haigh Road. The front elevation of these buildings is more than 39m from the boundary with the application site, with block 1 a further 5m away from this nearest point. The overall separation between the proposal and this nearest neighbouring property is more than double the minimum recommended. Given the distances to the nearest existing properties, the proposed development would not result in an unacceptable level of overshadowing or overlooking to existing residents.

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Highway Safety

The proposed vehicle access will be gained via two junctions onto Park Road. There are two existing vehicle accesses into the site at these locations, which will be altered to suitably accommodate the proposed development, providing sufficient visibility.

Furthermore, two separate pedestrian access points will be provided into the site, one from Haigh Road and one from Park Road as well as the pedestrian facilities adjacent to the vehicle accesses.

There are no segregated cycle accesses into the site, however, given the layout of the highway network surrounding the site, use by cyclists of the vehicle accesses into the site from Park Road is considered acceptable.

The proposed access arrangements to the site for all modes of transport is considered accessible and will provide safe pedestrian movements and allow 2-way vehicular traffic.

With regards to parking, 68 car parking spaces will be provided within the site, including 4 disabled bays, as well as 4 motorcycle spaces, one large accessible bay suitable for ambulance parking and space within the northern building to park 12 mobility scooters. There would also be 12 cycle parking spaces. The site is located within the Waterloo District Centre, in a highly accessible location close to shops and services and public transport. Therefore, the level and type of parking spaces proposed is considered acceptable.

In terms of potential changes to traffic levels compared to the existing use, the Highways Manager has reviewed the submitted transport assessment and considers that the additional traffic likely to be generated by this development equates to approximately one extra trip every 2 minutes for the PM peak hour and one every 4 minutes for the AM.

The impact on the A565/South Road/Haigh Road junction has also been assessed. The assessments show that in the worst-case scenario only adds an additional 2 vehicles to the junction in the peak period. This is considered negligible. Therefore, the expected increase in traffic levels as a result of the development is not significant and can be accommodated on the local highway network.

The Council's Highways Manager has no objections to the proposed development. Subject to a number of conditions and consideration of reserved matters at a later date, the proposal is unlikely to give rise to significant or severe harm to highway safety.

Loss of Existing Trees

The application site contains a large number of trees, the majority of which are located on the western, open part of the site and surrounding the existing pond. Most of the trees are protected by a Tree Preservation Order (TPO). An Arboricultural Impact Assessment, Method Statement and replacement planting plan have been provided.

The Tree Officer has had extensive discussions with the applicant and their consultant which has contributed the evolution of the scheme and changes to the site design and layout.

The previous scheme (DC/2019/01043) which was refused on the grounds of loss of trees (amongst other matters) proposed the removal of a significant number of healthy trees and inadequate replacement planting to compensate for their loss. That scheme proposed the loss of 58 trees, including 1 high value tree and 5 moderate value groups of trees.

In comparison, the Arboricultural Impact Assessment for this scheme identifies 21 individual trees and 3 tree groups (comprising approximately 0.07 ha) to be removed. Only 7 of these trees and 1 group require removal primarily to facilitate the proposal development. In fact, 14 trees and 2 groups have been recommended for removal irrespective of the proposed development, due to safety concerns associated with their poor health or condition.

To mitigate this impact the applicant has submitted a landscaping scheme which proposes the planting of 37 trees in total. The replacement planting ranges in size from 8-10cm girth to 14-16cm girth.

The Council's Tree Officer has confirmed that the tree loss identified above is acceptable due to the condition and location of the trees identified for removal. Furthermore, the officer is satisfied with the proposed replacement planting and the method statement for the protection of those trees to be retained.

Consequently, the proposed development would not result in the unacceptable loss of, or damage to, existing trees or woodlands or significant landscaping during or as a result of development, and suitable replacement planting and landscaping are proposed in accordance with Policy EQ9 of the Sefton Local Plan.

Housing Need and Mix

The proposal will be 100% affordable housing, and specifically affordable or social rent, for older people (55 years and older). It is considered this provision will meet an identified need in Sefton and this area. The Housing Manager within the Adult Social Care Team has been consulted and has said:

'The need for approximately 218 units of extra care accommodation within this area is set out in our extra care prospectus which is based upon the strategic housing market assessment completed in 2019.

Sefton faces a challenge of anticipating and helping to shape the housing options available for our residents. Extra care housing is recognised nationally as a welcome choice for older people since it offers suitable accommodation, with flexible care and support available when needed, and a sense of community to reduce the risk of social isolation.

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106 affordable independent living apartments with ancillary support services and communal facilities, together with associated landscaping, amenity space will help to enable us to meet the needs of our residents'

The following practical points with regards to the internal workings and layout of the buildings were also provided:

'However there does seem to be a lack of ancillary for staff in terms of breakout room, washing/toilet facilities and a private meeting room. In terms of accommodation I would also look to see some of the units moved to ensure that they do not border staff office, buggy store and refuse to mitigate against future issues of noise for residents.

Engagement with the developer and appointed housing provider will be key to ensuring that an appropriate nominations policy is agreed enabling us to also put appropriate care and support services at the heart of the development'.

With regards to the latter points the applicant is discussing these direct with the Housing Manager in the Adult Social Care team to ensure their concerns are alleviated. If considered necessary in the future this may result in some internal changes, although these are likely to be minor in the context of the overall scheme. Furthermore, the Environmental Health Officer has not raised any concerns in this regard and a condition is recommended for the final detail of the acoustic mitigation measures.

With regards to housing mix, as the scheme is for 100% affordable apartments, the Council's housing mix contained in policy HC2 is not applicable.

Ecology and Habitats

The applicant has submitted ecology survey reports in accordance with Local Plan policy NH2. Merseyside Environmental Advisory Service (MEAS) have been consulted and they confirm that these surveys are accepted with minor limitations. The bat surveys confirmed the presence of two common pipistrelle day roosts within the main building. No evidence of hibernating bats were recorded within the building and no evidence of bat roosts was recorded amongst the affected trees. The applicant's ecological consultant has stated they intend to progress as a Registered Consultant under the Bat Mitigation CL21 'low impact' Licence route.

No evidence of red squirrel was observed during the tree inspections carried out by the applicant's consultants, and they do not need to be considered further in relation to these proposals. The three tests set out in the Habitats Regulations have been met, which demonstrates that the Council has engaged with the Habitats Directive.

The applicant has confirmed that they would 'opt in' to the Council's approach to deal with recreational pressure on the coast. This includes £314 per dwelling (£33,284) and the provision of

an information pack.

MEAS have no objections subject to conditions in relation to the necessary mitigation proposed, a construction environmental management plan, bird nesting, RAMs for hedgehog and amphibians, securing the above financial contribution and information pack. The proposal is therefore considered to comply with policy NH2 of the Sefton Local Plan.

Other matters

Concerns have been raised in relation to the lighting of the building, and the potential for light spillage and light pollution in the area. The site is located within a built-up area and district centre, an area where a good degree of lighting from street lamps and buildings can be expected. It is acknowledged that the current vacant building / site contributes little to this. However, the future external lighting of the site can be controlled by planning condition to ensure there would be no harmful light spillage.

