

# Public Document Pack

**Sefton Council** 

MEETING: PLANNING COMMITTEE

DATE: 16th November 2022

TIME: 6.30 pm

VENUE: Bootle Town Hall

## Member

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

## Substitute

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

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

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# **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 19 October 2022** (Pages 3 - 8)

**4. Applications for Planning Permission – Approvals:**

**A DC/2022/00727 - Land Off Sentinel Way / Heysham Road, Netherton** (Pages 9 - 34)

Report of the Chief Planning Officer

**B DC/2022/00704 - 55 Chapel Street, Southport** (Pages 35 - 40)

Report of the Chief Planning Officer

**5. Planning Appeals Report** (Pages 41 - 56)

**6. Visiting Panel Schedule** (Pages 57 - 58)

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

## **PLANNING COMMITTEE**

### **MEETING HELD AT BOOTLE TOWN HALL ON 19 OCTOBER 2022**

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

Councillors Dodd, Hansen, Irving, Sonya Kelly,  
McGinnity, Riley, Roche, Spencer, Lynne Thompson,  
Tweed and Waterfield

**ALSO PRESENT:** Councillors Atkinson, Murphy and Roscoe

#### **37. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Kelly, Richards, Grace (Substitute Member) and Robinson (Substitute Member).

#### **38. DECLARATIONS OF INTEREST**

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

#### **39. MINUTES OF THE MEETING HELD ON 21 SEPTEMBER 2022**

**RESOLVED:**

That the Minutes of the meeting held on 21 September 2022 be confirmed as a correct record.

#### **40. DC/2022/01269 - 102 THE SERPENTINE NORTH, BLUNDELLSANDS**

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

Prior to consideration of the application, the Committee received 2 petitions on behalf of objectors against the proposed development and a response by the applicant's agent.

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PLANNING COMMITTEE- WEDNESDAY 19TH OCTOBER, 2022

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

Arising from the discussion members referred to comments raised by the petitioners regarding trees T29 & T30 on the adjoining Blundellsands Hall site. The Chief Planning Officer commented that condition No. 3 in the report submitted could be amended to require the re-survey of these trees.

Members also noted that the application now submitted was considerably reduced in size from the previous application for this site which had been refused and felt that, if the current application was approved, there should be protection from further development.

RESOLVED:

That the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report and in Late Representations and subject to the amendment to Condition No. 3 to require the re-survey of trees T29 and T30, and a further condition to remove permitted development rights for further extensions.

## **41. DC/2021/02497 - WADACRE FARM CHAPEL LANE, MELLING**

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of 146 dwellings, to include demolition of existing buildings, construction of new vehicular access, landscaping and associated infrastructure works be granted subject to the conditions and for the reasons stated or referred to in the report.

Prior to consideration of the application, the Committee received 3 petitions on behalf of objectors against the proposed development and a response by the applicant's agent.

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

Arising from the discussion members considered issues raised by the petitioners regarding the lack of amenities in the Melling area and expressed concern that when negotiating the proposed section106 agreement this should reflect local needs and in particular the financial contribution for education should be directed to Melling Primary School.

RESOLVED:

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

## **42. DC/2022/01095 - PARK HOUSE PARK ROAD, WATERLOO**

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

Arising from the discussion members referred to possible future safety issues around the existing pond on the site. The Chief Planning Officer commented that condition No. 30 in the report submitted required the applicant to submit details of various landscaping works and safety issues around the pond could be added to that condition.

### **RESOLVED:**

That the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report and subject to the signing of a Section 106 legal agreement to secure affordable housing and a financial contribution to mitigate recreation pressure on the Sefton Coast and to the amendment of Condition No. 30 to include details of safety measures around the existing pond on site.

## **43. DC/2022/01057 - 51 SANDHURST DRIVE, AINTREE**

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

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

### **RESOLVED:**

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

# Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 19TH OCTOBER, 2022

## 44. 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. Weatherby	DC/2021/02299 (APP/M4320/W/22/3290446) – 47 Ovington Drive Southport PR8 6JW - Appeal against refusal by the Council to grant retrospective Planning Permission for a proposed outdoor seating area.	Dismissed 27/09/2022
Mr Bolger	DC/2021/01901 (APP/M4320/W/21/3288938) – 24 Poplar Avenue Crosby Liverpool L23 2SU - Appeal against refusal by the Council to grant Planning Permission for the change of use of the existing residential annexe to a separate dwellinghouse, together with minor changes to glazing to both annexe and main house.	14/09/2022 Dismissed
123 Accommodation C.I.C.	DC/2020/00705 (APP/M4320/W/21/3281083) - Land At St Mary's Complex Waverley Street Bootle L20 4AP - Appeal against refusal by the Council to grant Hybrid Planning Permission for 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 was 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 a bed and breakfast	Dismissed 13/09/2022

facility, serviced apartments and commercial/training unit (Use Class E) relocated from existing SAFE complex and associated parking. Phase two included 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 sought 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.

RESOLVED:

That the report be noted.

#### **45. VISITING PANEL SCHEDULE**

The Committee considered the report of the Chief Planning Officer which advised that the undermentioned sites had been inspected by the Visiting Panel on 17 October 2022.

Application No.	Site
DC/2022/01057	51 Sandhurst Drive, Aintree
DC/2021/02497	Wadacre Farm Chapel Lane, Melling
DC/2022/01269	102 The Serpentine North, Blundellsands
DC/2022/01095	Park House Park Road, Waterloo

RESOLVED:

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

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**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 16<sup>th</sup> November 2022

**Subject:** [DC/2022/00727](#)  
[Land Off Sentinel Way / Heysham Road Netherton](#)

**Proposal:** Application seeking full permission for residential development with creation of site access including landscaping, parking, supporting infrastructure and other associated works.

**Applicant:** Your Housing Group      **Agent:** Mateo Espinosa  
WSP

**Ward:** Netherton and Orrell      **Type:** Full application – major

**Reason for Committee Determination:** Discretion of Chief Planning Officer

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## Summary

The proposal is for the erection of 64 affordable dwellings, including the construction of a new vehicular access via Sentinel Way, landscaping, parking and associated infrastructure works.

The site is designated as employment land in the Sefton Local Plan. The main issues to consider are the principle of development, the loss of employment land, matters relating to highway safety and transport, flooding and drainage, design and amenity, and impacts on biodiversity.

The development would result in the loss of land designated for employment. However, it is considered that the prolonged period during which the site has remained vacant despite its designation for employment use, together with the supporting viability report and limited marketing details, suggests the possibility of the site coming forward as employment use is very unlikely. Subject to conditions and a legal agreement it is believed that all other issues relating to the development have been satisfactory resolved and on balance the proposal is considered acceptable.

**Recommendation:** [Approve with conditions subject to the completion of a Section 106 legal agreement to secure financial contributions towards highway improvements along Heysham Road, compensation for the loss of habitat from the site and measures to mitigate the impact of recreational pressure on Sefton Coast.](#)

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**Case Officer** Louise Everard

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

**Telephone** 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RA6KJ2NWHU200>

Site Location Plan



Reference: Map reference  
Date: 07/11/2022  
Scale: Scale: 1:2500  
Created by: Initials

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## The Site

The site lies south of Heysham Road in Netherton and is 1.42 hectares in size. The site is a vacant area of land and is bounded by a railway line to the west, a public pedestrian path along the eastern boundary with industrial development beyond this and further industrial units on the opposite side of Heysham Road. To the south of the site is an area of open land, with residential properties beyond. Around half of the site is within Netherton and Orrell Ward and the rest is within the Molyneux ward.

## History

Ref: S/1996/0119. Proposal: Application for the removal of spoil to reduce the level of the site and erection of security fencing. Decision: Approve with conditions. Decision Date: April 1996.

## Consultations

### Environmental Health

#### Air Quality

No objections subject to conditions

#### Contaminated Land

No objections subject to condition

#### Noise

No objections subject to condition

### Local Plans

No objections

### Network Rail London North Western (North)

No objections

### Merseyside Police Architectural Liaison Officer

No objections

### Tree Officer

No objections subject to condition

## **Flooding & Drainage**

No objections subject to conditions

## **United Utilities**

No objections subject to condition

## **Highways Manager**

No objections subject to conditions and a financial contribution towards cyclist and pedestrian improvements along Heysham Road.

## **Merseyside Environmental Advisory Service**

No objections subject to financial contributions to compensate for the loss of the valuable habitats within the site and to mitigate the recreation pressures on Sefton Coast. Conditions are also requested to ensure there would be no adverse effects on protected species and to address the potential for Japanese Knotweed within the site.

## **Neighbour Representations**

The local planning authority notified local residents initially when the application was received, and no objections were received. Amended plans have been submitted, however the amendments were not significant enough or materially different to warrant renotifying local residents.

## **Policy Context**

The application site lies within an area designated as an Existing Employment Area (Policy ED3) in the Sefton Local Plan which was adopted by the Council in April 2017.

## **Assessment of the Proposal**

The application is for the erection of 64 affordable dwellings, comprising 31 affordable rent and 33 shared ownership units with a mix of 2, 3 and 4-bedroom properties.

