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MEETING: PLANNING COMMITTEE

DATE: 13th March 2024

TIME: 6.30 pm

VENUE: Bootle Town Hall

Member

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

Substitute

Councillor
Cllr. Leslie Byrom C.B.E.
Cllr. Janet Grace
Cllr. Anne Thompson
Cllr. Sinclair D'Albuquerque
Cllr. Laura Lunn-Bates
Cllr. Susan Bradshaw
Cllr. Dave Robinson
Cllr. Daniel McKee
Cllr. Linda Cluskey
Cllr. Mike Morris M.B.E.
Cllr. Liz Dowd
Cllr. Danny Burns
Cllr. Sinclair D'Albuquerque
Cllr. Janet Harrison Kelly
Cllr. Tom Spring

COMMITTEE OFFICER: Ian Barton
Telephone: 0151 934 2788
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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.

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

AGENDA

1. Apologies for Absence

2. Declarations of Interest

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

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

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

3. Minutes of the Previous Meeting (Pages 5 - 10)

Minutes of the meeting held on 7 February 2024.

4. Applications for Planning Permission - Petitions

A DC/2023/01865 - 12 Carlisle Road, Birkdale PR8 4DJ (Pages 11 - 26)

Report of the Chief Planning Officer

5. Applications for Planning Permission - Approvals

A DC/2023/01055 - Formby Village Sports Club (Pages 27 - 36) Rosemary Lane, Formby

Report of the Chief Planning Officer

B DC/2024/00229 - 1 Harris Drive, Bootle L20 6LD (Pages 37 - 46)

Report of the Chief Planning Officer

6. Planning Appeals Report (Pages 47 - 76)

Report of the Chief Planning Officer.

7. Visiting Panel Schedule (Pages 77 - 78)

Report of the Chief Planning Officer.

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

PLANNING COMMITTEE

MEETING HELD AT BOOTLE TOWN HALL ON 7 FEBRUARY 2024

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

Councillors Desmond, Dodd, Hansen, John Kelly,
Sonya Kelly, McGinnity, Richards, Riley, Roche,
Spencer, Lynne Thompson, Tweed and Waterfield

ALSO PRESENT: Councillor Howard

135. APOLOGIES FOR ABSENCE

No apologies for absence were received.

136. DECLARATIONS OF INTEREST

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

137. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the Minutes of the meeting held on 15 November 2023 be confirmed as a correct record.

138. DC/2023/01635 - 100A MOSS LANE, LITHERLAND

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of a part three, part four storey apartment block containing 18 apartments with associated car and cycle parking, bin storage, outdoor amenity space and hard and soft landscaping (alternative to refused application DC/2022/00802) be granted subject to the conditions and for the reasons stated or referred to in the report.

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

Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 7TH FEBRUARY, 2024

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;
- Natural England raising no objections to the Habitat Regulation Assessment;
- an additional condition requiring obscure glazing to eye level to all windows adjacent to the main service access and adjoining the open area; and
- an additional condition requiring that the 3rd floor access to the flat roof be restricted to maintenance only and the roof area not being used as recreational space.

139. DC/2023/01659 - 66 ESHE ROAD NORTH, CROSBY

Further to Minute No. 127 of 15 November 2023, the Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of part two storey/part single storey extensions to the rear and side, a first-floor extension to the rear of the dwellinghouse following the demolition of the existing detached garage to the side (Alternative to DC/2021/02394 approved 1.12.2021) (Part retrospective) be granted subject to the conditions and for the reasons stated or referred to in the report.

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

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

RESOLVED:

That the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report and subject to an additional condition removing Permitted Development rights for extensions to the roof.

140. DC/2023/00961 - UNIT 11, CENTRAL 12 RETAIL PARK, SOUTHPORT

The Committee considered the report of the Chief Planning Officer recommending that the above application for the change of use from retail

(Class E) to restaurant (Class E(b)) / hot food takeaway (Sui Generis), window and door alterations, the installation of extraction and ventilation equipment to the rear, amendments to parking, provision of fencing and gates to the side, refuse and servicing enclosure to the rear be granted subject to the conditions and for the reasons stated or referred to in the report.

RESOLVED:

That the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report and in Late Representations and subject to Condition No.5 being amended to require the scheme for the provision of litter bins to include the wider area of the retail park.

141. 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
Harold Jones Ltd	DC/2023/00828 (APP/M4320/W/23/3326424) 101 South Road Waterloo L22 0LT appeal against refusal by the Council to grant Planning Permission for the change of use of the first and second floors only from a Bank(E) to an 8 bedroomed House in Multiple Occupation (HMO)(Sui Generis), a single storey extension to the rear and external alterations including the reinstatement of the existing entrance door onto Neville Road. [Alternative to DC/2023/00401	Dismissed 16/01/2024
Pippa Edwards	DC/2022/02292 (APP/M4320/W/23/3324692) 26 Blucher Street Waterloo Liverpool L22 8QB appeal against refusal by the Council to grant Planning Permission for the change of use of the existing dwellinghouse (C3) to a dual use dwellinghouse (C3) or short-term holiday let (maximum 90 letting days per annum) (C1).	Allowed 16/01/2024

Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 7TH FEBRUARY, 2024

Harold Jones Ltd	DC/2023/00401 (APP/M4320/W/23/3321797) 101 South Road Waterloo Liverpool L22 0LS appeal against refusal by the Council to grant Planning Permission for the change of use of the 1st and 2nd floors only from a Bank (E) to an 8 bedroomed House in Multiple Occupation (HMO) (Sui Generis), a single storey extension to the rear and external alterations including the reinstatement of the existing entrance door onto Neville Road.	Dismissed 16/01/2024
Mr Douglas Grogan	DC/2022/01953 (APP/M4320/W/23/3319731) 5B Manchester Road Southport PR9 9EP appeal against refusal by the Council to grant Planning Permission for the erection of a single storey detached outbuilding within the rear grounds of the dwellinghouse (retrospective)	Dismissed 28/12/2023
Southport Real Estate Ltd	DC/2022/00790 (APP/M4320/W/23/3320439) 1B Castle Street Southport appeal against refusal by the Council to grant Planning Permission for the change of use from light industrial premises to two dwellings and the erection of single storey extensions to the side and front elevations including alterations to the existing single storey roof to form a mansard roof with roof windows (Retrospective) (alternative to DC/2016/02348 approved 29 March 2017).	Dismissed 19/12/2023
Mr Steve Hyland	DC/2023/00167 (APP/M4320/W/23/3321968) 97 Linacre Road Litherland L21 8NS appeal against refusal by the Council to grant Planning Permission for the change of use of the ground floor only from a retail shop (Class E) to a self-contained flat (C3) including alterations to the front, side and rear elevations	Dismissed 19/12/2023

Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 7TH FEBRUARY, 2024

Miss Emily Hyde	DC/2022/01960 (APP/M4320/W/23/3320676) Grass Verge Adjacent To 29 Haigh Crescent Lydiate Liverpool L31 2LG appeal against refusal by the Council to grant Planning Permission for the change of use of the grass verge adjacent to 29 Haigh Crescent, Lydiate to a residential garden	Allowed 17/11/2023
Mr Daniel Shennan	DC/2023/01271 (APP/M4320/D/23/3331515) 8 Coronation Road Lydiate Liverpool L31 2NQ appeal against refusal by the Council to grant Planning Permission for the erection of a two-storey extension to the side and a single storey extension to the rear of the dwellinghouse	Allowed 11/01/2024
Wildstone Estates Limited	DC/2023/00930 (APP/M4320/Z/23/3332057) Town Hall and Playing Fields Hall Lane Maghull L31 7BB appeal against refusal by the Council to grant advertisement consent for the display of 1 No. illuminated hoarding sign	Dismissed 13/12/23
Mr D Wardale	DC/2023/01353 (APP/M4320/D/23/3330106) 11 Davenhill Park Aintree L10 8LY appeal against refusal by the Council to grant Planning Permission for the erection of a (2 metre high) fence to the side elevation of the dwelling house (retrospective application)	Dismissed 13/12/23

RESOLVED:

That the report be noted.

Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 7TH FEBRUARY, 2024

142. 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 5 February 2024.

Application No.	Site
DC/2023/00961	Unit 11, Central 12 Retail Park, Southport
DC/2023/01635	100A Moss Lane, Litherland

RESOLVED:

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

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 13th March 2024

Subject: [DC/2023/01865](#)
[12 Carlisle Road Birkdale PR8 4DJ](#)

Proposal: Change of use from dwellinghouse to children's home, to provide care for up to 3 No. children, with the erection of a single storey and dormer extension to the rear. (Part retrospective) (Alternative to DC/2023/00700 refused 03/10/2023)

Applicant: Mr P Durose **Agent:** Mr David Morse
New Path Care Limited Baltic PDC

Ward: Birkdale Ward **Type:** Full Application

Reason for Committee Determination: Petition endorsed by Cllrs Pugh and Brodie Brown

Summary

The proposal seeks planning permission for the change of use from a dwellinghouse to children's home, to provide care for up to 3 No. children, with the erection of a single storey extension and dormer extension to the rear. The application is part retrospective given that the rear extension and dormer have been constructed and is an alternative to a previously refused application (ref: DC/2023/00700) for a similar development, which was refused due to concerns associated with noise and disturbance (and associated impact on living conditions of neighbouring residents) and impacts of the dormer on the character and appearance of the area.

As part of the current application, the applicant has provided additional information regarding the overall management of the proposed children's home and has made proposed changes to the house to address the concerns expressed in the previous application.

For the reasons set out within the report, it is considered that the proposal has overcome the reasons for refusal previously identified and is acceptable in all other regards. The proposal is therefore recommended for approval subject to conditions.

Recommendation: Approve with Conditions

Agenda Item 4a

Case Officer Stephen O'Reilly

Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S338EUNWII600>

Site Location Plan



Agenda Item 4a

The Site

The application relates to a detached two storey dwelling on the north west side of Carlisle Road. The surrounding area is primarily residential and made up of similar sized properties.

History

Planning permission was previously refused under reference DC/2023/00700 on 3rd October 2023 for the change of use from a dwellinghouse to children's home, to provide care for up to 3 no. children, with the erection of a single storey extension and dormer extension to the rear.

The reasons for refusal were:

1. The proposal fails to demonstrate that there will be no adverse impacts on the living conditions of neighbouring properties in terms of noise and disturbance from the comings and goings to the premises and also from the use of the premises. The proposal therefore fails to comply with policies HC3 and HC4 of the Local Plan.
2. The dormer by virtue of its size and materials will have a detrimental impact on the character and appearance of the area and therefore fails to comply with policies HC4 and EQ2 of the Local Plan.

The refusal is currently the subject of an appeal, which is yet to be decided, reference APP/M4320/W/23/3332483.

Consultations

Environmental Health Manager

No objection

Highways Manager

No objection subject to conditions

Childrens Services

No comments received

Neighbour Representations

Following an initial neighbour notification procedure a total of 40 letters of objection were received from neighbouring properties.

A petition containing 344 signatures has also been received, endorsed by Councillors Pugh and Brodie-Brown.

The issues raised in relation to the petition include: object to change of use; Children's services have refused approval; Dormer by virtue of size and materials having detrimental impact on character and appearance and fails to comply with policies HC4 and EQ2 of the Local Plan; Fear of crime; Disregard of impact on living conditions in terms of noise and disturbance from comings and goings; Does not comply with policies HC3 and HC4 of the Local Plan; Oversupply of residential care accommodation in Sefton; Excessive traffic; Curb outside will require widening further displacing visitor parking along the road.

In relation to the individual comments received in objection to the proposal, such comments can be summarised as follows:.

Living Conditions

- Significant disturbance through entrance and exit of staff, deliveries and other associated traffic
- Visibility of dormer extension
- Noise
- Noise inside and outside will be great, especially in the summer
- Can hear works going on with windows shut
- Still 6 bedrooms
- Threatens residential amenity and reduces opportunity for high quality of life
- Overshadowing and reduces sunlight to neighbouring properties, reducing privacy
- Volume of people with access to windows greater than single dwelling
- App states obscure glass to be fitted to dormer, have been installed with clear glass
- With single storey extension possible to jump from first floor window and abscond
- New proposal fails to demonstrate there will be no adverse impacts on living conditions of neighbouring properties
- Extension and dormer overwhelming
- Car park not in keeping with residential area
- Loss of privacy from extension and dormer
- Childrens home materially different to C3 residential use
- PD rights can not be claimed retrospectively by removal of an element to return residential development to permitted tolerance
- PD rights relate to residential dwelling property is not being used as residential dwelling
- Anti-social behaviour

Agenda Item 4a

- Security is a major concern
- Excess of 1 bedroom for needs
- Fails to demonstrate no adverse impacts to living conditions through intensification of comings and goings
- Concern the last resort provision will breach safety and security of neighbours