With regards to flood risk and drainage, the applicant has submitted a flood risk assessment and a drainage strategy. The discharge rate would be restricted to of 15 l/s, both United Utilities and the Lead Local Flood Authority have been consulted and have no objection. United Utilities have noted that neither the ground conditions' report, or a proposed drainage layout plan showing finished floor levels or exceedance flood route plan have been included, consequently have requested a planning condition.

Planning Balance

The proposed apartments are considered to be appropriate in principle as they would be located within the Waterloo District Centre. The scale and design of the new apartments would not harm the character and appearance of the area. The proposal would provide acceptable living conditions for future occupiers and would not cause harm to the living conditions of any neighbouring occupiers. It would not cause harm to highway safety, and the site is in an accessible location. Furthermore, the Tree Officer has confirmed that the proposed loss of trees would not be unacceptable, and that they can be adequately compensated for. These matters meet the relevant policy requirements and are considered to be neutral.

The Council can currently demonstrate a five year housing land supply, and the Strategic Housing Market Needs Assessment (2019) identified an annual need for 77 affordable units per year in the Crosby area (including Waterloo) and, with a projected 33% increase in the population aged 65+ over 2017-2026. In this context, the provision of 106 units of affordable housing for the over 55s on a previously developed site in an accessible location is a significant benefit of the proposal to which should be attached significant weight.

The proposal would also result in economic benefits both during the construction phase and once the units are occupied, through job creation and increased spend in the local economy. Given the scale of development proposed, moderate weight is attached to the economic benefits associated

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with the proposal.

Although the proposal would result in the complete loss of significance of the non-designated heritage asset on site, its significance has been eroded over time by a number of unsympathetic additions and alterations and, in more recent months, damaged through multiple fires. Consequently, the existing building has low to moderate significance. The building's local historic significance is fully appreciated and it would be preferable for the original villa to be retained as part of the redevelopment of the site. However, given it is not a designated heritage asset and its relatively low significance, only moderate weight can be attached to the loss of this non-designated heritage asset.

Section 38(6) of the Planning and Compulsory Purchase 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the moderate harm resulting from the loss of the non-designated heritage asset is outweighed by the significant benefits associated with the provision of 106 independent living apartments, 100% affordable, for persons aged 55 years and above and the moderate weight attached to the economic benefits.

Consequently, whilst the loss of the non-designated heritage asset would be contrary to Local Plan policy NH15, the material considerations outlined above justify the approval of the proposed development.

Conclusion

Recommendation – Approve subject to Conditions and the signing of a Section 106 legal agreement to secure affordable housing and a financial contribution to mitigate recreation pressure on the Sefton Coast.

Time Limit for Commencement

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

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

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

Plans

7000 P1.1 Site Location Plan (received 31/05/22)

7001 P1.1 Existing Site Plan (received 31/05/22)

0002 P01 Soft Landscaping Plan (received 30/08/22)
7100 P1.2 Block 1 Floor Plans (received 12/09/22)
7101 P1.3 Block 1 Floor Plans (received 12/09/22)
7111 P1.1 Block 1 Elevations (received 12/09/22)
7110 P1.3 Block 1 Elevations (received 12/09/22)
7200 P1.2 Block 2 Floor Plans (received 12/09/22)
7210 P1.3 Block 2 Elevations (received 12/09/22)
7002 P1.7 Site Layout Plan (received 14/09/22)

Documents

Air Quality Assessment (Ref. 002 V1.3, Wardell Armstrong, May 2022)
Curtins (25th May 2022) Phase 1 Preliminary Risk Assessment. Ref: 069871-CUR-00-XX-RP-GE- 001 Rev V04
Curtins (17th June 2022) Phase 2 Site Investigation. Ref: 069871-CUR-00-XX-RP-GE-002 Rev V03
Flood Risk Assessment, Doc. Ref: 079124-CUR-XX-XX-RPC- 00001 Revision: V03 Issue Date: 22 April 2022
Noise Assessment Report by Wardell Armstrong Ref GM12109/001 v1 Final issued in May 2022
Arboricultural Impact Assessment (Ref. 9258.001 Version 4.0, TEP, August 2022)
Arboricultural Method Statement (Ref. 9258.002 Version 1.0, TEP, August 2022).
Invasive Species Method Statement (UES Ltd, 19 May 2022, UES02408/14)

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) a) No development shall commence above finished floor level (excluding demolition and site clearance works) until a detailed scheme of highway improvement works has been submitted to and approved in writing by the local planning authority. The scheme shall include the provision of:
- Dropped kerbs and tactile paving pedestrian crossings on either side of each of the junctions with Park Road.
 - Reconstruct the redundant vehicle accesses as pedestrian footway on the south side of on Haigh Road, fronting the development site
- b) No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the details approved under above.

Reason: In the interests of highway safety.

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- 4) a) Prior to the commencement of development, full details of the proposed measures to ensure that mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance shall be submitted to an agreed in writing with the Local Planning Authority.

b) The details approved under (a) above shall be implemented throughout the period of construction unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

- 5) a) Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

b) The provisions of the Construction Traffic Management Plan approved under (a) above shall be implemented in full during the period of demolition and construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: This is required prior to the commencement of development in order to ensure the safety of highway users during both the demolition and construction phase of the development. If the details are not approved prior to commencement, it will prejudice the safety of highway users.

- 6) No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include but not be limited to the following:

- Details of the minimisation of waste production
- Implementation of measures to achieve efficient use of resources
- Details of the minimisation of off-site disposal
- A site waste management plan
- A written demolition/construction dust control scheme
- Reasonable Avoidance Measures (RAMs) for amphibians and hedgehog
- Evidence that the site has been registered under the Bat Mitigation CL21 licence

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

- 7) Prior to commencement of development (excluding demolition and site clearance works) the approved scope of works for the investigation and assessment of contamination must be undertaken by competent persons and a written report of the findings must be produced. The report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the Local Planning Authority.

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.

- 8) Prior to commencement of development (excluding demolition and site clearance works) a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, must be prepared and is subject to the approval in writing of the Local Planning Authority.
 - a) The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development and commencement of its use.
 - b) In the event that the proposed remediation scheme involves the provision of a ground cover system a plan indicating the existing and proposed external ground levels on the application site shall be submitted for approval to the Local Planning Authority.
 - c) The development shall proceed in accordance with the external ground levels approved under (b).

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.

- 9) No development shall commence (not including demolition), until details of the facing materials to be used in the external construction of this development have been submitted to and approved in writing by the Local Planning Authority prior to development. The approved materials shall then be used in the construction of the development.

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

- 10) No development shall commence other than as may be required in relation to site clearance and remediation until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority.

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

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

- 11) a) There shall be no construction above finished floor level until a scheme of sound insulation/acoustic mitigation has been submitted to and approved in writing by the Local Planning Authority.
- b) The soundproofing shall be carried out in accordance with the scheme approved under (a) before the apartments are brought into use.