The main issues to consider in respect of the application are the principle of development, the loss of employment land, matters relating to highway safety and transport, flooding and drainage, design and amenity, and impacts on biodiversity.

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## **Principle of Development**

The application site is designated as an Existing Employment Area in the Sefton Local Plan. Part 1 of the Policy ED3 states uses that are considered suitable in principle for the site. These include “office and light industrial (class B1)”, “General Industrial (class B2)” and “Storage and distribution (class B8)” uses. Class B1 uses are now within the wider new Use Class E introduced in September 2020. Accordingly, it is considered that office and light industrial uses within Use Class E, B2 and B8 uses are suitable in principle for the site.

Part 2 of Local Plan Policy ED3 states that other uses will only be permitted where one of three criteria are met. The first criterion, 2a, does not apply as the proposed development is not ancillary to an employment use within the site.

The second criterion, 2.b, states that where vacant land has been continuously and actively marketed for B1, B2 and B8 uses for at least 12 months at a reasonable market rate, and it has been demonstrated in a marketing report that there is no reasonable prospect of the site being used for employment use, then other uses may be permitted. The third criterion, 2.c, allows for other uses where there would be significant community benefit to outweigh the loss of employment land/premises.

In order to address point 2.b, a marketing statement has been submitted in support of the application. It only provided details of the most recent marketing period undertaken in July 2020 for a length of 4 months, stating that no other bids were received for employment use on the site and the only bid received was that of the current applicants. In addition to this statement, an independent viability assessment has been prepared by Grasscroft to consider the redevelopment potential of the site based on the employment designation. The conclusions were that due to the existing physical constraints the site has not and will not come forward for employment use.

It is acknowledged that the site is currently vacant and historical images show this has been the case for over 20 years. Despite its designation as employment land across two Local Plan periods of over 25 years, there have been no planning applications submitted or interest shown with regards to employment use on the site, notwithstanding its location adjacent to an existing employment area.

The submitted marketing details fall short of meeting criterion 2.b and the provision of affordable homes would not in itself be considered sufficient to outweigh the loss of employment land but it would provide some benefits to the local community. The overarching aim of Policy ED3 is preserve the Council’s limited supply of employment land within the borough.

Therefore, given the lack of interest over a prolonged period of the site being designated for employment use with the Local Plan, together with the limited marketing details submitted and the supporting viability assessment it is considered that the realistic possibility of the site coming forward for employment uses is very unlikely. Therefore, in this instance it is considered that the alternative residential use of the site could be accepted in principle and would not directly conflict with the overarching aims of Policy ED.3.

## **Affordable Housing and Housing Mix**

Local Plan Policy HC1 'Affordable and Special Needs Housing' requires a minimum of 30% affordable housing in new developments of 15 or more homes in Molyneux ward; 67% of these units should be social/affordable rented and 33% affordable home ownership. In Netherton and Orrell Ward the requirement is for 15% affordable housing; 33% of these units should be social/affordable rented and 67% affordable home ownership homes.

The proposal is for 64 affordable homes (and no market homes); 31 homes for affordable rent (48.44%) and 33 shared ownership units (51.56%), with a mix of 2, 3 and 4-bedroom properties. The proposed affordable housing mix is therefore acceptable and can be secured by condition requiring a detailed scheme of affordable homes to be submitted.

Affordable housing is exempt from the policy HC2 'Housing Type, Mix and Choice' requirements for a certain percentage of 3-bedroom and 1 or 2-bedroom homes. House Type B within the scheme accords with Building Regulation M4(2) standard for accessible and adaptable dwellings. This house type accounts for 28% of the development, which exceeds the 20% required by Policy HC2.

The scheme therefore meets the requirements of both Policies HC1 and HC2.

## **Design**

The proposed development would be made up of 64 dwellings, comprising a mixture of semi-detached and terrace dwellings with a mix of 2 and 2.5 storey heights. The vehicular access would be gained from the Sentinel Way residential estate to the south. The site is linear in nature and the road would run centrally through the site with the properties facing inwards, apart from those fronting Heysham Road to the north.

The properties would be built in contrasting brickwork with pitched tiled roofs. There would be some variety in house types, mainly in their size and ridge height. The new dwellings would be separated from the existing residential properties to the south by the area of public open space and therefore will not be viewed in direct context with these dwellings. The scale and massing of the proposed dwellings would however appear comparable to the characteristics of the surrounding residential areas.

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Given the linear nature of the site, together with its location adjacent to the railway line, there will be limited views of the new dwellings. There will be some views of the dwellings to the north which front towards Heysham Road. These dwellings however are well set back from the highway and would not appear prominent within this street scene. Overall, the design and visual impact of the scheme are considered acceptable and in accordance with Local Plan policy EQ2 'Design'.

## **Amenity Issues**

The effect on living conditions for existing residents surrounding the site and future occupiers of the development both need to be assessed.

### *Existing Residents*

Guideline distances between houses are set out in the 'New Housing' Supplementary Planning Document (SPD) to prevent negative impacts such as overlooking and loss of privacy. A distance of 21 metres should be provided between a habitable room window (such as a living room, kitchen or bedroom) in one house and a habitable room window in another property. Where the habitable room window faces a blank wall or non-habitable room window (such as a bathroom) the distance is 12 metres.

The existing properties along Sentinel Way will mostly be separated from the development by the area of public open space and will not be significantly affected by the development. Three existing properties 72, 74 and 76 Sentinel Way would back onto the proposed dwellings along the southern boundary of the site. The property proposed at plot 1 would measure 20.5m at the closest point to the rear elevation of No.74. However, the new dwelling is slightly angled away from the existing property and the dense tree coverage to this boundary would be retained, therefore the privacy levels of this dwelling would not be compromised. All other interface distances with the existing dwellings are met.

Given the location of the site, a Construction Traffic Management Plan is necessary to control issues relating to the site access, deliveries and emission of dust/debris on the highway, in order to protect the living conditions of neighbouring residents.

### *Future Occupiers*

The proposed layout, as amended, provides separation distances between all the new homes in line with the standards set out in the 'New Housing' SPD.



First floor windows are proposed in the side elevation of plot 35 and 45 to serve a bathroom and a landing. These windows could result in an unacceptable level of overlooking to the private garden areas of adjoining dwellings, unless they were obscurely glazed. This can be secured by condition.

In relation to the proposed garden sizes, the Council's SPD requires that a minimum of 50sqm is provided for 2 bed homes and 60sqm minimum for the 3 and 4 bed houses. The garden sizes for all the dwellings accord with these guidelines.

## *Noise*

Due to the neighbouring site including a railway line and existing industrial/employment uses, careful consideration must be given to the resulting amenity levels of the future residents in terms of noise. The application has been supported with a noise assessment report, which has been reviewed by the Environmental Health Manager.

To the north of the site on the opposite side of Heysham Road, there is a waste disposal site and industrial units along the western boundary on the other side of the public walkway. The proposed layout has been amended towards the northern boundary. This included rotating the properties so that they are set in from the boundary, allowing the building mass to be used as a primary noise barrier to the external amenity spaces for the plots to the north. Acoustic fencing is also proposed along the eastern boundary, of varying heights to mitigate and reduce noise from the railway line.

The industrial units to the west of the site sit beyond the public walkway. The industrial buildings themselves are set in from the boundary and it is the associated access and car park that is positioned along the boundary to the site. The submitted noise assessment states that the observed traffic movements from this yard have been doubled for the purposes of assessing the likely impact on proposed new dwellings. This demonstrates that the proposed properties would be safeguarded from additional vehicular noise should the use of the site increase to involve intensified vehicular movement.

With regards to the latest site layout and noise assessment report, the Environmental Health Manager is satisfied that the site can be designed to reduce transportation and industrial noise levels sufficiently to provide appropriate levels of outdoor amenity space for all plots. A condition is also recommended on building envelope noise/ventilation specifications to ensure the internal areas are adequately protected from noise. With the proposed mitigation it is considered that impact from the neighbouring site will be low and that acceptable levels of amenity can be achieved.

## *Air Quality*

With regards air quality, the Environmental Health Manager has reviewed the proposal and has not raised any objections subject to the inclusion of a pre-commencement condition for the

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submission of a dust control scheme to be agreed in writing with the local planning authority, and to be implemented at all times during the construction of the development.

Electrical Vehicle charge points are now a requirement under Building Regulations, as of 15 June 2022. However, the Council's Building Control Manager has advised that a building regulation application for this site has been submitted prior to this change coming into effect. Therefore, the requirement for charging points needs to be addressed through the planning application and a condition can be attached to ensure charging points are provided in accordance with Table 3 of Sefton Council's Lowering Transport Emissions planning policy guidance note.

## *Contaminated Land*

The Environmental Health Manager has reviewed the submitted Site Investigation Report. It was a preliminary investigation and only a small area of the site has been investigated. While an assessment of the chemical data has not identified any potential risks to human health, due to the history of the site as part of the railway and limited physical site investigation, the possibility of further areas of Made Ground and potential soil contaminants cannot be discounted.

The preliminary report recommended a supplementary investigation should be undertaken to include the delineation of Made Ground deposits associated with the former railway and infrastructure, and the installation of ground gas and water monitoring wells to enable a ground gas risk assessment to be undertaken.