Character

- Impact on character of property highlighting institution appearance
- Change of use would alter character of neighbourhoods residential status
- Dormer larger, more prominent and protruding than others in the area
- Use of obscure glass indicative of institution not in keeping with traditional family home
- Dormer due to size and dominance and use of alien materials causes harm to character and appearance of area
- No other properties on Carlisle Road finished in render to the rear
- Cannot see where industrial bins will be
- Adverse impact on area
- Removal of front boundary wall not in keeping
- Use would alter character of the neighbourhood
- Rear extension does not match dwelling, can not be finished in render on party wall due to proximity to neighbour

Highway Safety

- Unrealistic to expect public transport to be used cannot be controlled by planning or provider
- Will affect visibility when reversing out of drives and be hazardous
- Parking unlikely to meet demand, visitors will need to park on road, reducing opportunity for neighbours and visitors to park close by
- 4 parking spaces will not allow residents with mobility issues to access/exit the property
- Does not meet requirements of EQ3
- Traffic congestion will overwhelm any available spaces in vicinity
- Traffic increase will increase the risk of accidents

Other Issues

- New submission seeks to add points for refusal rather than core points, shows disregard for interests of neighbours
- No evidence of safeguarding risk assessment, staff qualifications, training, expertise or experience
- Rota does not consider children who may need more support
- Suggesting applicant would police visitors I would discredit
- Health and Safety breached during build
- Disproportionate number of properties in Southport, show over supply

- No risk assessment tailored to younger children and no evidence of staff expertise to support complex needs of children who are victims of abuse vs those who have behavioural issues
- 66% of Sefton's Children's residential care homes are in Southport, clearly identifying an oversupply
- Childrens Services did not support first application
- New Path Care have had no consideration for local community or staff they have contracted
- Do not see difference between this application and refused application
- Works continued despite refusal
- Hard landscaping will add to water run off

Following the receipt of additional information in the form of a revised Statement of Purpose and Management Plan, a further neighbour notification was undertaken. This resulted in 16 letters of objection being received from local residents. The letters raised many of the issues previously raised and the following further issues:

Living Conditions

- Application fails to demonstrate that there will be no adverse impacts on living conditions as there will be considerable intensification of comings and goings over and above that expected in a traditional family home
- Including sibling groups and emergency admissions with no regard for impact this will have on residents
- Police vans at premises before permission granted, business already causing issues

Other Matters

- Astonished to receive letter informing us of new information
- Changing age range for third time shows total inexperience
- Amendments in no way reassured me that proposal should be granted
- Naming a responsible person with experience seems like an after thought
- Why are new documents allowed so late in the process
- Unable to guarantee permanency of experienced staff beyond planning stage
- Staff rota unclear as does not cover each 24 hour period
- Shortness of time given for comments unreasonable
- Summary of changes should have been provided
- Changes not significant from first refused application

Agenda Item 4a

Policy Context

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

Assessment of the Proposal

1. Introduction

- 1.1 The proposal seeks planning permission for the change of use of the premises from a dwellinghouse to children's home, to provide care for up to 3 No. children, with the erection of a single storey and dormer extension to the rear. The extension and dormer to the rear of the dwelling have already been constructed.
- 1.2 The proposal is an alternative to DC/2023/00700 which was refused in October 2023.
- 1.3 The main issues to consider are the principle of development, the impact on the living conditions of neighbouring properties, the impact on the character and appearance of the area and the impact in terms of highway safety. The proposal must demonstrate that the reasons for refusal have been overcome.

2 Principle

- 2.1 Policy HC3(Residential Development and Primarily Residential Areas) of the Local Plan advises that new residential development will be permitted in Primarily Residential Areas where consistent with other Local Plan Policies.
- 2.2 Although classified as a Residential Institution (Class C2) use, the use does have similarities to a house, albeit the house would be more intensively used as supposed to a typical family home. It is, therefore, considered that policy HC4(House Extensions, Houses in Multiple Occupation and Flats) of the Local Plan is also of relevance. This permits the change of use of a house into multiple occupation where the proposal would not cause significant harm to the character of the area or the living conditions for either the occupiers of the property or for neighbouring properties.
- 2.3 It is therefore considered that the Principle of development is acceptable in land use terms, provided that the proposal meets other planning policies and material considerations.

3 Living Conditions

- 3.1 Consideration has to be given to the impact on living conditions of neighbouring residents as a result of noise and disturbance associated with the proposed use, but also the physical impacts of the proposed extensions.

Change of Use

- 3.2 The proposal seeks permission for the use of the premises for 3 children between the ages of 10-15.
- 3.3 An amended Operations Management Plan has been provided which sets out how the premises will be managed, this includes details of the staff rota. The details of this are:
- Registered Manager: Monday - Friday
Deputy Manager: Monday, Tuesday, Friday, Saturday
Team Leader: Wednesday, Thursday, Sunday
Residential Support Worker(RSW)1: Monday, Tuesday, Sunday
RSW2: Wednesday, Thursday
RSW3: Friday, Saturday.
- 3.4 The rota would work on the basis of two days on, four days off. There would be a minimum of two staff present 24 hours a day, 7 days per week, with a registered manager also on site between 9am-5pm Monday - Friday. Staff handover times would be between 8am-9am every third day. Reference to the 8am-10pm within the rota indicates the expected times that staff would be working during the day and does not indicate a change in the shift.
- 3.5 As a result, the level of staff movement would mean that there would be a maximum of four staff cars present at the property every three days and limited to an hour in the morning. This would be a significant reduction in terms of staff movement from the previously refused application, which indicated that there would be a staff handover at 8am and 10pm each day.
- 3.6 While visits to the premises from outside agencies would also be required, it is considered that this could be managed effectively by the premises in order to ensure that there would not be any significant impact over and above what would be considered reasonable to a single family dwelling while given the detached nature of the premises, it is considered that any noise from the property could be reduced through the use of sound insulation, which can be secured through separate legislation.
- 3.7 Based on the information provided, it is considered that any noise from use of the external areas to the premises would be akin to the use of the premises as a single family dwelling containing 5 persons.
- 3.8 While the proposal would see the introduction of additional bedrooms over and above the requirement for the proposed use, a condition could be attached to restrict the number of children who could reside in the premises at anyone time. In addition, the applicant has agreed to an additional condition, which would see that the children residing within the premises would be from the Sefton area. This would give a greater level of control to the Local Authority, in that the management of the premises and the care for the children can be

Agenda Item 4a

monitored more effectively by Sefton Children's Services.

- 3.9 Concern has been raised regarding a fear of crime, however, whilst this is a material consideration, there is no evidence to substantiate such a claim.