Reason: To prevent unreasonable noise and disturbance to neighbouring occupants in the interests of residential amenity.

- 12) No development shall commence until a historic building recording survey has been carried out and the report has been submitted to the Local Planning Authority. As a minimum this shall include:
- description of the building's setting and its significance locally
 - location and grid reference of the building
 - a written report of the building's history and past uses
 - details of any important internal and exterior features
 - a written account of the condition and known history of the building
 - copies of any existing historic maps, plans or specialist reports for the property
 - photographs of the interior and exterior of the building

The historic building recording survey shall be carried out in accordance with guidance contained in Understanding Historic Buildings: A Guide to Good Recording Practice (Historic England, May 2016).

Reason: The details are required prior to development, demolition or site clearance commencing to ensure that recording takes place at an appropriate period during the development process.

- 13) Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365.
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority

(If it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD.

(iv) Mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

- 14) a) Should any part of the development incorporate piling works, a method statement must be submitted to and approved in writing prior to the commencement of any piling. The method statement must provide a justification for the method chosen and details of noise and vibration-suppression methods proposed.

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

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

- 15) a) Notwithstanding the details provided, prior to the commencement of development (excluding demolition and site clearance works) a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. This plan shall include the retention of the existing boundary walls where practicable, and the retention or relocation of any existing gate piers.

b) The boundary treatment shall be completed as approved before any of the units are occupied or in accordance with an agreed timetable.

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

During Construction

- 16) The development shall be carried out strictly in accordance with the approved Arboricultural Impact Assessment (Ref. 9258.001 Version 4.0, TEP, August 2022) and the Arboricultural Method Statement (Ref. 9258.002 Version 1.0, TEP, August 2022).

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Reason: To prevent damage to trees.

- 17) 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.

- 18) 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 9.

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.

- 19) No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

If present, details of how they will be protected will need to be submitted to and approved by the local planning authority prior to the works.

Reason: To protect birds during their breeding season.

- 20) The development shall be carried out in accordance with the recommendations for mitigation and compensation set out in section 4.3.1 of the bat survey report (UES Ltd, 26 August 2022, UES02408/10-15).

Reason: In the interests of biodiversity and species protection.

- 21) a) The development shall be carried out in accordance with the approved Invasive Species Method Statement (UES Ltd, 19 May 2022, UES02408/14).

b) Prior to the occupation of the apartments, a validation report shall be submitted confirming the remediation approved in a) above has been fully implemented.

Reason: In the interests of biodiversity and to prevent invasive species.

Before the Development is Occupied

- 22) Before any part of the development hereby permitted is occupied/brought into use written details of all arrangements for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The storage arrangements shall be completed in accordance with the approved details and shall be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse/recycled materials.

- 23) The use hereby permitted shall not commence until a written scheme of noise control for any plant and equipment to be installed on site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

Reason: To safeguard the living conditions of future and neighbouring occupiers and land users and to ensure an acceptable visual appearance.

- 24) The 2.4m by 25m visibility splays shown within the Transport Assessment shall be implemented prior to the occupation of the apartments and be maintained free of any obstruction in perpetuity.

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

- 25) No part of the development shall be brought into use until the vehicular and pedestrian access to the site, areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and details. These shall be retained thereafter for that specific use.

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

- 26) 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.

- 27) a) Within 6 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 writing by the Local Planning Authority.

b) 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.

- 28) Prior to the occupation of the apartments hereby approved, details of bird nesting boxes (including number, type and location on an appropriately scaled plan) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan must then be implemented prior to occupation and maintained as such thereafter.

Reason: In the interests of biodiversity and to mitigate for the loss of bird breeding habitat.

- 29) No residential unit hereby approved shall be occupied until details of full fibre broadband connections to all proposed dwellings within the development has been submitted to and approved in writing by the Local Planning Authority. 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.

- 30) No part of the development shall be occupied until full details of both hard and soft landscape works, in accordance with Soft Landscape Plan (0002 received 30 August) have been submitted to and approved in writing by the local planning authority. These details shall include:

- I. A statement setting out the design objectives and how these will be achieved;
- II. Earthworks showing existing and proposed finished levels or contours;

- III. Means of enclosure, walls, fences and retaining structures;
- IV. Other vehicle and pedestrian access and circulation areas;
- V. Hard surfacing materials;
- VI. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs
- VII. Water features
- VIII. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).
- IX. A management and maintenance plan
- X. Interpretation/information boards on site detailing the history of Park House

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

- 31) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity.

- 32) Prior to the occupation of any 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 agreed information must be provided on first occupation of each dwelling.

Reason: To mitigate recreational pressure on the designated coast.

Ongoing Conditions

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

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

- 34) Foul and surface water shall be drained on separate systems.

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

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35) The 106 apartments hereby permitted shall only be occupied by:

- persons aged 55 or above;
- persons living as part of a single household with such a person or persons;
- persons who were living as part of a single household with such a person or persons who have since died.

Reason: In order to secure housing for the over 55s.

Informatives

Highways

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.
- 3) The developer should be advised that an agreement under section 278 Highways Act 1980 will be required to ensure the off-site highway works are completed, and to contact the Highways Development & Design Team at hdd.enquiries@sefton.gov.uk.

Ecology

- 4) Japanese knotweed, Cotoneaster and Rhododendron are present within the site boundary. All are listed on Schedule 9 of the Wildlife and Countryside Act

Piling

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

vibration monitoring will be required for all piling projects. For further advice on what to include in your piling methodology scheme and current standards please contact Sefton's Pollution Control Team.

Fire Authority

- 6) The Fire Authority requests that any decision notice includes the following information;

The plans relating to the above application have been examined and below are the Fire Authority's observations:

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

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

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

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

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Report to: PLANNING COMMITTEE **Date of Meeting:** 19th October 2022

Subject: [DC/2022/01057](#)
[51 Sandhurst Drive Aintree Liverpool L10 6LU](#)

Proposal: Erection of a double garage to the rear and the conversion of the existing garage into a habitable space incorporating alterations to the front elevation of the dwellinghouse.

Applicant: Mr and Mrs Gerrard **Agent:** Diaz Associates

Ward: Molyneux Ward **Type:** Householder application

Reason for Committee Determination: Call in by Cllr Paula Murphy

Summary

The proposal is to convert the existing garage to habitable accommodation and to erect a garage in the rear garden area facing Kempton Park Road is acceptable subject to conditions.