Due to the requirement for further site investigation, the Environmental Health Manager has recommended conditions in relation to site characteristics, the submission of a remediation strategy, a verification report and reporting of any unexpected contamination. The proposal with the inclusion of these conditions, would comply with Local Plan Policy EQ6 'Contaminated Land'.

## **Highway Safety and Transportation**

A Transport Statement (TS), Design & Access Statement (D&A) and Travel Plan (TP) have been submitted and assessed by the Council's Highway Manger. This information considered the impact the proposed development is likely to have on the existing highway network and the accessibility of the site for sustainable modes of transport.

## *Vehicular/Cycling/Pedestrian Access*

It is proposed to have a single vehicular access into the site as a continuation of Sentinel Way.

An existing shared use path that is part of the National Cycle Network (route No.61), also known as the Trans Pennine Trail, runs through and adjacent to the site. This will be retained and widened to 3m as part of the proposals and a flat top speed table will be located where the path crosses the proposed site road. The 3m wide path will provide access to and through the site for cyclists and pedestrians. Improved street lighting along the path through the site will be required.

Plans have been submitted to demonstrate that a refuse vehicle can adequately negotiate the site accesses, access roads and turning heads within the estate.

## *Accessibility*

The applicant has completed a Minimum Accessibility Standard Assessment (MASA). The Highways Manager concludes that the scores fell short on walking and public transport. The barriers relate to the poor pedestrian facilities along Heysham Road leading to Ormskirk Road, Sentinel Way with its lack of tactile paving facilities and the distance to the formal crossing facilities on Ormskirk Road, A59.

With Aintree Train station and bus stops along Park Lane and Ormskirk Road, that are served by numerous bus services being within approximately 500m of this site via Sentinel Way, the site is fairly accessible to sustainable transport modes. However, the main retail and amenity facilities in the area are located along Ormskirk Road (A59) and the pedestrian facilities along Heysham Road towards Ormskirk Road are considered to be poor due to the narrow footway, bridge height and restricted visibility.

A small package of highway improvements will therefore be required. This will consist of alterations to the pedestrian crossing facilities including the installation of tactile paving at five junctions along Sentinel Way.

Sefton Council are committed to delivering a series of highway improvements along the Maritime Corridor, that includes Park Lane and Heysham Road. The aim of these is to provide better facilities for pedestrians and cyclists and promote active travel in the area. This includes improvements to both the section of Heysham Road between Ormskirk Road and the development site and the junction of Park Lane and Sentinel Way. Given that the proposed development is not as accessible as would be expected, it will need to provide a financial contribution towards these schemes.

The improvements will primarily consist of measures to improve cyclist and pedestrian movement and priorities along Heysham Road, from its junction with the National Cycle Network (route No.61) and Ormskirk Road (A59). The level of financial contribution towards the scheme will be expected to be £20,000.

## *Parking*

All of the proposed dwellings will have the benefit of off-street parking facilities. The number of spaces to be provided overall falls slightly below the level expected by the standards in Sefton's Sustainable Travel and Development SPD, although each dwelling will accommodate at least one-off street parking space.

The applicant has demonstrated, through census data relating to car use, that just under 40% of the households in this area typically use a car to drive to work. Based on this, the proximity to sustainable transport modes and that the shortfall can be considered to be parking that would

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relate to any visitor demand, the proposed level of car parking to be provided is considered acceptable.

## *Trip Generation and Impact on the Highway Network*

The Transport Statement (TS) submitted with the application looked at the forecast trip generation from the proposed development and the resultant impact on the local highway network. The estimated trip rates have been carried out on the basis of 65 dwellings during the am peak and the pm peak. It shows that the site is forecast to generate 36 two-way vehicle trips in the AM peak and 30 two way vehicle trips in the PM peak hour. This equates to less than 1 additional vehicle trip per minute in the peak hours.

The TS concluded that the level of traffic generated from the development would be minimal and not have a severe impact on the highway network.

Although the expected traffic generation from the proposed development is low, the performance of junctions is a major factor in determining the way the whole network in the area functions with the addition of the trips associated with the proposed development. Therefore, as part of the TS, consideration was given to the impact of the development on the network, particularly the signal controlled junction at Park Lane/Sentinel Way.

The review suggested that the assessments show the junction currently operates well within capacity and that with the addition of the development traffic there would be no significant impact on the junction.

It is considered that the expected increase in traffic levels, as a result of the development, is unlikely to be significant and would be readily accommodated on the local highway network.

## *Travel Plan*

A Travel Plan (TP) for the site has been submitted, which is generally acceptable but needs to be worked up into a Full Travel Plan.

The Full Travel Plan must be submitted following further development of the aims, targets and monitoring processes. The applicant has indicated that the Final Travel Plan will be submitted no later than 6 months after 50% completion unless otherwise agreed. The Full Travel Plan must be developed following meaningful surveys of the new residents and its submission within 6 months of 50% occupation is considered acceptable.

## *Construction Traffic Management Plan*

Given the location of the site a Construction Traffic Management Plan will be required. This will need to include details of the site access, the parking of vehicles of site operatives and visitors, site operational hours and material delivery times, details of loading and unloading of plant and

materials, storage of plant and materials used in constructing the development and measures to control the emission of dust and any debris on the highway.

In view of the above and the required financial contributions towards the Council's Maritime Corridor Active Travel Infrastructure improvements, the Highways Manager has no objections to the proposal subject to conditions.

## **Flooding and Drainage**

Following the submission of an amended drainage scheme the Lead Local Flood Authority and United Utilities are satisfied with the proposed drainage subject to condition.

Network Rail also withdrew their holding objection to the proposal following the revised drainage scheme.

## **Landscaping**

The development will allow for the retention of the majority of the higher quality trees within the site and the Council's Tree Officer raises no objections. He has requested a condition to require the submission of a landscaping scheme to help mitigate the loss of some trees.

## **Ecology and Nature Conservation**

### *Habitats Regulations Assessment*

A range of national and international sites are easily accessible by foot and car from the development site and so Local Plan policies NH2, NH3 and NH4 apply.

As the proposal is for more than 10 residential units, the development will result in increased visits (recreation pressure) to these sites. To ensure this recreational pressure is adequately mitigated, the following mitigation has been agreed, based on the Council's adopted Information Note:

- Commuted sum of £4,290.
- A leaflet for new householders setting out the importance of the Sefton Coast.

An Appropriate Assessment has been undertaken in accordance with Regulation 63 (Habitats Regulations 2017). The assessment concluded that provided the commuted sum of £4,290 is secured via Section 106 legal agreement and the Sefton information leaflet is implemented and secured by planning condition there will be no adverse effect on the integrity of the European site.

The views of Natural England have been sought on the Appropriate Assessment, however these have not yet been received. Therefore, the recommended decision and any subsequent approval of the application are subject to Natural England raising no objections on the conclusion of the Appropriate Assessment.

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## *Habitats*

The applicant has submitted reports to assess the ecological value of the site. Surveys identified dense and scattered scrub, hardstanding, trees and semi-improved grassland within the 1.9 ha site.

Paragraph 174(d) of the National Planning Policy Framework states that planning decisions should provide net gains for biodiversity and paragraph 180(d) adds that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. NH1 within Sefton's Local Plan, amongst other points states that developments should seek to protect and manage Sefton's natural assets, including natural habitats, with compensatory provisions as a last resort.

The Preliminary Ecological Assessment confirms habitats including poor semi-improved grassland and scattered scrub will be lost. It does propose the eastern easement can be enhanced with log piles and species rich grassland but this will not result in no net loss. The Metric v3.1 submitted by the applicant calculates a loss of 10.31 habitat units on site.

The site provides an area of habitat within an otherwise urban area and forms part of a habitat corridor along the railway. The loss of this habitat is therefore significant in the local area. In this instance, it is not viable for greater retention of baseline habitats due to remediation requirements. As a result, the Biodiversity Impact Assessment recommends the following options for off-site compensation:

- I. Land purchase of a suitable receptor site and habitat creation to be managed by the applicant; or
- II. Land rental or payment of commuted sum to Council.

The second option is considered acceptable. The applicants have agreed to provide a commuted sum to compensate for the loss.

## *Protected Species*

MEAS are satisfied that subject to condition the development would have no adverse effect on protected and priority species including badgers, hedgehogs and breeding birds.

## *Invasive species*

The ecological survey was completed in December 2020, which is suboptimal for identification of invasive plant species. Japanese knotweed has previously been recorded within the site boundary and the location adjacent to a railway line increases the likelihood of invasive species being present. In order to prevent a possible offence against the Wildlife and Countryside Act, the applicant is required to commission a suitably qualified consultant to undertake a pre-commencement survey during a suitable growing season. If invasive species are identified on site, then the applicant will be required to submit a method statement to demonstrate how the plants will be dealt with. These measures can be secured by condition.

## **Development Contribution and Section 106 Legal Agreement**

A financial contribution is sought to compensate for the biodiversity impacts and the loss of habitat units within the site.

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, £4,290 in total.

A contribution of £20,000 is also required in relation to highway improvements to the Maritime Corridor. This includes Improvements to both the section of Heysham Road between Ormskirk Road and the development site and the junction of Park Lane and Sentinel Way. These are related to the site and would directly affect the accessibility of site.