Extension and Dormer

- 3.10 The rear extension and dormer extension have been constructed. The rear extension is single storey and has a projection and height that does not create an unacceptable level of overshadowing to either neighbour or harm the outlook from the neighbours nearest habitable room windows. The dormer, although large, is located in the rear roof slope and does not present any overshadowing or outlook concerns.
- 3.11 Local concern has been raised in relation to a loss of privacy from the rear dormer. While this would introduce additional windows to the rear elevation, there is sufficient distance to the rear as to not present an unacceptable level of overlooking. Overlooking would be possible to either neighbouring property, albeit at an acute angle, but this would be no different to that which already exists from the existing first floor windows of the property.
- 3.12 While the car parking area to the front is to be extended, there are examples of parking to the front within the area. The removal of the front boundary wall would not be something that planning permission would be required for and therefore the Council would have no control over this and this is not something that could be used for a reason to refuse the application.

4 Character

- 4.1 Policy EQ2(Design) of the Local Plan seeks to ensure that proposals respond positively to the character and appearance of the area.
- 4.2 The use of the premises would likely result in an increased intensification of the property. However, given the proposed number of children expected to reside at the premises, this is not considered to be significant. Given the property is a large detached property in an area characterised by properties of similar scale, it is not considered the proposed use would harm the character and appearance of the area in this regard.
- 4.3 The previous application was refused in part due to the impact on the character and appearance of the area, specifically in relation to the rear dormer. At the time of the previous application, only the rear dormer and extension had been finished in render. While views of this were limited, it was considered that the scale and choice of materials used in the construction of the dormer appeared obtrusive on the main house which caused unacceptable harm to the character and appearance of the local area.

- 4.4 Since the previous refusal, the applicant has rendered the entire rear elevation of the existing house resulting in the dormer and rear extension appearing consistent in terms of its appearance.
- 4.5 While render is not a predominant material within the area, it is not an uncommon finish to a dwelling. The consistency with render to the rear of the property reduces the visual impact of the rear dormer, making it appear less obtrusive. Given that the majority of the view to the rear would be from private vantage points, it is considered that the extensions and alterations to the rear elevation are now acceptable and do not cause significant harm to the character or appearance of the existing property or wider area.
- 4.6 Concerns have been raised with regards to the finish of the side elevation of the extension. This would not be a reason to refuse the planning application and would be a matter for the applicant to ensure that the works can be carried out in full.

5 Highway Safety

- 5.1 Policy EQ3(Accessibility) of the Local Plan seeks to ensure that proposals do not cause any harm in terms of highway safety.
- 5.2 The proposal includes an increase of the previous off-street parking from 2 spaces to 4 spaces. This also includes the partial removal of the front boundary wall. The new parking layout would require the provision of a more centralised vehicle dropped crossing, with the original dropped crossing reinstated to its original level.
- 5.3 The level of proposed parking is acceptable. The site is also accessible by walking, cycling and the use of public transport with bus stops within acceptable walking distances on Liverpool Road and Kew Road where frequent and regular services are available to local and more distant destinations, while Birkdale and Southport train stations are within the recommended maximum cycling distance of the premises.
- 5.4 Given the reduced level of staff turn over from the previous refused application and the level of parking provided, it is considered that the proposal would not cause any harm in terms of highway safety.
- 5.5 While it is acknowledged that there would be limited powers for the applicant to ensure that visitors to the premises use public transport, the option would be available and would provide sustainable modes of transport to and from the site. Given that there are no parking restrictions to Carlisle Road, save for H lines to driveways, the Councils Highways Manager confirms that the proposal would not cause harm in terms of highway safety.

Agenda Item 4a

6 Other Matters

- 6.1 Concerns have been raised with regards to an oversupply of residential homes within the Southport and wider Sefton area. However, the information provided by the applicant confirms that there is a need for this type of premises within the borough. Children's Services have not raised any concerns with regards to an oversupply of this type of premises and therefore this would not be a valid reason for which planning permission could be refused.
- 6.2 The lack of experience for the operators is not a material planning consideration. The premises are proposing to be registered with Ofstead.
- 6.3 The needs of the individual children resident at the premises would be a requirement for the operators and is not a planning matter.
- 6.4 Concerns have been raised following the submission of additional information and the timing of this. While planning applications do have a statutory expiry date, this can be extended by agreement between the Local Planning Authority and the applicant, which has been the case in this application. Neighbours have been informed of the revised information. All comments previously received are considered as part of the determination of the application.
- 6.5 A summary of the amendments has not been provided by the agent. All information relating to the determination of the application is available to be viewed on the Council's website.
- 6.6 While conditions can be used to control the number of residents etc, the overall management of the site would be through other legislation and is therefore not a material planning consideration.
- 6.7 There are no other matters raised that give rise to concern associated with the development.

7 Planning Balance and Conclusion

- 7.1 Following the refusal of planning permission last year, additional information has been provided in support of this new application, in relation to the staff rota at the premises and how the premises will be managed, including detailing how the property will be regulated by Ofstead. The agent has also confirmed that the operators would be agreeable to a condition to any subsequent approval which would limit the use of the premises to children registered with Sefton's Children's Services.
- 7.2 This additional information demonstrates that the proposed use as a children's care home for 3 children can be accommodated within the premises without causing significant harm to the living conditions of neighbouring residents. A condition limiting the number of children to be cared for at the premises could further ensure the impacts on neighbour living conditions is further protected.

- 7.3 With regards to the extensions and alterations to the rear elevation of the premises, the introduction of render across the rear elevation introduces a consistent material palette between the extensions and the house. This does not reduce the size of the dormer, however it does reduce to overall visual impact on the character and appearance of the existing building. Render is not an uncommon material on residential properties and given the rear location to which such works have been carried out with limited public viewing points, it is considered that the proposed works do not cause significant harm to the character and appearance of the wider locality.
- 7.4 It is therefore considered that the proposal has overcome the previous reasons for refusal. With no other matters of concern, it is therefore recommended that planning permission be granted, subject to conditions.

8 Equality Act Consideration

- 8.1 Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;
 - Foster good relations between people who share a relevant protected characteristic and those who do not share it.
- 8.2 The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development.

Agenda Item 4a

Recommendation - Approve with Conditions

Approved Plans

- 1) The development is hereby permitted in accordance with the following approved plans and documents:

Location Plan

Proposed Plans - 2023-03-03

Proposed Elevations - 2023-03-04

Proposed Site Plan - 2023-03-05

Statement of Purpose - Revision 3

Operations Management - Revision 2

Reason: For the avoidance of doubt.

Before the Development is Occupied

- 2) The use hereby approved shall not commence until a vehicle crossing to the front of the property has been constructed in full and space has been laid out within the curtilage of the site for cars to be parked. The car parking spaces shall thereafter be kept available for the parking of vehicles for the life of the development.

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

- 3) The use hereby approved shall not commence 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 for the life of the development.