Recommendation: Approve with Conditions

Case Officer Carol Gallagher

Email planning.department@sefton.gov.uk

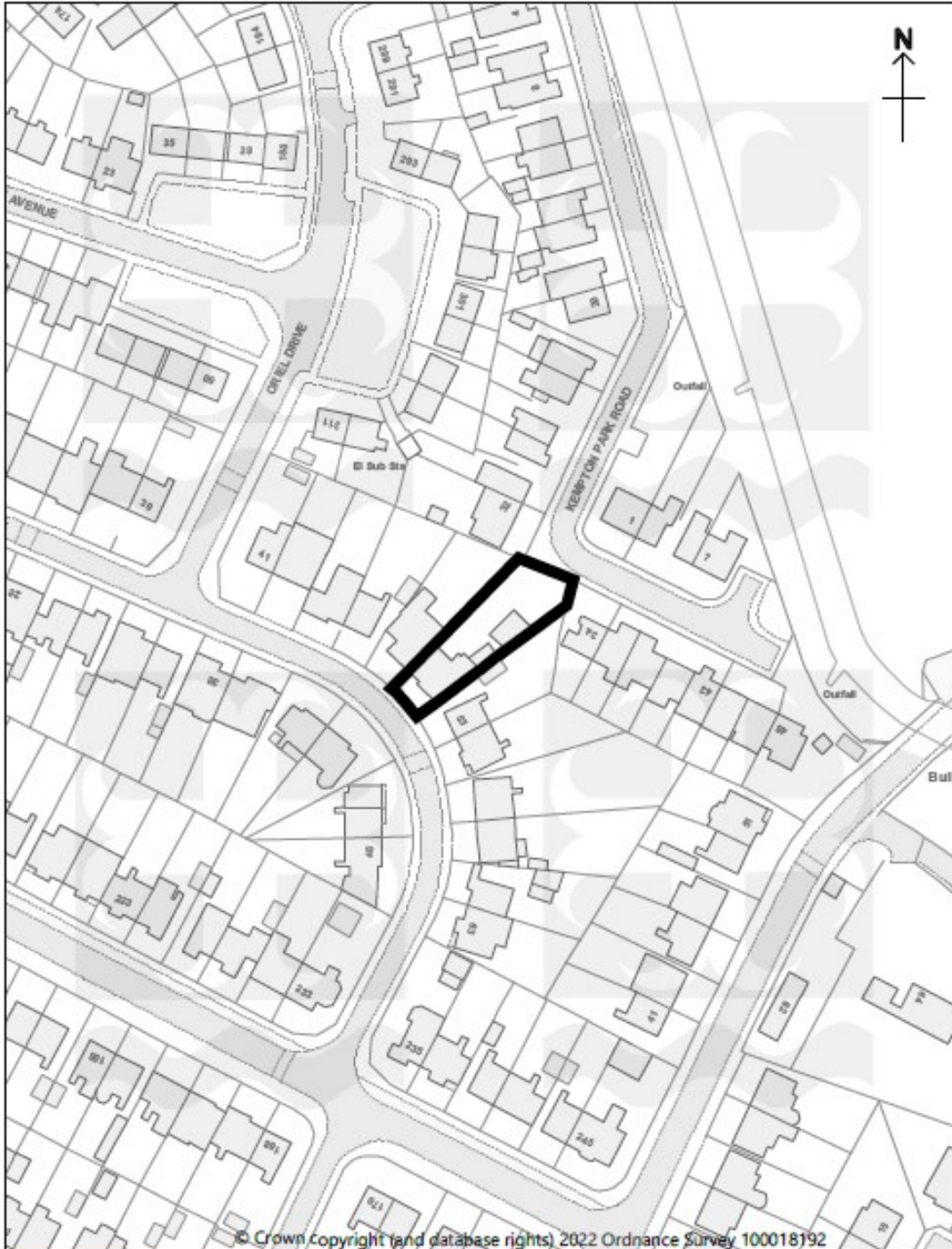
Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RCHG43NW06900>

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Site Location Plan



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Reference: Map reference
Date: 10/10/2022
Scale: Scale: 1:1250
Created by: Initials

The Site

The application site is 51 Sandhurst Drive Aintree, which is a semi-detached house, with a rear garden that backs onto Kempton Park Road. The rear garden can be accessed by a set of double gates on Kempton Park Road.

History

DC/2021/00943 Proposal: Certificate of Lawfulness for the proposed detached outbuilding in the rear garden.

Certificate not issued 16th June 2021

Appeal Dismissed 21st January 2022

DC/2020/01273 Erection of a detached dwellinghouse to the rear garden with access from Kempton Park Road (alternative to DC/2020/00398 withdrawn 24/06/2020).

Refused 9th September 2020

DC/2020/00398 Erection of a detached dwelling.

Application withdrawn 24th June 2020

DC/2016/00916 Erection of one pair of semi-detached two storey dwellinghouses fronting onto Kempton Park Road

Application withdrawn 26th October 2016

S/23339 Erection of A Single Storey Building at Rear of The Dwellinghouse to Form a Games Room Permitted Development 6th August 1984

S/14825 Erection of One No. Detached Dwellinghouse and Garage on Land to Be Severed from Rear of Existing Dwellinghouse, Having Frontage to Kempton Park Road (Outline Application)

Refused 27th August 1980

S/04403 Erection of A Garage at The Side and A Porch and Canopy at The Front of The Dwellinghouse

Approved with conditions 8th November 1976

Consultations

Highways Manager

No objection subject to a condition.

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Neighbour Representations

Neighbours consulted on 1st June 2022 and 9th August 2022 following the receipt of amended plans.

3 objections received on the grounds of:

Access to and from these garages will be onto Kempton Park Rd and our driveway will be restricted with any cars driving out of this property.

If the outbuilding is to be used as a garage for the benefit of the dwelling, why does it need to be the same height as a house. The outbuilding is situated too close the boundary and the neighbouring property and is too high.

Policy Context

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

Assessment of the Proposal

This application is for the erection of a double garage to the rear and the conversion of the existing garage into a habitable space incorporating alterations to the front elevation of the dwellinghouse.

The issues to consider are the principle of development, design/impact to the street scene and impact on neighbouring properties.

Principle of development

The application site is located in a residential area so the principle of development is acceptable.

Design/impact to the street scene

The existing house has an attached garage. The proposal is to replace the garage door with a window and utilise the internal space for a bedroom, utility room and toilet.

This element of the proposal will be an acceptable feature in the street scene.

It is proposed to build a double garage in the rear garden area with access from Kempton Park Road.

There is an existing vehicular access to the rear garden from Kempton Park Road and the Highway Manager has no objections to utilising this access subject to the proposed extension of the existing

flagged driveway in the site being implemented prior to occupation of the proposed development.

In relation to the street scene, the proposed garage has been reduced from a height of 5m to 4.5m. It will have an external footprint of 6.1m x 6.1m, will be set back from the boundary to Kempton Park Avenue by 5m, and will be set slightly off the boundary to the neighbouring property at 34 Kempton Park Road.

The proposed garage will have a traditional garage door, a window in the southwest and southeast elevation and a door in the northwest elevation which faces the garden area.

The proposed building of a new garage in the garden is to replace the garage that is to be converted to habitable accommodation. It is considered appropriate to condition any approval so the proposed garage could not be used as habitable accommodation or sold off separately as an independent unit of habitable accommodation.

At a height of 4.5m the proposal will be visible in the street scene but as it is set back by 5m from the boundary it is considered it will not be unduly intrusive.

Impact to neighbouring properties

The proposed change of use of the existing garage will have no impact to the neighbouring property at No 53 Sandhurst Drive.