## **Planning Balance and Conclusion**

The development would provide 64 new homes, comprising a mix of 2, 3 and 4 bed dwellings. The scheme would be 100% affordable properties.

The development would result in the loss of land designated as employment land. However, it is considered that the prolonged period in which the site has remained vacant, despite its designation for employment use, together with the supporting viability report and limited marketing details, suggests the possibility of the site coming forward as employment use is very unlikely.

The visual impact on the scheme is considered acceptable. The layout complies with the Council's standards and private amenity space. Subject to conditions the living conditions of the future residents would not be unduly affected by the uses of surrounding sites.

The financial contributions sought for the improvement to the pedestrian and cycle routes along Heysham Road and minor highways improvements along Sentinel Way would ensure the site is accessible for non-car-based transport. The Highways Manager is satisfied that the highways and transport requirements are met.

# Agenda Item 4a

Financial contributions will also be provided for the off-site creation of habitats to compensate for the loss of the valuable habitats within the site and to mitigate the recreation pressures on Sefton Coast.

There are benefits to the proposal, including contributing to the Council's housing supply, with 100% of the scheme being affordable. It would also bring a long-term vacant site into use and contributions would be provided to improve the highway along Heysham Road, improving accessibility in the area. The main harm would be the loss of the employment land; however, it has been demonstrated that this site is unlikely to come forward for employment use. On that basis it is not considered that the use of the land for residential purposes would have a harmful impact on the Council's supply of useable employment land.

Overall and on balance it is concluded that the proposal complies with the National Planning Policy Framework, the adopted Sefton Local Plan and Guidance, and is therefore recommended for approval subject to conditions and 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 highway improvements along Heysham Road, compensation for the loss of habitat from the site and measures to mitigate the impact of recreational pressure on Sefton Coast.**

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 documents:

Location Plan



2077 010 REV.Y Proposed Site Layout  
2077 014 REV.E Management Plan  
2077 015 REV.D Proposed Street Elevation  
2077 801-A REV.B House Type A  
2077 801-B REV.B House Type B  
2077 801-C REV.B House Type C  
2077 801-D REV.B House Type D  
2077 801-F REV.B House Type F  
2077 801-N House Type N  
2077 WD-500 REV.A Flag on Edge and Dwarf Wall Details  
2077 WD-501 REV.A 1100mm Railing and Retaining Wall with Railing  
2077 WD-502 REV.A Masonry Wall Details  
2077 WD-503 REV.A Fencing Details  
ELL-21017-YH-B-1010 Rev D Concept Drainage

Reason: For the avoidance of doubt.

## Before the Development is Commenced

- 3) Prior to commencement of development the approved scope of works for an investigation and assessment of contamination must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. 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.

- 4) Prior to commencement of development a remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, should be submitted to and approved in writing by the Local Planning Authority.

The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development. The remediation strategy must be carried out in accordance with the approved details at all times.

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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) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include:

- The proposed times construction work shall take place
- Wheel washing/road sweeping measures
- Measures to control the emission of dust and dirt during construction
- Measures to control the emission of noise during construction
- Details of external lighting to be used during construction
- The name and contact details of person(s) accountable for air quality and dust issues
- A programme for issuing information on construction activities to the occupiers of nearby dwellings
- A site waste management plan
- Details of any piling and the days and times when piling activity is proposed
- No tree or scrub removal between 1 March and 31 August inclusive, unless information by a suitably qualified ecologist in order to protect breeding birds
- Reasonable Avoidance Measures for the protection of badgers and hedgehogs

The approved CEMP shall be implemented throughout the period of site remediation and construction.

Reasons: To safeguard the living conditions of local residents, and to safeguard the conservation of protected species.

- 6) No development shall commence, including any works of demolition, 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.

- 7) No development shall commence until a method statement showing the extent of Japanese

Knotweed and a scheme for its eradication from the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include: -

- i. A plan showing the extent of the plant(s);
- ii. The method(s) that will be used to prevent the plant/s spreading further, including demarcation.
- iii. The method(s) of control that will be used, including details of post-control monitoring.
- iv. How the plants will be disposed of after treatment/removal.

Reason: The details are required prior to commencement to ensure that Japanese Knotweed is eradicated from the development site and to prevent the spread of the plant through development works.

- 8) No development shall commence within any areas of the site where Japanese Knotweed has been identified in the statement required by condition 7, until a validation report confirming the remediation treatment carried out on the site in respect of invasive species has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the site has been free from invasive species for 12 consecutive months.

Reason: The details are required prior to commencement to ensure that Japanese Knotweed has been eradicated from the development site and to prevent the spread of the plant through development works.

- 9) Prior to construction works commencing should piling be necessary a methodology, which provides justification for the method of piling chosen and details of noise and vibration suppression methods proposed, must be submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented throughout the course of development.

Reason: In order to safeguard the living conditions of neighbouring residents during the course of construction.

## During Building Works

- 10) 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 shall be submitted to and approved in writing by 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 19

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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.

- 11) 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.

- 12) No development shall commence above slab until details of the materials to be used in the construction of the external surfaces of the dwellings within that phase are submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 13) No development shall commence above slab level until a detailed scheme of street lighting on the proposed access road and footways within the development site and improvements to the existing lighting along the National Cycle Network (route No.61) where it runs through the site, has been submitted for the approval of the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into use.

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

## Before the Development is Occupied

- 14) Prior to the first occupation of any dwelling a scheme for the provision of affordable housing on site shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework (2021) or any future guidance that replaces it. The scheme shall include:
  - i) the type and tenure of the affordable housing provision

- ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The development shall not be occupied until the approved scheme has been carried out and it shall thereafter be retained.

Reason: To secure the provision of affordable housing in accordance with the application submission, and to ensure a satisfactory standard of control over the occupation of all of the housing that is provided as affordable housing and that the housing contributes to meeting the Borough's identified local housing needs.

- 15) Prior to the first occupation of any dwellings, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected, including acoustic barriers to be provided within the site, shall be submitted to and approved by the local planning authority. Where acoustic fencing is not required, a gap of 13cm by 13cm shall be shown within the base of each length of boundary fencing serving the respective plot in order to maintain connectivity for hedgehogs. 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 of the site, to ensure that the privacy of neighbouring occupiers/land users is retained at all times and to secure biodiversity enhancement.

- 16) Prior to the first occupation of any dwellings, full details of a scheme of acoustic glazing and ventilation for dwellings shall be submitted to and approved in writing by the local planning authority. The approved glazing and ventilation units must be installed before the dwellings become occupied and retained thereafter.

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

- 17) Prior to the first occupation of plots 35 and 45 the first-floor gable elevation windows to each of these plots shall be fitted with obscured glazing, and any part of the window[s] 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.

- 18) Prior to the first occupation of any dwellings within a particular phase, details of full fibre broadband connections to all proposed dwellings within that phase shall be submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed prior

# Agenda Item 4a

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.

- 19) Before any part of the development hereby permitted is occupied/brought into use a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be submitted to and approved in writing by 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.

- 20) Prior to the first occupation of any dwelling details of the electric vehicle charging point to be installed shall be submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed prior to occupation and shall be permanently retained thereafter.

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

- 21) The development shall not be occupied until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the introduction of tactile paving at the following junctions:

Sentinel Way/Merchant Close  
Sentinel Way/Fenton Close  
Sentinel Way/Hudswell Close  
Sentinel Way/Parker Close  
Sentinel Way/Watkin Close

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

- 22) No dwelling shall be occupied until all areas space has been laid out within the curtilage of 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.

- 23) 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.

- 24) No dwelling shall be occupied until the access road shown on plan has been constructed to the base course level to enable access to the dwelling(s).

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

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

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

- 26) Unless otherwise agreed in writing, no part of the development shall be occupied until a Traffic Regulation Order (TRO) for a 20mph speed limit on the proposed access road within the development site has been implemented in full

Reason: To ensure the safety of highway users.

- 27) Prior to the first occupation of any dwelling visibility splays of 2.4 metres x 25 metres at the new junctions shall be provided clear of obstruction to visibility at or above a height of 1metre above the carriageway level of the new development. Once created these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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- 28) 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 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.

- 29) The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan, as well as timing of installation, has been provided for approval and implemented in accordance with those details.

Reason: To safeguard conservation of species/habitats.

- 30) Prior to the dwellings be occupied a colour copy of the leaflet setting out information about the Sefton Coast should be provided by the applicant to all first-time occupiers of new homes. The leaflet has been produced by MEAS and has been approved by Natural England. Applicants may also make this leaflet available in digital form to all first-time occupiers.

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

## Ongoing Conditions

- 31) The drainage for the development hereby approved, shall be carried out in accordance with drawing ELL-21017-YH-B-1010 Rev D, prepared by Elluc Projects. Surface water will only be permitted to drain directly into the 900mm public surface water sewer at 5 l/s. No surface water shall drain into the combined sewer either directly or indirectly. 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 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) Within 6 months of 50% of the dwellings being occupied 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.

- 33) Within the first planting/seeding season following completion, 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 completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

## **Informatives**

### Piling

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

Pressed-in methods, e.g. Hydraulic jacking  
Auger / bored piling  
Diaphragm Walling  
Vibratory piling or vibro-replacement  
Driven piling or dynamic consolidation.