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

Ongoing Conditions

- 4) The application property shall only be used for residential accommodation for a maximum of 3 children and for children who are from, or with family, or have a long term connection to Sefton Borough

Reason: To ensure the application property is managed appropriately and to protect the living conditions of neighbouring residents.

Informatives

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

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Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 13th March 2024

Subject: **DC/2023/01055 - Formby Village Sports Club Rosemary Lane Formby**
Proposal: Erection of 1 No. Padel Court

Applicant: Mr David Currie **Agent:** Mr David Currie
Padel Tech Ltd Padel Tech Ltd

Ward: Harington Ward **Type:** Full Application

Reason for Committee Determination: Called-in by Councillor Richards

Summary

The application seeks approval for the installation of one padel tennis court, and associated development, on an existing area of grassland in Formby. The principle of development is accepted as the proposal provides for appropriate facilities for outdoor sport and recreation, the impact on the character of the area is acceptable due to the existing uses of the land adjacent to the proposal and it has been demonstrated, subject to verification, that the proposal will not have adverse impacts on the living conditions of neighbouring properties and the proposal is acceptable in all other matters. It is therefore recommended for approval with conditions.

Recommendation: Approve with Conditions

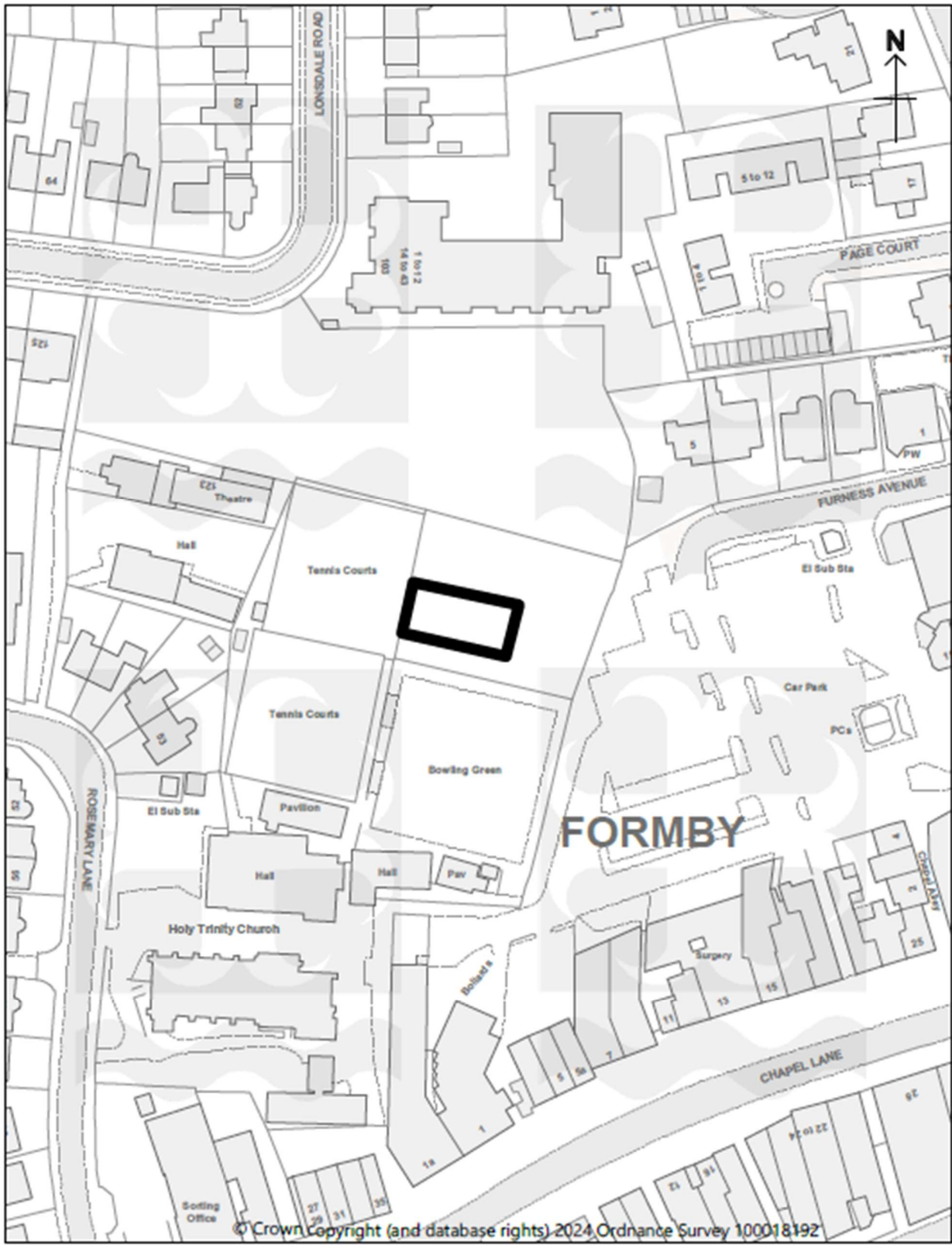
Case Officer Neil Mackie
Email planning.department@sefton.gov.uk
Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RWCK83NWGU00>

Agenda Item 5a

Site Location Plan



The Site

The application site lies in a Local Plan housing allocation, MN2.14 Formby Holy Trinity School, and falls within an area designated as a Local Green Space, O9 Lonsdale Road/Holy Trinity School Site and Tennis Club, in the Formby & Little Altcar Neighbourhood Plan.

History

The application site has planning history relating to its former use as part of the playing fields for a now-demolished primary school. The adjacent sports facilities have recent history for replacement 10m high floodlights to the tennis courts that was granted approval in 2017 (ref DC/2017/00329).

Consultations

Formby Parish Council - Objects to the proposal. In their objection they make reference to the neighbouring Platinum Jubilee Park and concerns that outside events planned for the park (such as outdoor performances by Formby Little Theatre) could be affected by the noise emanating from the padel court, and that the general tranquillity of the park would also be adversely impacted. They have concerns in respect of the use, the design and the hours of operation as to the detrimental noise and light impacts on the living conditions of current and future occupiers of the retirement block of flats on Lonsdale Road, particularly those that face towards the application site. There are also concerns as to the impacts on other neighbouring residential properties to Furness Avenue and residential properties on Chapel Lane. Concerns are raised about potential car parking problems on surrounding roads from user of this court as well as from users of the Sports Club as a whole. There are also concerns that noise and light pollution will affect biodiversity. The Parish Council therefore consider that the proposal is inappropriate being near residential housing.