The proposed garage will be visible to No 53 and No 49 Sandhurst Drive but as it is approximately 19m from the rear elevation of the host property and with fences and well screened boundaries it is not considered there will be any loss of outlook or prospect to these properties.

Due to the access and the location of the proposed garage in the rear garden, the neighbours on Kempton Park Drive also have to be considered.

The garage is slightly set off the boundary to No 34 Kempton Park Drive which has fencing and a well screened boundary so it is considered there will be no impact to this property.

No 32 Kempton Park Drive is a dormer bungalow with a two-storey extension to the side. There is a distance of approximately 14m from the nearest habitable room window at 1st floor level to the proposed garage, so it is concluded there will be no impact on the outlook and prospect of this property.

Other Matters

Residents have raised concerns in relation to the height of the proposed garage and potential highway issues in relation to the access.

The proposed garage will be mainly visible to Kempton Park Road and is slightly lower than the

Agenda Item 5b

two-storey extension of No 32 Kempton Park Drive which is 2.7m to the eaves and 5.4m to the ridge of the roof and will be an acceptable feature in the street scene.

The Highway Manager has assessed the plans and subject to a condition that the existing drive has to be extended within the site has no objections to the proposals.

Conclusion

The proposal complies with Policy HC4 (House Extensions) of the Sefton Local Plan and is acceptable subject to conditions.

Recommendation - Approve with Conditions

Time Limit for Commencement

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

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

Approved Plans

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

Site outlined in red as shown on the location plan, amended drawings received by the Local Planning Authority on the 7th of September 2022 showing the proposed garage layout and the proposed site layout, the proposed elevations only as shown on 651-11 Rev A and Drwg No 651-10.

Reason: For the avoidance of doubt.

Before the Development is Commenced

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

Reason: To ensure the safety of highway users during both the demolition and construction phase of the development.

During Building Works

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

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

Before the Development is Occupied

- 5) No part of the development subject to this permission shall be occupied until the extended driveway as shown on Drwg No. 651_05 _ Rev A received by the LPA on 7th September 2022 has been constructed to the base course level to enable access to the garage.

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

Ongoing Conditions

- 6) The detached garage hereby approved shall only be used in association with or for purposes ancillary to the residential use of the existing dwellinghouse.

Reason: To prevent an over-intensive use of the site and to prevent harm to the living conditions of neighbouring/ adjacent occupiers and land users.

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Agenda Item 6

Report to:	Planning Committee	Date of Meeting:	Wednesday 19 th October 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 recommendations in this report.

(B) Capital Costs

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

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Implications of the Proposals:

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

Contribution to the Council's Core Purpose:

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

What consultations have taken place on the proposals and when?

(A) Internal Consultations

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The Executive Director of Corporate Resources and Customer Services (FD.6972/22) and the Chief Legal and Democratic Officer (LD.5172/22) 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 05 September 2022 and 02 October 2022

Appeal Decisions

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: Dismissed

Decision Date: 27/09/2022

24 Poplar Avenue Crosby Liverpool L23 2SU

Reference: DC/2021/01901 (APP/M4320/W/21/3288938)

Change of use of existing residential annexe to separate dwellinghouse, together minor changes to glazing to both annexe and main house.

Procedure: Written Representations

Start Date: 15/03/2022

Decision: Dismissed

Decision Date: 14/09/2022

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

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

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

Procedure: Informal Hearing

Start Date: 05/04/2022

Decision: Dismissed

Decision Date: 13/09/2022

New Appeals

16 Beaumont Drive Aintree Liverpool L10 8LS

Reference: DC/2022/01167 (APP/M4320/D/22/3303827)

Procedure: Householder Appeal

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Prior approval submission for a proposed rear extension projecting 5 metres from the wall of the original dwellinghouse with a height of 2.48 metres at the eaves and a maximum height of 2.8 metres (Valid 13.06.2022)

Start Date: 16/09/2022

Decision:

Decision Date:



Appeal Decision

Site visit made on 6 September 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/M4320/W/22/3290446

47 Ovington Drive, Southport PR8 6JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Weatherby against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/02299, dated 16 September 2021, was approved on 8 December 2021 and planning permission was granted subject to conditions.
 - The development permitted is 'Proposed outdoor seating area (retrospective)'.
 - The condition in dispute is No 3 which states that: *'The outdoor seating area shall not operate outside the hours of 08.00 to 21.00 hours, and outside of these hours all furniture shall be removed from the highway and stored within the curtilage of the building'*.
 - The reason given for the condition is: *'To safeguard the living conditions of neighbouring occupiers'*.
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted in December 2021 for an outdoor seating area in connection with a café/bar subject to the imposition of a planning condition (3) to restrict its hours of operation to between 08:00 and 21:00. The Council considers this condition to be necessary to safeguard the living conditions of neighbouring residents.
3. The main issue is whether the condition is reasonable and necessary in the interests of the living conditions of the occupiers of neighbouring residential properties, with particular regard to noise and disturbance.

Reasons

4. The appeal relates to an outdoor seating area that is enclosed by a low timber fence and is situated on highway land facing a small shopping parade which includes a café/bar at 47 Ovington Drive. Despite the presence of this shopping parade and a public house on the eastern side of Ovington Drive, there are residential properties on the western side of this highway, and the prevailing character of the area is residential. The site is also defined as a Primarily Residential Area in A Local Plan for Sefton 2017 (Local Plan).
5. The appellant considers the 21:00 hour restriction in condition 3 to be too early, and not commensurate with the closing time of the nearby public house, which has an outside seating area. A representation received from the

appellant indicates that they are seeking to vary the disputed condition in order to allow the outside seating area to be used up until 22:00 hours.

6. However, no firm evidence to substantiate the opening hours of the public house or any other property in the locality is before me. Technical evidence to demonstrate the existing and predicted noise levels has also not been provided by either main party. From what I could see on my site visit, other commercial units within the shopping parade are limited to mainly daytime opening hours, with only the SPAR convenience store, and possibly No 47, having closing times of around 22:00 hours.
7. Nonetheless, the outside seating area is situated in a relatively isolated location on the opposite side of the shopping parade's access road, and much closer to residential properties than No 47, the SPAR store and other units. Notwithstanding any background traffic noise, it is therefore not unreasonable to expect the immediate locality, which is predominantly residential, to significantly quieten during the evening and at night.
8. Additional noise and disturbance after 21:00 hours arising from customers eating, drinking, talking, shouting or laughing outside, and then leaving the site, along with the movement of the tables and chairs after 22:00 hours, would, in my view, be likely to harm the living conditions of nearby residents. This would especially be the case during summer evenings, weekends and bank holidays when the occupiers of the nearby residential properties would be likely to use their garden areas or have their windows open.
9. In reaching this view, I have also been mindful of a local resident's objection regarding the impact that the outside seating area had on their amenities later at night, prior to it receiving retrospective planning permission. I have no substantive reason to question this.
10. Based on the evidence before me, having regard to the tests set out in paragraph 56 of the National Planning Policy Framework (the Framework), I am therefore unable to find that condition 3 is not reasonable and necessary in the interests of the living conditions of the occupiers of neighbouring residential properties, with particular regard to noise and disturbance.
11. As such, the development without the disputed condition would conflict with Local Plan Policies EQ4, EQ10 and HC3. Amongst other things, these permit proposals for food and drink, and non-residential development in Primarily Residential Areas where they would not cause significant harm to local amenity, and the living conditions of neighbouring properties, from noise. It would also fail to accord with paragraph 130 of the Framework which seeks a high level of amenity for all existing and future users.