Should the contractor 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

### Contamination

- 2) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 3 and 4 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 10 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.

# Agenda Item 4a

## Highways issues

- 3) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail [snn@sefton.gov.uk](mailto:snn@sefton.gov.uk) to apply for a street name/property number.
- 4) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at [HDD.Enquiries@sefton.gov.uk](mailto:HDD.Enquiries@sefton.gov.uk) for further information.
- 5) The applicant is advised of the requirement for a "stopping up order" to which forms part of the public highway. For further information please email the Highways Development and Design Team at [HDD.Enquiries@sefton.gov.uk](mailto:HDD.Enquiries@sefton.gov.uk).
- 6) There will be a requirement for the applicant to enter into a s278 Highways Act 1980 Legal Agreement to facilitate the works on the adopted public highway and a s38 Highways Act 1980 Legal Agreement to have the proposed new carriageways and footways within the development adopted by the Council. Please contact Seftons Highway Development and Design team in this respect - email: [HDD.Enquiries@sefton.gov.uk](mailto:HDD.Enquiries@sefton.gov.uk)
- 7) There will be a requirement for the applicant to enter into a Unilateral Undertaking/Section 106 agreement to provide a £20,000 financial contribution towards cyclist and pedestrian improvements along Heysham Road from the junction of the National Cycle Network (route No.61) and Heysham Road and Ormskirk Road (A59).
- 8) For the purposes of condition 29 details of approved leaflet can be viewed via the following link:-

[http://www.meas.org.uk/media/11047/lcr\\_leaflet\\_sefton.pdf](http://www.meas.org.uk/media/11047/lcr_leaflet_sefton.pdf)

**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 16th November 2022

**Subject:** [DC/2022/00704 - 55 Chapel Street, Southport, PR8 1AL](#)

**Proposal:** Change of use of the first, second and third floors from retail to residential, to create 2 No. one bed apartments and 1 No. two bed apartment.

**Applicant:** Mr. Collins

**Agent:** Mr. M Wakeman  
Architectural Designworks Limited

**Ward:** Dukes Ward

**Type:** Full Application

**Reason for Committee Determination:** Chief Planning Officer's Discretion.

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## Summary

This application seeks approval for the conversion of the upper floors from retail and ancillary retail purposes to form 3 self-contained apartments. With the retention of the ground-floor retail use and given the upper floors have been vacant for some time, it is considered that the proposal will make a positive contribution to the vitality of Southport Town Centre. The use of the upper floors will also support the Lord Street Conservation Area by aiding the longevity of this Non-Designated Heritage Asset. Two of the flats will not be provided with any private outdoor amenity space, contrary to the Council's guidance, but it is considered that the benefits arising from the proposal outweigh this harm. The proposal is therefore recommended for approval with conditions.

## Recommendation: Approve with Conditions

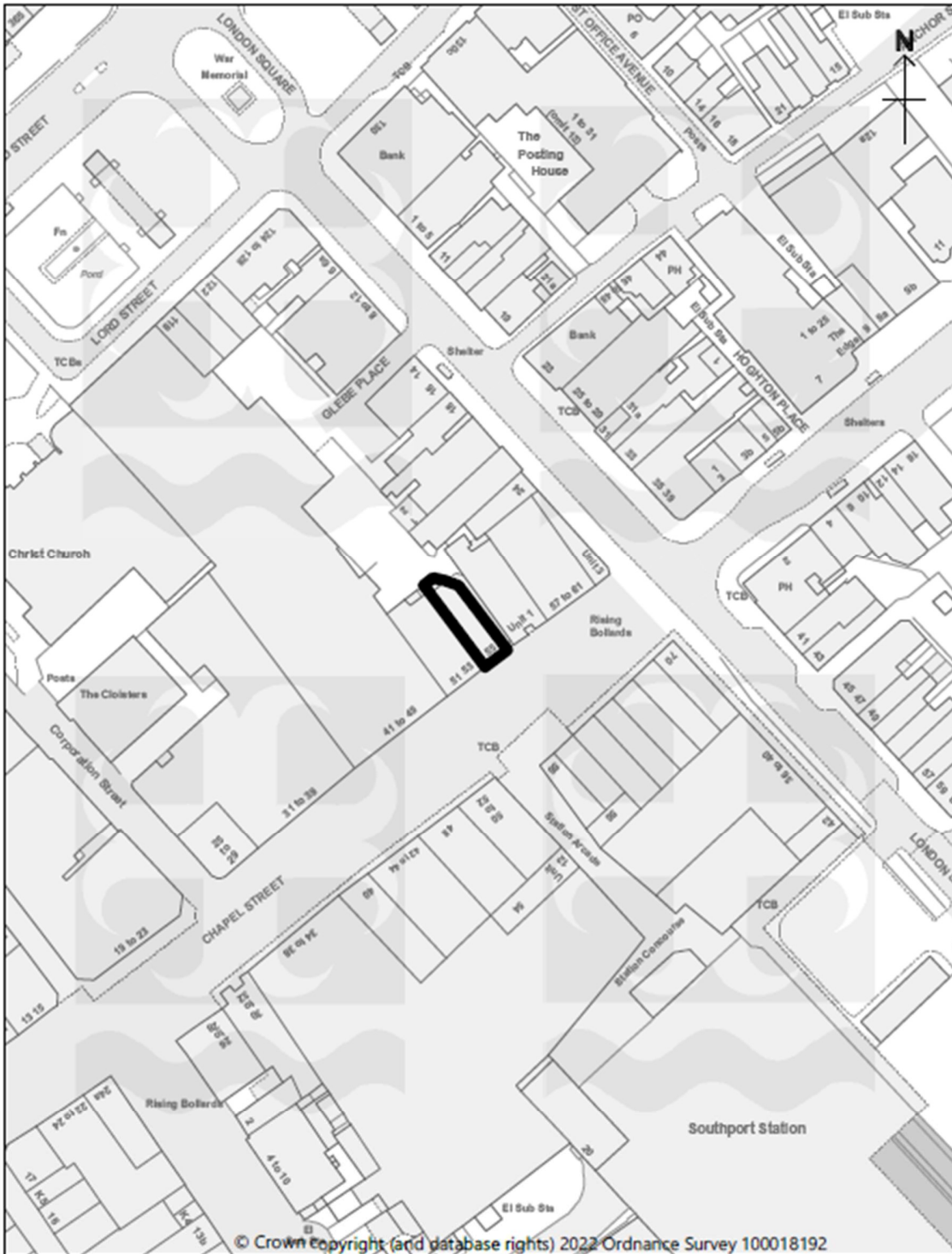
**Case Officer**                      Neil Mackie  
**Email**                                      [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)  
**Telephone**                              0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9Z5TYNWHRY00>

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## Site Location Plan



Reference: Map reference  
Date: 07/11/2022  
Scale: Scale 1:1250  
Created by: Initials

## The Site

A part three and part four-storey property fronting Chapel Street within Southport Town Centre and the Lord Street Conservation Area.

## History

Two applications were submitted in 1997 for the installation of a new shopfront, both of which were approved.

## Consultations

**Conservation Officer** - No objection subject to conditions securing appropriate conservation style windows and rooflights.

**Natural England** - Representation makes reference to a required proportionate assessment of recreational disturbance impacts on the coastal designated sites.

**Network Rail London North Western (North)** - No comments.

## Neighbour Representations

No representations received.

## Policy Context

The application site lies within an area designated as Southport Town Centre and Lord Street Conservation Area in the Sefton Local Plan which was adopted by the Council in April 2017.

## Assessment of the Proposal

This application seeks approval for the change of use of the upper three floors from a retail use to instead form 2 one-bedroom apartments and 1 two-bedroom apartment.

The main issues to consider in respect of this proposal are the principle of development, the impact of the proposal on the character of the area (particularly in respect of the Lord Street Conservation Area), the living conditions to be provided to future occupiers and matters arising from recreational pressure on designated coastal sites.

### Principle of Development

The application site lies within Southport Town Centre and is also designated as being within the Primary Shopping Area and a part of a Primary Retail Frontage. Local Plan policy ED2 'Retail, Leisure and Other Town Centre Uses' states that residential development will be permitted, if it does not compromise the vitality and viability of the town centre, in the upper floors of buildings in the Primary Shopping Area (PSA).

This application will only utilise the upper floors of an existing retail unit within a PSA. While this results in a net overall reduction of the amount of floorspace available for retail purposes, it will still retain the most prominent and easily accessible part: the ground-floor. It is unlikely that the removal of three upper-floors of additional space will give rise to material harmful impacts to the

# Agenda Item 4b

vitality and viability of Southport Town Centre, while the addition of three flats to the town centre could result in a minor benefit from increased direct spend within the area.

As such the principle of development so far as it relates to the vitality and viability of the Town Centre and the PSA is accepted.

In addition, Local Plan Policy ED7 'Southport Central Area' states that the "use of upper floors for residential development will be permitted where they provide acceptable living conditions." The principle of residential development in this respect is accepted subject to the assessment that follows.