Environmental Health Manager – No objections following the receipt of an acoustic assessment. The Environment Health Manager recommends a post-approval verification survey, and any mitigation that may be required, could be secured by a condition. In addition, he recommends the hours of use be limited to those as set out in the application form (08:00 – 22:00)

Merseyside Environmental Advisory Service – No objections.

Neighbour Representations

This application has been called-in by Councillor Richards who wishes to see the application is refused with the stated reasons being that the proposal is harmful to residential amenity, harmful to highway safety, harmful to ecology, it is of a poor design quality and it will impact on the quality of life for future occupants.

Agenda Item 5a

Formby Parish Councillor D. Irving has provided an individual objection to the proposal that largely echoes the comments made by Formby Parish Council but differs in certain matters such as considering the use to be inappropriate for a town centre location as well as being inappropriate due to its proximity to a community park. The councillor concludes that the proposal is contrary to policy NH1 "Natural Assets" in Sefton's Local Plan as it does not contribute positively to the newly developed community park.

An objection has been made by a resident of Lonsdale Road, Formby. They note the potential impacts of noise from the game of padel tennis as well as from those engaged in the game. While acknowledging potential for some mitigation they consider that given the proximity to residential properties, particularly the retirement flats, that this noise will be an intrusion into people's living conditions. They have concerns that the building of a padel tennis court in clear view of the community park will immediately devalue the park and especially destroy the tranquil environment it currently fosters. They also query the benefits to the community that are a requirement of the lease of the land on a peppercorn basis as the fees for being a member of the club may be prohibitive for many in the community.

Support has been received from a property on York Close, Formby. They don't agree with the comments made by the Parish Council and consider that failing to approve this application will risk the future of the village tennis club. They consider that the parish council are not supporting local business and younger families that would benefit from this investment.

Support has been received from a property on Rosemary Lane, Formby. They make points countering comments made by a parish councillor. They query how dog walkers using the park do not currently affect biodiversity and notes that noise created by dogs barking is more than that created by any of the sport that takes place. They note the presence of a scout club next to the park and sports club that creates more noise and disturbance than sport does and notes that the tennis courts long pre-date the park. They disagree with the comments about lighting and query the cause of parking issues in the area. The resident highlights the benefits of the proposal arising from an increase in sport and fitness activity for all ages, improving health and wellbeing and that the application site uses an area that is subject to anti-social behaviour.

Support has also been made from a property on Queens Road, Southport. They consider the sport has risen in popularity, is no noisier than tennis and encourages children and those in later years to take part in the sport.

Policy Context

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

The Formby and Little Altcar Neighbourhood Plan was 'made' (i.e. adopted) on 21st November 2019 and carries full weight in decision making.

Assessment of the Proposal

1. Introduction

1.1. The proposal is for a padel tennis court, comprising the court, surrounds of toughened glass and wire mesh panels, and lighting. The application site is located on part of a grassed square plot of land adjacent to both the existing Formby Village Sports Club/ Formby Village Tennis Club site, a community park comprising mostly grass but laid out with paths and interspersed with a number of trees and a public car park.

1.2. The main issues to consider in respect of this proposal are the principle of development, the impact on the character of the area and the impact on living conditions.

2. Principle of Development

2.1. As the Neighbourhood Plan is more recent than the Local Plan then the green space designation takes precedence over the housing allocation. Therefore Neighbourhood Plan policy ESD1, rather than Local Plan policy MN2, is a key consideration in assessing the principle of development.

2.2. Policy ESD1 requires development to be managed in a manner consistent with Green Belt policy. Paragraph 154 of the National Planning Policy Framework states, in respect of proposals affecting Green Belt, that a local planning authority should regard the construction of new buildings as inappropriate save for given exceptions. As applicable here one of the exceptions relates to the provision of appropriate facilities for outdoor sport and outdoor recreation. It is clear that the proposal will provide for appropriate facilities for sport and so the principle of development can be accepted.

3. Character of the Area

3.1. Views of the proposal will be had from a variety of private residential properties as well as from the existing sports club, the public car park to the east and from the community park. The development will be read against a variety of sports buildings, floodlights, enclosures as well as the scale of neighbouring buildings plus mature trees (dependent upon the vantage point). The character of the immediate surroundings ensures that the proposal will not have a detrimental impact on the character of the area and on this matter the proposal is acceptable.

3.2. The Parish Council and a parish councillor raise concerns that the tranquil character of the community park will be lost by allowing this proposal. The existing park has a variety of informal and formal recreational, leisure and cultural uses that could result in intermittent or consistent noise. Further, the park itself borders a long standing leisure use that itself generates noise. The site is also located next to a well-used public car park that serves Formby District Centre that also generates intermittent noise from vehicles moving, doors opening and closing, deliveries being made etc.

Agenda Item 5a

3.3. As such it is considered that the recreational use being provided here will not, in terms of noise impacts, be contrary to the prevailing character of the area.

4. Living Conditions

4.1. *Visual Impacts*

4.1.1. The proposal is sufficiently separated from neighbouring boundaries to gardens and from habitable room windows so that it won't have a significant adverse impact on outlook from habitable room windows or introduce an overbearing development to the detriment of the enjoyment of dwellings or their gardens. On this matter the proposal is acceptable.

4.2. *Light Impacts*

4.2.1. The application is supported by a lighting impact assessment which demonstrates that the proposal is sufficiently separated from neighbouring residential users so as to not give rise to adverse impacts from the proposed lighting.

4.3. *Noise Impacts*

4.3.1. Local Plan policy EQ4 'Pollution and Hazards' requires applications to demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts to amenity from, inter alia, noise so that the impacts will not be significant or they can be reduced to an acceptable level.

4.3.2. The Council's Environmental Health Manager (EHM) has been consulted on this application and identified the absence of a noise assessment for the proposal as being a course of concern given the proximity of neighbouring properties. Following this the applicant submitted a noise assessment (Acoustics Assessment, ref PA030, Peninsular Acoustics) that was then reviewed by the EHM.

4.3.3. The EHM considers that the assessment provides sufficient justification that the impulsive nature of the noise of the padel court will not or will be "just perceptible" to neighbouring residential properties. While noise may be heard it is not considered that this will be to the level that would result in an adverse impact on living conditions of current or future occupiers of neighbouring residential properties.

4.3.4. While considering that the submitted information has sufficiently demonstrated that the proposal would not cause any adverse impacts the applicant has also proposed a condition that would require a post-installation noise survey to be undertaken, prior to the formal commencement of use of the padel tennis court, to confirm that the expected and modelled noise levels are not exceeded.

4.3.5. If noise levels are exceeded then mitigation has been proposed in the form of 2.5m high acoustic fences to be positioned along the northern site boundary and along the

western site boundary (the extents of fencing as shown in Figure 5.1 in the noise assessment), which would be installed prior to the formal opening of the site.