Other Matters

12. Previous complaints from a neighbour about the pruning of a highway tree, along with confusion regarding the requirement for a stopping up order and the cost of the planning application and the rent for the private land have been referred to me by the appellant. However, these factors have not had any bearing on my decision as I have only had regard to the planning merits of the proposal that is before me.
13. I have been made aware of the amount of local resident's letters received in support of the proposal at planning application stage. However, the level of

support is not a determining factor in the consideration of an appeal. Moreover, these representations mainly referred to the outside seating area improving the character and appearance of the area and highway safety. This would continue to be the case, irrespective of the outcome of this appeal.

14. The Government's previous advice in respect of spending more time outside, amidst restrictions due to the Covid-19 pandemic, is also acknowledged. However, this does not justify the granting of planning permission for a proposal which, in the absence of any firm evidence to the contrary, would result in unacceptable levels of noise and disturbance to the occupiers of nearby residential properties.

Conclusion

15. For the reasons given above, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR

Appeal Decision

Site visit made on 26 July 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2022

Appeal Ref: APP/M4320/W/21/3288938

24, Poplar Avenue, Crosby L23 2SU

- 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 Bolger against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/01901, dated 22 July 2021, was refused by notice dated 25 October 2021.
 - The development proposed is described as change of use of existing residential annexe to separate dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the Council's Decision Notice includes a description of proposed development that differs a little to that provided on the planning application form. As I have not been provided with any evidence that the appellant agreed to a change in the description, I have used the description originally provided. Additionally, it is clear from the submitted plans that the proposal includes minor changes to glazing on both the annexe and the main house.
3. The appellant submitted a revised site location plan, Dwg. No. 100 Rev 1, which did not form part of the plans on which the Council made its decision. The revised plan provides a little more detail than the previous location plan. I consider no one would be prejudiced by me accepting the plan at this stage, I have therefore made my Decision taking account of it.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or the appearance of the Moor Park Conservation Area (CA).

Reasons

5. I have a statutory duty under s72(1) of The Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Additionally, paragraph 189 of the National Planning Policy Framework (the Framework), which is a significant material consideration, advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

6. The CA derives its significance from a range of factors, including its character, which primarily comprises an area of low-density residential development consisting of large dwellings sited within spacious plots.
7. I accept that the building to which the appeal relates already exists and that the proposed physical alterations to it and the host property, number 24 Poplar Avenue, would barely alter their appearance. The appellant contends that there would be limited views of the development from the public realm, which I accept.
8. However, the proposal would result in the sub-division of what is currently a single residential plot with a single dwelling and associated ancillary outbuilding sited within it. The proposed 0.5 m dwarf brick wall and planter would separate the resultant plot from the existing, and the allocation of one of the existing 2 sets of access gates to each of the dwellings would provide a clear indication of the plot having been sub-divided. Additionally, visitors to the respective properties would clearly see that 2 dwellings in 2 separate plots had been created.
9. The appellant refers me to a recent decision of the Council to refuse planning permission for a new dwelling within the grounds of number 21 Poplar Avenue, due to the sub-division of that plot affecting the character of the CA. The appellant considers the appeal proposal is significantly different, as the building already exists. I accept that the 2 schemes are not directly comparable. However, the proposal would still result in sub-dividing the existing residential plot of one dwelling with associated annexe, to create 2 separate dwellings and associated plots.
10. Sub-dividing the existing plot would considerably reduce the generous size of the plot associated with the existing dwelling. Furthermore, the size of the plot of the proposed dwelling would be significantly smaller than the spacious size of the neighbouring residential plots within the CA. Consequently, the proposal would erode some of the key attributes of the character of the CA, ie large properties in spacious plots and the associated low density, attributes which greatly contribute to its significance.
11. The proposal would therefore neither preserve nor enhance the character of the CA. As such, it does not accord with policies EQ2 and NH12 of the Local Plan for Sefton, 2017, or heritage policies within the Framework. Collectively, and among other things, these policies require development to respond positively to the character of the surrounding area and preserve or enhance the character of CAs. I consider Policy NH1 is not relevant to the determination of the appeal as it relates to natural assets.
12. With regard to paragraph 202 of the Framework, I consider the proposal would result in less than substantial harm. Nonetheless, as advised in paragraph 199 of the Framework, I am required to give considerable importance and weight to the conservation of designated heritage assets. In such circumstances, the Framework advises that the harm should be weighed against any public benefits resulting from the proposal.
13. The appellant does not suggest that the proposal would provide any public benefits. However, I consider the provision of an additional dwelling would be a minor public benefit. That said, I consider such a minor public benefit does not

outweigh the significant harm the proposal would have on the character of the CA.

Other considerations, Planning Balance & Conclusion

14. The appellant suggests that many CAs include dwellings with coach houses where the coach houses have been converted to separate dwellings following the grant of planning permission. This is a very broad, generalised suggestion which does not allow for any meaningful comparison with the proposal to be made.
15. The appellant also proposes that permitted development rights could be removed by condition, to make the proposal acceptable. Although removing such rights is possible, preventing further harm to the CA in this way would not overcome, or mitigate against, the harm I have identified.
16. Although the proposal would create an additional dwelling, I have concluded that this benefit would not outweigh the significant harm to the CA I have found.
17. Bearing all the above in mind, there are no other considerations that would lead me to conclude other than in accordance with the development plan. For the reasons outlined, I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR



Appeal Decision

Hearing held on 19 July 2022

Site visit made on 20 July 2022

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2022

Appeal Ref: APP/M4320/W/21/3281083

Safe Regeneration Ltd, Waverley Street, Bootle L20 4AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant part outline/part full planning permission.
 - The appeal is made by 123 Accommodation C.I.C. against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/00705, dated 28 April 2020, was refused by notice dated 18 February 2021.
 - The development proposed is the three phased development of SAFE St Mary's complex building, vacant land to the South and East bounded by railway line and canal basin; full planning permission is sought for phases one and two as follows; phase one included the demolition of the existing buildings on site and the development of a three storey arts hub building comprising accommodation for SAFE, flexible office/studio/meeting spaces, day nursery and multipurpose hall space alongside the erection of canal side pods for community use (Use Class E), the remodelling and extension of the existing Lock and Quay public house to create bed and breakfast facility, serviced apartments and commercial/training unit (Use Class E) relocated from existing SAFE complex and associated parking. Phase two includes the development of mixed tenure housing including 41 No. 2 and 3 bedroom, two and three storey townhouses and a four-storey apartment block consisting of 66 No. 1 and 2 bedroomed self-contained apartments with associated parking and public realm works and the erection of a substation. Phase three seeks outline permission in respect of means of access, layout and scale for the development of four storey 80-bed extra care facility (Use Class C2) including community hairdressing salon and cafe with appearance and landscaping reserved for future consideration
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The fourth reason for refusal is in relation to manoeuvrability and turning spaces for larger vehicles on the appeal site. However, the appellant submitted a swept path drawing to the Council in the lead-up to the hearing, and the Council has confirmed that this suitably demonstrates that larger vehicles could safely access the site. This is therefore no longer a main issue.
3. A number of documents were submitted in the lead-up to, and at, the hearing. They are listed at Annex B. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any

party from my consideration of these documents. The appeal is therefore determined on the basis of the revised and additional documents and drawings.