## Character of the Area

The existing building contributes positively to the prevailing character of the area and to the Lord Street Conservation Area in which it sits, with the application site recognised as a 'non-designated heritage asset'. As evident from the existing and proposed elevations, no alterations are proposed to the prominent front elevation, which ensures that there will be no material change to this key part of the building.

Existing timber windows to the rear elevation will be replaced with uPVC windows, which has not been objected to by the Council's conservation officers subject to ensuring that they are conservation style windows. Two additional rooflights will be proposed either side of the gabled roof, in a conservation style, which are appropriate given the set back from the frontage and that they will not be readily visible from Chapel Street.

On this matter the proposal is acceptable.

## Living Conditions for Future Occupiers

Each of the habitable rooms is served by at least one window that provides an acceptable outlook and will ensure sufficient light is received. The combined living room/kitchens may result in the kitchen areas being darker than the living areas but this is a result of the constraints of this narrow and deep property and such an arrangement is acceptable in this instance.

As evident from the drawings a roof terrace will provide at least 27m<sup>2</sup> of usable space for the flat at the third floor but the other two flats won't be provided with any private space. This is contrary to the recommendations within the Council's guidance on flat development where it is said that at least 20m<sup>2</sup> of private outdoor amenity space shall be provided per flat.

The agent for the application has justified this absence, highlighting the length of time the upper floors have been vacant, that the reuse of the upper floors could help to extend the longevity of this building as well as noting the potential detrimental heritage impacts if balconies or 'recessed winter gardens' were provided to the front elevation and highlighting the difficulties with providing such features to the rear elevation. The agent also argues that the sizes of the flats, being in excess of minimum space standards, could also offset the absence of outdoor space.

While the argument in respect of flat sizes is not agreed, as a minimum size should not be a target and benefits for exceeding this shouldn't be given weight, the constraints of the site in respect of heritage matters and the benefits arising from the use of the upper floors are considered to be sufficient to overcome this harm.

On this matter therefore the proposal is acceptable.

## Recreational Pressure

As set out in the Council's interim approach to the mitigation and management of recreational pressure, arising from new housing development, on the internationally important nature sites on the coast an application proposing fewer than 10 homes is exempt from detailed consideration. This is the case as such developments are considered to not result in likely significant effects on these nature sites, and falls within the proportionate assessment as proposed by Natural England in their consultation response.

## **Planning balance and conclusion**

It is considered that the proposal is appropriate to Southport Town Centre, complying with Policies ED2 & ED7. It will enhance the Lord Street Conservation Area through the use of vacant upper floors. While the proposal does not offer the recommended amount of private amenity space, it is considered that overall the scheme will provide acceptable living conditions for future occupiers. The shortfall of amenity space needs to be weighed against the benefit of a use which will aid the longevity of the building, a non-designated heritage asset. This is given significant weight in coming to a recommendation.

This application is therefore recommended for approval with the conditions that follow.

## **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:

d409/C/01 'site location plan'  
d409/C/05 rev A 'proposed site plan and roof plan'  
d409/C/06 rev A 'proposed floor plans'  
d409/C/07 rev A 'proposed elevations'

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Reason: For the avoidance of doubt.

## **During Building Works**

- 3) Notwithstanding any details shown on the approved plans, the replacement windows must be of a conservation style, as must the two new rooflights.

Reason: To ensure an appropriate appearance to this non-designated heritage asset and to the wider Lord Street Conservation Area.

## **Notes for Applicant**

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



# Agenda Item 5

<b>Report to:</b>	Planning Committee	<b>Date of Meeting:</b>	Wednesday 16 <sup>th</sup> November 2022
<b>Subject:</b>	Planning Appeals		
<b>Report of:</b>	Chief Planning Officer	<b>Wards Affected:</b>	(All Wards)
<b>Cabinet Portfolio:</b>	Planning and Building Control		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

## Summary:

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

## Recommendation(s):

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

## Reasons for the Recommendation(s):

To update members on planning and enforcement appeals

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

N/A

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

### (A) Revenue Costs

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.

# Agenda Item 5

## Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> There are no resource implications								
<b>Legal Implications:</b> There are no legal implications								
<b>Equality Implications:</b> There are no equality implications.								
<b>Climate Emergency Implications:</b>  The recommendations within this report will <table border="1"><tr><td>Have a positive impact</td><td>N</td></tr><tr><td>Have a neutral impact</td><td>Y</td></tr><tr><td>Have a negative impact</td><td>N</td></tr><tr><td>The Author has undertaken the Climate Emergency training for report authors</td><td>N</td></tr></table> There are no climate emergency implications.	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
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							

## 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

# Agenda Item 5

The Executive Director of Corporate Resources and Customer Services (FD.7003/22) and the Chief Legal and Democratic Officer (LD.5203/22) 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.

<b>Contact Officer:</b>	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](http://www.sefton.gov.uk/planapps)

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## Appeals Received and Decisions Made

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

Contact Officer: Mr Steve Matthews 0345 140 0845

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

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

## Appeal Decisions

### The Doric 146 Rawson Road Seaforth Liverpool L21 1HR

**Reference:** DC/2021/02531 (APP/M4320/W/22/3290162)  
Change of use from Public House (A4) to a House in Multiple Occupation (HMO) (Sui Generis) (12 Units) after demolition of existing attached outbuildings to the rear

**Procedure:** Written Representations

**Start Date:** 06/04/2022

**Decision:** Allowed

**Decision Date:** 27/09/2022

### 26 Elsworth Close Formby Liverpool L37 2YS

**Reference:** DC/2021/01677 (APP/M4320/D/22/3301602)  
Erection of a part two storey, part first floor extension to the front incorporating a porch, first floor extension to the side incorporating a Juliette balcony to the rear, a single storey extension to the rear and the raising of the ridge height of the dwelling.

**Procedure:** Householder Appeal

**Start Date:** 02/08/2022

**Decision:** Allowed

**Decision Date:** 21/09/2022

## New Appeals

### 18 Tailors Lane Maghull L31 3HD

**Reference:** DC/2021/02928 (APP/TPO/M4320/9232)  
Tree Preservation Order application to fell 2 No. Horse Chestnut Trees (lies within TPO210).

**Procedure:** Written Representations

**Start Date:** 18/10/2022

**Decision:**

**Decision Date:**

### 162-162A Liverpool Road North Maghull Liverpool L31 2HP

**Reference:** DC/2022/00954 (APP/M4320/Z/22/3306467)  
Advertisement consent for the display of a wall-mounted 3 x 6 metre digital LED advertising panel on the side elevation

**Procedure:** Householder Appeal

**Start Date:** 20/10/2022

**Decision:**

**Decision Date:**

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## 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: 27<sup>th</sup> September 2022**

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**Appeal Ref: APP/M4320/W/22/3290162**

**146 Rawson Road, Seaforth L21 1HR**

- 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 Tonik Rok Ltd against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2021/02531, dated 26 October 2021, was refused by notice dated 17 December 2021.
  - The development proposed is described as change of use from public house to 12-bedroom house of multiple occupancy.
- 

### Decision

1. The appeal is allowed, and planning permission is granted for change of use from public house to 12-bedroom house of multiple occupancy, at 146, Rawson Road, Seaforth L21 1HR, in accordance with the terms of the application Ref DC/2021/02513, dated 26 October 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E2326/01A, E2326/02A, E2326/03A, E2326/04A, E2326/05A and E2326/06A.
  - 3) Prior to commencement of the development hereby approved, a noise report shall have been submitted to and approved in writing by the Local Planning Authority. The report shall show the enhancement of all walls and ceilings within the application site by a minimum of 10db above the standard shown in table 0.1a of Approved Document E of the Building Regulations. The approved details shall be fully implemented prior to the approved development being first occupied and retained thereafter for the lifetime of the development.
  - 4) Prior to commencement of the development hereby approved, a detailed scheme of highway works comprising the reinstatement of the vehicular crossing to the rear of the application site on Doric Street to a footway, together with a programme for their completion, shall have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the highway works have been constructed in accordance with the approved details.
  - 5) Prior to the development hereby approved being first occupied, details of a Tenancy Management Plan (TMP) shall be submitted to and approved in writing by the Local Planning Authority. The TMP shall include, at

minimum, details of the use of the laundry room shown on the approved plan E2326/05A.

- 6) Prior to the development hereby approved being first occupied, the secure cycle parking shown on approved plan E2326/04A shall be installed and made available for use. The facilities shall be retained thereafter, without impediment to the intended use, for the lifetime of the development.
- 7) Prior to the development hereby approved being first occupied, the secure refuse store shown on approved plan E2326/04A shall be installed and made available for use. The facilities shall be retained thereafter, without impediment to the intended use, for the lifetime of the development.

## **Preliminary Matters**

2. The description of development given on the Council's Decision Notice differs to that provided on the planning application form. As I have not been provided with any evidence that the appellant agreed to the change, I have used the description originally provided, which is satisfactory, given that it is clear from the submitted plans that the proposal includes some demolition work to the rear of the building.

## **Main Issue**

3. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers, with specific regard to noise disturbance due to the potential extent of use of the building and the internal layout; in particular, the locations of the multi-use kitchen/dining/living rooms and the laundry room.