4.3.6. The EHM considers this to be a suitable approach as it secures mitigation in the event of adverse impacts being identified following installation of the court.

4.3.7. It is noted that the mitigation fencing would fall outside of the red-edged application site boundary submitted for this proposal, but as it would still be within land controlled by the applicant - as shown on the blue-edged boundary on the location plan - then it would still be capable of being delivered.

4.3.8. In view of the above it is therefore considered that the proposal is unlikely to cause adverse impacts on the living conditions of neighbouring properties with the use of a condition providing further certainty and control over this matter.

5. Other Matters

5.1. *Highway Safety and Amenity*

5.1.1. Objectors to this proposal have raised concerns as to the current issues or conflicts with car parking to the sports club, and that this additional offering will exacerbate that. However, this application seeks the consent for a single padel tennis court, which is a minor development that is unlikely by itself to give rise to significant harm to highway safety and amenity through increased trip rates or parking pressures.

5.2. *Natural Assets*

5.2.1. A parish councillor stated that in their view the proposal failed to comply with Sefton's Local Plan policy NH1 "Natural Assets" as this development proposal does not contribute positively to the sense of place, local distinctiveness and quality of life that the borough's natural assets provide.

5.2.2. The proposal would provide for a recreation use on land within the control of a long-standing sports club. The introduction of a padel court would contribute positively to the sense of place and local distinctiveness of this particular area while the provision of a different form of tennis within Formby would contribute positively to the quality of life of the Borough. This ensures that the proposal complies with policy NH1.

5.3. *Asset of Community Value*

5.3.1. Following a notice from the applicants the parcel of land where this application is sited was added to the list of Assets of Community Value (ACV) on 16th April 2019, with it to be delisted 16th of April of this year. Local Plan policy HC6 "Assets of Community Value" is applicable and this only allows for loss, or partial loss of an ACV where it has been demonstrated that:

- alternative provision will be made to meet community needs, or
- an existing accessible facility will provide the facility or service that is being lost, or

Agenda Item 5a

- there is sufficient existing provision to meet the community's day-to-day needs.

5.3.2. The site forms grassland that is within the control of the applicant that provides informal recreation benefits. The proposal would ensure the continuation of use of part of this site for recreation purposes, a key reason for the applicant making the request for its listing as ACV, and as such does not represent a loss or partial loss of the ACV.

5.3.3. The proposal therefore complies with policy HC6 "Assets of Community Value" of the Local Plan.

6. Conclusion

6.1. For the reasons set out above it is considered that as the proposal is appropriate development to the area, will not detract from the prevailing character of the area, will not cause significant adverse impacts on the living conditions of neighbouring properties and is acceptable in all other aspects that it complies with the aims and objectives of the Formby & Little Altcar Neighbourhood Plan and Sefton's Local Plan.

6.2. The proposal is therefore recommended for approval with conditions.

Equality Act Consideration

Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development.

Recommendation - Approve with Conditions

Conditions

Time Limit for Commencement

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

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

Approved Plans

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

1:1250 Location Plan

002 Rev E 'Site Plan'

003 Rev B 'Elevation - North & South'

004 Rev B 'Elevation - East & West'

Acoustics Assessment, Peninsular Acoustics, Ref PA0130

Lighting Impacts Assessment, Mewies Engineering Consultants Limited, Ref 27949-LIGH-0401 Rev A

Flood and Drainage Statement, Mewies Engineering Consultants Limited, Ref 27949-FLD-0101 Rev A

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) a) Following the installation of the padel tennis court and associated structures and prior to the commencement of use of the court (other than that required for the undertaking of the survey) a verification survey must be undertaken in line with the measures set out within Section 5.2 of the approved Acoustic Assessment and a copy must be submitted to the Local Planning Authority for approval.
- b) If the verification survey in (a) above demonstrates that the noise from the use of the padel court would exceed the results within Table 4.3 of the approved Acoustic Assessment then a mitigation scheme must be submitted to and approved by the Local Planning Authority prior to the commencement of use of the court (other than that required for surveying and/or considering mitigation).
- c) The mitigation scheme required under (b) above must be installed prior to the commencement of use of the padel court and maintained as such thereafter for the duration of the use.

Reason: So as to ensure no adverse noise impacts on neighbouring residential properties.

Ongoing Condition

- 4) The padel tennis court shall be used between the hours of 08:00 - 22:00 only.

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

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Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** Wednesday 13th March 2024

Subject: **DC/2024/00229**
 1 Harris Drive Bootle L20 6LD

Proposal: Change of use from Class E to a drinking establishment (Sui Generis) with the provision of outdoor seating and live music

Applicant: Mr Michael Parkes **Agent:** Mr Andrew Stott
 The Feathers group NW Ltd The Plan Centre

Ward: Litherland Ward **Type:** Full Application

Reason for Committee Determination: Called in by Cllr. Trish Hardy

Summary

The proposal seeks to change the use of 1 Harris Drive, Bootle, from a Class E use to operate within a “sui generis” use class as a drinking establishment with a small outside seating area to the front of the premises. The main issues to consider are the acceptability of the use in principle and any impact on neighbouring residents and the general environment and matters relating to parking and highway safety.

The premises are fairly small and in a shopping parade where commercial vehicle activity is expected, and it is considered that subject to appropriate conditions any impacts can be managed. There are no highway safety concerns or unacceptable implications in terms of parking provision. There are no objections from any statutory consultees subject to appropriate conditions.

Recommendation: Approve with conditions

Case Officer John Kerr

Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S8DQTONWJEJ00>

Agenda Item 5b

Site Location Plan



The Site

The application site comprises the shop unit and external area to the front of 1 Harris Drive which is a single storey building located at the junction with Hawthorne Road in Bootle. The premises are located at the end of a shopping parade which runs from the corner of Hathorne Road, towards Harris Drive and accommodates a number of different commercial uses. The Mell Inn Social club is located beyond the parade on the opposite side of Hawthorne Road. The wider area is predominantly residential.

History

DC/2023/01975 – Pre-application advice was sought for this application.

DC/2024/00230 – Advertisement consent for the display of 2 No. illuminated signs (Pending Decision)

Consultations

Highways Development Design

No objections to the proposal as there are no adverse highway safety implications.

Environmental Health Manager

No objection subject to conditions.

Neighbour Representations

The application has been 'called-in' to be determined by Planning Committee by Councillor Trish Hardy. The call-in is made on the grounds that the proposal is harmful to residential amenity by way of noise.