4. A s106 Planning Obligation, dated 19 August 2022, (the s106) secures:
 - a monitoring fee to be paid to the Council in respect of monitoring the delivery of the s106 obligations;
 - a contribution towards introducing short stay parking bays along Carolina Street, and the creation of speed limits, one way systems, and parking restrictions on the proposed roads within the appeal site;
 - provision of public open space, play areas, multi-use game area, and their maintenance and management; and,
 - 100% of the proposed dwellings to be affordable housing, with a split of 85% affordable rent and 15% shared ownership.
5. The Council's CIL compliance statement sets out the detailed background and justification for each of the obligations. I am satisfied that the provisions of the submitted agreement would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and the tests at paragraph 57 of the National Planning Policy Framework (the Framework), and I have taken it into account.
6. The appeal is for part-full planning permission and part-outline planning permission, with appearance and landscaping the reserved matters. The outline element relates to the proposed extra care facility. I have taken account of this as appropriate throughout my Decision.

Main Issues

7. The main issues are:
 - whether or not the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of outdoor amenity space;
 - the effect of the proposal upon the local highway network, with regard to on-street car parking and highway safety; and,
 - whether or not the proposal represents 'over-development'.

Reasons

Living conditions

8. The New Housing SPD, June 2018 (NH SPD) sets out minimum garden sizes for houses¹. However, these are qualified and it is stated at paragraph 6.1 that smaller spaces may be acceptable if that is consistent with the character of the local area or due to particular site constraints. The Flats and Houses in Multiple Occupation SPD, June 2018 (FHMO SPD), sets a minimum standard for private outdoor space per flat at 20 sq m. It is acknowledged this could form part of communal area(s) and need not necessarily be directly associated with each proposed flat. Paragraph 33 of the FHMO SPD finds that smaller spaces might be acceptable, but only in exceptional circumstances, including proximity to local centres.

¹ 50 sq m for 1-2 bedroom properties, 60 sq m for 3+ bedroom properties; neither to include front gardens

9. The average amount of proposed private outside space for the proposed houses would be 53 sq m, although this includes fourteen 3-bed houses with below 45 sq m. The average private outside space for the proposed flats would be 13 sq m, and only seven of the 66 proposed flats would provide private open space of greater than 5 sq m. A total of 361 sq m of communal open space is proposed, in the form of roof terraces to the blocks of flats, various pieces of green space throughout the proposal, and a larger space alongside the canal.
10. Many of the proposed properties would therefore have small areas of private outside space. It is also clear from the proposed layout plans that many of the proposed rear gardens would provide limited useability and amenity value. The proposed communal open space alongside the canal would be of reasonable size and with a pleasant aspect over the water. The proposed roof terraces would be elevated, offering good views, but relatively small and compromised by lift cores, limiting their amenity value. The remainder of the appeal site offers only incidental communal open spaces or a relatively small and narrow piece of land heavily overshadowed by proposed development.
11. There are no particular site constraints that necessitate this sub-standard provision of outdoor amenity space. It is rather a result of the amount of built development that is proposed. The local area is largely terraced or semi-detached housing with gardens. I acknowledge that there is an existing area of open space outside of St Mary's Church, easily accessible to the future residents. Both North Park and Bootle South Recreation Ground are also walkable to the appeal site, although at a few minutes walk for both. Bootle New Strand Train Station and various bus routes also provide access to further recreation opportunities further afield.
12. However, the proposal's outdoor amenity space would be significantly below the standards set out in the SPDs. There are no exceptional circumstances to justify it. The space that is proposed is sometimes small, or awkwardly shaped, or compromised. Adequate on-site provision of communal open space and private gardens and balconies is an important element of providing acceptable living conditions for future occupants. This is not achieved by the proposal.
13. My attention has been drawn to an appeal decision² where the Inspector concluded that a proposal with no private outside space was acceptable. However, I am not aware of the full detail of the case, the precise nature of the proposed accommodation, or the precise location of the site. I have made my judgement of the appeal proposal based on its specific characteristics. The appellant has also stated that because the future occupants would be affordable housing tenants, the properties could be allocated to appropriate tenants, including based on the amount of private outside space they would require. However, this does not overcome the fundamental objection to the inadequate provision of outside space, both private and communal, in the appeal proposal. That the accommodation would be for affordable housing tenants with more limited choice regarding the quality of their housing places, if anything, a greater requirement on creating a development of suitable quality.
14. Overall, the proposal would not provide acceptable living conditions for future residential occupants due to insufficient amount and quality of proposed outdoor amenity space. Consequently, the proposal fails to comply with Policies

² Ref APP/M4320/W/20/3266042, dated 9 July 2021

EQ2 and HC3 of A Local Plan for Sefton, April 2017 (the LP), which protect the living conditions of future occupants and require residential development to create an acceptable residential environment. The shortfall to the standards set out in the NH SPD and FHMO SPD are significant and over-ride the site constraints and exceptional circumstances caveats. Policy HC4 of the LP is referenced in the reason for refusal but relates to house extensions or building conversions to flats, neither of which apply to the appeal proposal. There is therefore no conflict.

Highway safety

15. Policy EQ3 of the LP, states that proposals should have regard to the Council's parking standards. It does not set those standards as a minimum figure and there is in-built flexibility to the policy. The Sustainable Travel and Development SPD, June 2018 (the STD SPD), at Appendix C, sets out the car parking standards. Paragraph 4.2 finds that appropriate parking should be provided so as not to compromise highway safety. Paragraph 107 of the Framework finds that parking standards should take into account the accessibility of the site, local car ownership levels, and availability of public transport, amongst other factors.
16. The Council confirmed at the hearing that it is only the car parking for the proposed residential units that causes concern. The parking standards in the STD SPD are for 199 spaces for the proposed residential units. It is proposed to provide 140 spaces. However, the appeal site is within easy and safe walking distance of Bootle town centre, a number of bus routes, and a train station. Evidence has been provided that existing car ownership in Bootle is fairly low, at 66% of dwellings with no cars, 29% with 1 car, and 6% with 2 or more cars. The proposal is for 100% affordable housing, which has lower car ownership levels than market housing. It is therefore likely that the car ownership levels for the future occupants of the proposed development would be no higher, if not lower, than the average for Bootle.
17. Applying the Bootle ratios to the proposed development results in an expected car ownership of 44 cars. There is therefore significant headroom between the proposed number of car parking spaces and the likely number of future cars owned by the future occupants. Concern has also been raised that some of the proposed spaces would be less convenient than parking on surrounding roads, in particular Waverley Street. However, none of the proposed dwellings would be materially nearer Waverley Street than the proposed spaces and, even where the distances would be similar, it is likely that future occupants would choose to park in an identified, off-street space, rather than inconsistently along various parts of Waverley Street, which has dropped kerbs, is fairly narrow, and largely requires owners to partially park on the pavement.
18. It is therefore unlikely that there would be any material increase in demand for on-street car parking on surrounding streets. The roads to be created as part of the proposal would be controlled by the s106 to only provide on-street car parking in a managed way, providing allocated residents only bays. The proposal would not, therefore, likely cause harm to highway safety, either on the appeal site or on surrounding streets. It complies with Policy EQ3 of the LP and the STD SPD, which both make it clear that the parking standards are flexible and primarily relate to protecting highway safety. Paragraph 111 of the