## **Reasons**

4. Policy HC4 of A Local Plan for Sefton, 2017, (LP), permits development involving the conversion of buildings to Houses in Multiple Occupation (HMO) or flats, providing satisfactory living conditions for future occupiers are provided, and it does not cause significant harm to the living conditions of occupiers of neighbouring properties.
5. Paragraph 130 of the National Planning Policy Framework (the Framework) advises, among other things, that planning decisions should ensure developments create places which promote health and well-being and provide a high standard of living conditions for future occupiers.
6. The Council's Flats and Houses in Multiple Occupation Supplementary Planning Document 2018, (SPD), is consistent with Policy HC4 in this regard, whilst also providing more detailed guidance on a range of matters, including recommending all residents in HMOs have access to communal areas, so they do not have to spend their time in one room.<sup>1</sup>
7. The guidance recognises that communal rooms may not be required if, for example, the residents' rooms provided meet the recommended space standards for a bedsit in accommodation that does not have a communal dining

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<sup>1</sup> Paragraph 47 of the SPD.

# Agenda Item 5

Appeal Decision APP/M4320/W/22/3290162

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- room or lounge area, ie 15 sqm floor area for a single room without kitchen facilities and 19.5 sqm for a single room with kitchen facilities.<sup>2</sup>
8. The recommended minimum floor area for a single room bedsit without kitchen facilities in accommodation that has a communal living/lounge area is 10 sqm, and the recommended minimum floor area for a single room bedsit with integral kitchen facilities in accommodation that has a communal living/lounge area is 13 sqm.<sup>3</sup>
  9. Paragraph 50 of the SPD recommends that shared kitchens (and bathrooms) "...should be no more than one floor up or down from the bedsit units they are intended for."<sup>4</sup>
  10. Paragraph 51 of the SPD states that: *"Shared facilities, where residents may be expected to socialise..., such as a communal lounge or dining room..., should be located to minimise the impact on bedrooms, both within the building and adjoining properties. These typically may be located on the ground floor."*<sup>5</sup>
  11. Paragraph 52 of the SPD recommends multi use communal areas, eg kitchen/dining room or kitchen/lounge, have a minimum floor area of 14 sqm.
  12. I note that the Officer Report (OR) states that *"the multi-use room within the roof space has no windows and will be a dark unwelcoming space to cook/dine/relax in."* Having reached this conclusion, the OR concludes that *"The residents would therefore be likely to share the multi-use rooms on the ground and first floor but with 21 residents....it appears there will be considerable congestion at main breakfast/evening mealtimes with 12 separate householders attempting to cook and others trying to relax."*
  13. However, the Council Officer's appraisal is incorrect. As noted by the appellant in their statement, the multi-use room in the roof space would have windows, ie a dormer and a rooflight. The Council has not responded in its statement to the appellant's observation regarding this matter.
  14. As the proposed multi-use room on the second floor would have windows, it would not be a *"dark unwelcoming space"* as concluded by the Council. As such, the residents on the second floor would not be likely to resort to using the multi-use facilities on the ground and first floors. This being the case, there would not be 12 people in each of the proposed multi-use rooms on the ground and first floors at breakfast and evening mealtimes, as suggested in the OR. Therefore, there would not be the congestion in these rooms that is suggested by the Council.
  15. I accept the Council's understanding regarding the number of double and single rooms shown on the plans, and I note the appellant's final comments suggesting that all the rooms will be single rooms. However, given that the double rooms shown on the plans would readily be able to accommodate 2 people in each of them, I conclude, as the Council does, that the proposal would be able to accommodate 21 people when fully occupied. I also note the consultation response from the Housing Standards Team, which suggests that a Mandatory HMO licence would likely restrict occupancy to a maximum of 15

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<sup>2</sup> Paragraph 47 of the SPD.

<sup>3</sup> Paragraph 45 of the SPD.

<sup>4</sup> My underlining for emphasis.

<sup>5</sup> My underlining for emphasis.



- persons. However, the licensing regime is separate to the planning system, and my assessment is based on planning legislation and the planning merits of the case.
16. For clarification, the proposal would provide 5 bedsit rooms on the ground floor (which could accommodate up to 8 people), 5 on the first floor (which could accommodate up to 9 people), and 2 on the second floor (which could accommodate up to 4 people). All the bedsit rooms would have a floor area larger than that recommended in the SPD, with some of the double rooms being considerably larger. There would be multi-use kitchen/dining/living rooms, which the SPD allows for, on each of the 3 floors. All the proposed multi-use rooms would be considerably larger than the areas recommended in the SPD, ie 26.7 sqm, 24.0 sqm and 27.2 sqm compared to the 14 sqm recommended.
  17. If future occupiers used the multi-use rooms on the floor of their bedsit room the ground floor multi-use room would have a max. of 8 people in it at any time, the first floor multi-use room would have a max. of 9 people in it at any time, and the second floor multi-use room would have a max. of 4 people in it at any time. It is possible, given that the multi-use room on the second floor would be the largest, whilst the number of occupants on the second floor rooms would be the least, that some occupants on the first floor (only one floor below) may also use the multi-use room on the second floor; this may be combined, for example, with a visit to the laundry room. For the reasons outlined, I consider the multi-use rooms would likely not be congested most of the time.
  18. With regard to the locations of the 3 multi-use rooms and the laundry room, I acknowledge that 2 of the multi-use rooms and the laundry room would be directly above bedsit rooms. However, in a building with more than 2 floor levels, it would not be possible to satisfy various recommendations in the SPD simultaneously, ie locating communal rooms on the ground floor and requiring shared rooms to be no more than one floor up or down from the bedsit rooms they are intended to serve.
  19. I note that the Environmental Health Officer did not object to the proposal, and although the Officer expressed some concerns regarding the layout, the Officer suggested that the applicant may wish to consider the proposed layout or enhance the sound insulation where potentially noisy rooms would be above bedsit rooms and/or share party walls with bedsit rooms.
  20. Also, given that the multi-use rooms on the ground and first floors would likely not be congested most of the time, and the multi-use room on the second floor is mainly aimed at serving up to 4 occupants, I consider the noise levels potentially created in these rooms would not be as high as suggested in the OR (as the conclusions reached in the OR were based on errors in the appraisal). Additionally, as suggested by the Environmental Health Officer, and indicated in the suggested conditions from the Council, enhanced insulation could overcome the concern that unacceptable noise levels could be harmful to future occupiers in particular bedsit rooms.
  21. Furthermore, as noted, the proposed multi-use rooms would be much larger than recommended in the SPD. Also, some of the bedsit rooms are large enough to accommodate kitchen facilities, which would potentially reduce the number of future occupants using the shared kitchen facilities. However, I

- consider the health and well-being of future occupants would be better served by having access to, and using, shared facilities, rather than spending more time in their individual bedsit room.
22. Additionally, if the proposal adhered to the recommendation in the SPD that shared rooms should be no more than one floor up or down from the bedsit units they are intended for, the multi-use room on the first floor could be removed to satisfy this requirement (and alter the layout). However, I consider the living conditions of future occupiers of the proposed HMO would be enhanced by larger and more multi-use rooms than the SPD recommends, subject to enhanced sound insulation.
23. Similarly, although there is no requirement for a laundry room to be provided, I consider the living conditions of future occupiers of the proposed HMO would be enhanced by the provision of such a facility, rather than not having a laundry room. In addition to enhanced sound insulation, the noise impact of such a facility in the location proposed could be satisfactorily managed, as indicated by the appellant, with appropriate tenancy management in place.
24. The Council has referred me to a couple of appeal decisions. In one, Ref: APP/M4320/W/18/3194739, (3194739), the Inspector concluded that shared rooms, such as living areas, are important for the well-being of occupants; and the location of the lounge in that case would not provide satisfactory living conditions for future occupiers. In the other, Ref: APP/D1590/W/18/3214190, the Inspector concluded that, due to the size of some bedsit rooms, the proposal could accommodate more people than the appellant suggested.
25. I have found that the proposal could accommodate up to 21 people. With regard to appeal ref 3194739, I agree with the conclusion that shared rooms, such as living areas, are important for the well-being of occupants of HMOs. Although I have not been presented with all the details of the proposal referred to, I am aware of the case as I dealt with a subsequent appeal on the same site. My recollection is that the proposal referred to is not directly comparable to the proposal before me. Regardless, I have concluded that the proposal before me, in respect of the location of the proposed shared multi-use rooms, would provide satisfactory living conditions for future occupiers.
26. For the reasons outlined above, I conclude that, although the proposal would provide accommodation for up to 21 people, subject to enhanced sound insulation, a tenancy management plan regarding the use of the laundry room, and other conditions as outlined above, the proposal would provide satisfactory living conditions for future occupiers, with particular regard to noise disturbance and the layout/location of the proposed multi-use and laundry rooms. As such, the proposal accords with Policy H4 of the LP and paragraph 130 of the Framework.

## **Conditions**

27. I have taken account of the conditions suggested by the Council and comments received from the appellant. I have attached a condition requiring the development to be carried out in accordance with the approved plans, to provide confirmation of the approved works.