Framework also confirms that development should only be refused if there would be an unacceptable effect on highway safety.

Over-development

19. I have been presented with several calculations of the dwellings per hectare (dph) of the proposal. It is also noted that the number of dwellings proposed to the part of the appeal site that is in a LP site allocation would only be 80 units, compared to the policy allocation of 72. However, these calculations and numbers are largely moot because the important factor in considering 'over-development' is not numerical density, but an assessment of whether or not the proposal can be successfully accommodated on the appeal site.
20. In the case of the appeal proposal, as I have established above, insufficient private and communal open space, both in terms of size and quality, is proposed. There is sufficient car parking. However, this has come at a cost in terms of the amount and nature of the proposed open space. The tension between these factors has not been satisfactorily resolved and it is likely that this is a function of too much development being proposed on the appeal site. The proposed design is compromised and does not manage to accommodate the proposal on the appeal site without causing unacceptable harm.
21. Therefore, the proposal would be 'over-development' of the appeal site and fails to comply with Policy EQ2 of the LP, which requires high quality design. It also fails to comply with paragraph 124 of the Framework, which, whilst supporting efficient use of land also highlights the importance of securing well-designed and healthy places.

Other Matters

22. Several letters of support for the proposal have been submitted, including from the YMCA and a petition. They particularly highlight: the importance of the applicant SAFE Regeneration in providing community and business support for the area and local people and the importance of this factor given the deprivation in the area; poor quality of the existing urban realm particularly alongside the canal; and, the importance of the opportunity for investment in the area and a catalyst for wider regeneration. A letter of objection has also been received regarding noise from the proposed commercial uses and the potential effect on the living conditions of existing and future residential occupiers. I have taken all of these factors into consideration. Many of the factors have played an integral part in my overall planning balance, as set out in more detail below.

Planning Balance

23. The community-led regeneration is an important aspect of the proposal. There would be significant job creation both during construction and operation and there is potential that it would act as a catalyst for wider regeneration. The appeal site is in a deprived area where this type of investment would be particularly beneficial. I place significant positive weight on the economic benefits of the proposal.
24. The proposed canal-side communal open space and landscaped area would be publicly accessible. This would bring benefits not just to future occupants but to the wider community and I place significant positive weight on this factor. A biodiversity net gain would be achieved and could be controlled by condition.

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The commitments to low carbon development similarly so. Both of these elements would comply with, but not exceed, policy requirements and I place moderate positive weight on them.

25. There would be communal cycle parking spaces and 'car club' spaces for electric vehicles, all of which could be used by the wider community as well as the future occupants of the proposal. I place limited positive weight on these factors.
26. That the proposal would provide adequate car parking and would not unacceptably harm highway safety weighs neutrally in the planning balance.
27. The proposal is a mixed-use scheme with 100% affordable housing, an extra-care facility that the Council has confirmed would meet the needs of the area, and commercial aspects including significant community facilities and facilities designed to facilitate community-led regeneration. All of these land uses are important elements of the proposal, although I note that some are already existing on the site, such as the SAFE offices and the pub. However, to accommodate all the proposed uses on the appeal site the proposal represents 'over-development', for the reasons set out above. What would otherwise be benefits of the proposal are being achieved at the expense of the overall quality of the design through the 'over-development' of the site, thus negating the quality and value of the proposed uses. In particular, the proposal would create unacceptable living conditions for the future residential occupiers of the proposal.
28. These factors therefore weigh negatively in the planning balance and I place significant weight on the harm caused by the 'over-development' and inadequate future living conditions, and the related conflicts with Policies EQ2 and HC3 of the LP, and the Framework. This outweighs the benefits of the proposal, which fails to comply with the Development Plan when considered as a whole.

Conclusion

29. For the reasons above, the appeal is dismissed.

O S Woodward

INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANT:

John Barrett, of counsel	Kings Chambers
Katie Dickson MATP MRTPI	Managing Director, Greyside Planning
Louise Sheridan RIBA ARB	Director, Ellis Williams Architects
Joanne Mills	Director, Greyside Planning
David Schumacher CMILT MCIHT	Managing Director, Prime Transport Planning

FOR THE LOCAL PLANNING AUTHORITY:

Anthony Gill, of counsel	Kings Chambers
Catherine Lewis MRTPI	Senior Planner, Sefton Metropolitan Borough Council (SMBC)
Dr Stephen Birch CEnv MIEEM	Associate Director, WSP UK Ltd
Brian Goodwin MIPROW	Senior Engineer, SMBC
Neil Kennard	Solicitor, SMBC

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ANNEX B: DOCUMENTS

- 1 Hearing Key Plans & Evolution of Scheme Key Plans, dated 12 July 2022
- 2 Addendum to List of Core Documents Appendix 2 Statement of Common Ground, updated 18 July 2022
- 3 Community Infrastructure Levy Regulations Statement Version 2, updated 14 July 2022
- 4 Final Statement of Common Ground, dated 25 May 2022
- 5 Town house Private Amenity Area Schedule, dated 29 June 2022
- 6 Apartment Private Amenity Area Schedule, dated 29 June 2022
- 7 Art Hub Swept Path Analysis Drawing Ref P20012-004A
- 8 Information Note HRA/AA
- 9 Sefton MBC statement on pitch issues
- 10 Appeal Ref APP/M4320/W/20/3266042, Former Central Buildings, Church Road, Crosby, L23 5RD, Decision Letter dated 9 July 2021

Planning Committee
Visiting Panel Schedule

Date Monday 17th October 2022
Start: 10:00 am at BOOTLE TOWN HALL

Agenda Item	Time	Application Details	Ward
5B	10:25	DC/2022/01057 51 Sandhurst Drive, Aintree L10 6LU	Molyneux
4B	10:45	DC/2021/02497 Wadacre Farm Chapel Lane, Melling L31 1ED	Molyneux
4A	11:25	DC/2022/01269 102 The Serpentine North, Blundellsands L23 6TJ	Blundellsands
5A	11:50	DC/2022/01095 Park House Park Road, Waterloo L22 3XG	Church

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