28. I have attached a condition requiring a noise report to be submitted and approved, to ensure enhanced sound insulation is provided.
29. I have attached a condition requiring details of highway works to be submitted and approved, in the interests of highway safety.
30. I have attached a condition requiring details of a TMP to be submitted and approved, to ensure the use of the laundry room is used in a manner that does not significantly impact on the living conditions of any future occupants.
31. I have attached conditions requiring the secure cycle storage and refuse facilities to be provided prior to the approved development being occupied, to promote the use of more sustainable modes of transport and in the interest of public health.

## **Other Matters**

32. In addition to the matters discussed above, concerns have been raised with regard, broadly, to the following matters: highways (eg parking and safety); demand on local infrastructure and services; living conditions of occupiers of existing neighbouring properties (due to eg overlooking and noise disturbance); extent of outdoor space; fire safety; the amount of profit the developer may achieve; the extent of other HMOs in the area; crime, and maintenance of the site.
33. As noted by the Local Highway Authority, which did not object to the proposal, the site is within proximity of public transport options and the proposal includes secure cycle parking, (which is to be secured by condition), to encourage use of cycling as a mode of transport. Consequently, the number of parking spaces required by future residents would not equate to the number of occupants. Furthermore, the existing lawful use of the site as a public house would generate a degree of off-site car parking. Additionally, to prevent vehicles parking at the side of the property and obstructing pedestrians, a condition is attached to reinstate the footway. I have not been provided with any substantive evidence that the proposal would have either a severe impact on the surrounding highway network or would cause an unacceptable highway safety issue.
34. I have not been provided with any substantive evidence that the proposal would place an unacceptable demand on any local services or infrastructure.
35. The proposal would not introduce any habitable rooms on the first and second floors (where there could be the potential for overlooking) where there isn't a habitable room already. Furthermore, there would be less habitable rooms with windows on the rear elevation than there currently is. For these reasons, I consider there would be no detrimental change with regard to privacy of neighbouring properties.
36. The proposal includes a private outdoor space for future occupants (which satisfies the size recommended in the Council's SPD), which would be within proximity of residential gardens of some neighbouring properties. However, given that the lawful use of the site allows the outdoor space to be used as a beer garden, I consider that the proposal would not result in a detrimental change with regard to noise and neighbouring properties.
37. Fire safety would be covered by building regulations.

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38. The amount of profit the appellant may gain from the development is not a factor that weighs against the proposal or a reason for withholding planning permission.
39. The Council's Local Plans Team was consulted on the application and confirmed that there are no existing HMOs within 100 m of the site, and therefore the proposal would not lead to a concentration of HMOs in the area. I have not been provided with any substantive evidence to the contrary.
40. I am not persuaded by the suggestion that the proposed change of use would result in the building being a target for crime.
41. I have not been provided with any substantive evidence that the property would not be maintained to a satisfactory standard.

## **Conclusion**

42. For the reasons outlined, I conclude that the appeal is allowed.

*J Williamson*

INSPECTOR



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## Appeal Decision

Site visit made on 24 August 2022

**by Sarah Manchester BSc MSc PhD MIEnvSc**

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

**Decision date: 21<sup>st</sup> September 2022**

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**Appeal Ref: APP/M4320/D/22/3301602**

**26 Elsworth Close, Formby, Liverpool, L37 2YS**

- 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 Dodd against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2021/01677, dated 28 June 2021, was refused by notice dated 14 April 2022.
  - The development proposed is front and rear extensions, internal and external remodelling - to existing dwelling.
- 

### Decision

1. The appeal is allowed and planning permission is granted for front and rear extensions, internal and external remodelling - to existing dwelling at 26 Elsworth Close, Formby, Liverpool, L37 2YS in accordance with the terms of the application, Ref DC/2021/01677, dated 28 June 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Ref 12000.04 Rev A – Proposed floor plans; Ref 12000.05 Rev A – Proposed elevations; Ref 12000.06 Rev A – proposed sections and roof plan; Ref 12000.07 – location plan; Ref 12000.08 – Proposed site plan; Ref 12000.09 – Existing and proposed street elevations.
  - 3) Prior to the first occupation of the development hereby permitted, the first floor window to the side elevation serving bedroom 1 shall be fitted with obscured glazing to a specification of no less than level 3 of the Pilkington Glass Scale, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The window shall be retained in that condition thereafter.

### Applications for costs

2. An application for an award of costs was made by Mr Dodd against Sefton Metropolitan Borough Council. That application is the subject of a separate Decision.

### Main Issue

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

## Reasons

4. No 26 is a 2 storey detached dwelling on the east side of Elsworth Close, close to the end of a residential cul-de-sac. It is part of a short row of non-matching properties that includes modest single and large 2 storey detached dwellings, the latter with prominent front garages. The varied sizes and styles of buildings and brick and render finishes results in a mixed character and appearance on the east side of the road. In contrast, the west side of the road is coherent with substantially matching 2 storey detached brick dwellings with front gable features and side garage extensions some of which have been built over. Properties are set back behind open frontages of varied depths.
5. The proposal would comprise a part 2 storey and part first floor extension to the front, a first floor side extension with a Juliet balcony to the rear, a single storey rear extension and an increase in the ridge height. The 2 storey frontage would have a wide pitched roof with 2 protruding roof gable features. The dwelling would be finished in render.
6. While it would be taller than the existing property, there are single storey properties to one side and 2 storey properties of varying heights to the other. Properties in the row vary in terms of their roof sizes and styles. Neither the increase in height nor roof alterations would disrupt a coherent roof scape. Similarly, while there would be a marked increase in the size and scale of the dwelling, the surrounding built environment is characterised by large 2 storey detached dwellings some of which have been extended. In this context, it is the neighbouring single storey properties that are anomalous in terms of scale. The proposal would not be disproportionately large, out of scale or overly prominent in the street scene or the area.
7. The street scene and the wider townscape are characterised by properties in a mixed palette of external materials, including brick, render and timber. Entirely rendered properties are uncommon. Nevertheless, taking into account the somewhat secluded cul-de-sac location, and the mixed surrounding built environment, I find that the rendered finish would not be unsympathetic or incongruous. The proposal would not be detrimental to nor would it diminish local character or distinctiveness.
8. The proposal would be visibly different from the existing brick and render dwelling with its asymmetric front gable feature. However, there is little evidence that No 26 is of particular architectural merit. Moreover, while the Council has concerns in relation to size, scale and materials, the proposal was not refused on grounds relating to its design. As such, while the proposal would alter the appearance of the original dwelling, I find no harm in this regard.
9. Therefore, I conclude that the proposal would not harm the character and appearance of the appeal property or the area. It would not conflict with Policy HC4(b) of A Local Plan for Sefton Adopted April 2017 or Policy ESD2 of Formby and Little Altcar Neighbourhood Development Plan 2012 to 2030 Adopted November 2019. These require, among other things, that proposals make a positive contribution to local character and that the size, scale and materials of development is in keeping with the original dwelling and the surrounding area.
10. In reaching this conclusion I am aware that not all of the alterations to nearby No 22 are in accordance with the planning permission (Ref DC/2015/00320).

Nevertheless, the evidence is that No 22 is now lawful development and it forms part of the street scene and the visual context for the proposal.

## **Other Matters**

11. The proposal would be to the north of No 24 and it would not overshadow the neighbours. The oblique views from the Juliet balcony would not result in overlooking or loss of privacy. There would be no loss of outlook from the side facing window of No 24, this being an obscurely glazed secondary bedroom window. The side facing first floor window in the proposal would have potential to overlook No 24. However, this secondary bedroom window could be obscurely glazed to protect the neighbours' privacy without detriment to the living conditions of the occupiers.
12. The increase in the height of the roof and the conversion to a side gable end would increase the height and the extent of 2 storey wall close to the facing single storey side elevation of No 28. However, this would not adversely impact neighbouring habitable room windows. The 2 storey eaves height at the rear of the appeal property would be similar to existing with the bulk of the increase in height further forward on the side elevation. Consequently, any increased or different overshadowing to part of the rear garden of No 28 later in the day would not be detrimental to the neighbours.
13. Therefore, while I have taken into account the concerns of the neighbours, I agree with the Council that there would be no harm to residential amenity. Concerns about the location of the surface water drain are not a matter for the appeal. The concerns in relation to the accuracy of illustrated vegetation and finishes on the street scene plan do not alter my finding on the main issue.

## **Conditions**

14. The Council has suggested planning conditions in the event the appeal was allowed. I have considered these against the relevant requirements of the National Planning Policy Framework. In addition to the standard condition limiting the lifespan of the planning permission, I have specified the approved plans in the interests of certainty. A condition requiring obscure glazing to the first floor side window is necessary to protect the privacy and the living conditions of the neighbouring residential occupiers.

## **Conclusion**

15. For the reasons set out above, I conclude that the appeal is therefore allowed and planning permission is granted, subject to conditions.

*Sarah Manchester*

INSPECTOR

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**Planning Committee**  
**Visiting Panel Schedule**

Date Monday 14<sup>th</sup> November 2022  
Start: 10:00 am at BOOTLE TOWN HALL

Agenda Item	Time	Application Details	Ward
4A	10:20am	<b>DC/2022/00727</b> Land Off Sentinel Way / Heysham Road Netherton	Netherton And Orrell Ward

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