23 neighbouring properties were notified by letter on 9th February 2024. One representation has been received objecting to the proposal on the following grounds:

- Noise concerns
- Highway Safety and Parking concerns
- Increase in traffic
- Increase in anti-social behaviour

Policy Context

Agenda Item 5b

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

Assessment of the Proposal

Introduction

The proposal seeks to change the use of 1 Harris Drive from Class E use to operate as a “sui generis” use (i.e. a use of its own kind) as a drinking establishment with an outside seating area to the front of the premises.

The main issues to consider are the principle of development, impacts on neighbouring residents and matters relating to parking and highway safety.

Principle of Development

The application site is situated within a Primarily Residential Area subject to Local Plan policy HC3 (Primarily Residential Areas), which only permits non-residential development when it can be demonstrated that an unacceptable impact will not be had on the living conditions of neighbouring properties and that the character of the area will not be harmed. In terms of character, the shopping parade consists of various commercial uses at ground floor level including a barbers, a café, a convenience store and an estate agents. All of these uses have been established for some time. The nearest drinking establishment is the Mell Inn Social Club which is located south of the site. This indicates that there would not be an unacceptable grouping of similar uses and the proposal would contribute towards the vitality and viability of the immediate parade in which it sits. Subject to conditions suggested below the proposal is considered to meet the requirements of policy HC3 part 2.

The proposal is a non-retail development within a local shopping parade so is also subject to point 8 of Policy ED2 (Retail, Leisure and Other Town Centre Uses) and the proposal is considered to accord with the criteria. The proposal would bring a vacant property back into use which would improve the appearance of the parade, it would also further diversify what the parade has to offer. Subject to conditions, it is considered that there would be no unacceptable impact on neighbouring uses. This is discussed further below.

Impact on Neighbouring Residents

The application site occupies a corner plot where Harris Drive meets Hawthorne Road. The nearest property to the site is no. 21 Hawthorne Road and its flank wall is 2.7m from the rear of the application site across the entrance to the rear alleyway. There are also two properties located on Willard Drive which face towards the site at a distance of approximately 30.0m.

The premises are small-scale with a seating capacity of approximately 16 people internally and 14 people externally. A key consideration is noise and disturbance associated with both internal and external activities.

The Mell Inn Social Club is the only use near to the local shopping parade which operates outside of standard business hours. Noise, particularly fuelled by drinking and live entertainment, has been cited as a cause for concern in the councillors call-in reasons. However, as conditions are available to manage the use (the hours of opening for example) such concerns in themselves are not usually reasonable grounds to refuse an application, particularly where there is not an over concentration of such uses. Outside of planning, the licensing regime has the ability to alter opening hours and require management to address issues should they arise.

Due to the proximity to residential neighbours, it is considered important to ensure that noise levels are suitably controlled, and it would therefore be necessary to restrict live and amplified music and live entertainment from taking place outside the premises to reduce any potential or unwanted noise to nearby residents. A condition could ensure that any music within the property is not above a level of LAeq 65dB which would ensure that any entertainment within the premises does not cause disturbance for neighbouring occupiers.

Following advice from the Environmental Health Manager, it is considered that opening hours of 09:00 – 23:00 Monday to Saturday and 14:00 – 22:00 on Sunday and Bank Holidays inside the property would be reasonable. Opening hours of 09:00 – 22:00 Monday to Saturday and 14:00 – 22:00 outside the property are also considered to be reasonable. In terms of general comings and goings, 23:00hrs is considered to be a reasonable cut off point through the week when compared with other late evening and night time uses in the immediate vicinity of the site. Based on the context of relatively high levels of environmental noise from the high levels of road traffic noise as noted by the Environmental Health Manager, it is not considered that the proposal, would lead to any unacceptable impacts on neighbouring amenity.

The proposed bin store is internal, and bins would need to be kept inside until the time of collection which is proposed to be between 09:00 and 17:00 as stated on the proposed ground floor plan. Given the potential noise associated with bottles being emptied into bins, a condition would be recommended specifying the location of storage and the times within which collection can take place to prevent noise nuisance.

As set out above, internal noise levels, opening hours and management of noise from waste storage arrangements have been considered and can be satisfactorily management by condition. The management of customers attending the premises would be covered by licensing, the Licensing Act 2003 requires consideration of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. If these requirements and any other conditions of a license aren't followed a license can be reviewed with the possibility of it being revoked or restricted, such as a reduction of opening hours.

Agenda Item 5b

Overall, it is considered that the small-scale proposal would not have an unacceptable impact on neighbouring properties through noise and disturbance.

Parking and Highway Safety

The Council's Highways Manager has raised no objection to the proposal. Amended plans have been received removing the illegal parking space from the existing and proposed plans. Further information has also been received in relation to the proposed chairs and tables which would be put away each evening and the barriers to demarcate the seating area within the private forecourt. The indicative seating in the forecourt is for 14 people and it is similar in space to the internal bar area. The barriers are proposed to be set in from the edge of the public highway leaving 1.6 metres on Hawthorne Road and 2.1m on Harris Drive. The pavement around the site is also in itself sufficient to allow unobstructed pedestrian access at 3.0 metres on Hawthorne Road and 5.0 metres on Harris Drive.

There are double yellow lines which encompass the junction at Harris Drive and Hawthorne Road to prevent dangerous parking. It is acknowledged that illegal parking in front of units within the parade still takes place and does not appear to be managed. There are bollards which prevent the pedestrian crossing on Harris Drive from being used as a vehicular access to the forecourts and fencing around the junction protecting pedestrians and encouraging the use of the formalised crossing points. There is no concern in highway safety terms to the lawful use of the forecourts in relation to the commercial units.

The Highways Manager does not envisage that the loss of the illegal parking arrangements in front of the unit, would have a significant impact on the wider area, as parking can be accommodated by the informal on-street parking provision on the east side of Hawthorne Road to the north within 100m desirable walking distance of the site. It should also be noted that there would be less demand for parking later into the evening with the majority of uses closing by 18:00.

Equality Act Consideration

Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development.

Conclusion

It is considered that, subject to conditions, the proposal would be acceptable in principle and would not cause unacceptable harm to neighbouring residents. The Highways Manager considers that there are no issues with regard to parking and that the proposal can be accommodated without causing harm to highway safety. The application therefore complies with adopted local policy and is recommended for approval.

Recommendation – Approve with Conditions.

Conditions

This application has been recommended for approval. The following conditions and associated reasons apply:

- 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).

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

1865/02 (Rev D) – Proposed Site Plan

1865/03 (Rev B) – Proposed Ground Floor Plan

1865/07 (Rev A) – Proposed Harris Drive Elevation

1865/08 (Rev A) – Proposed Hawthorne Road Elevations

1865/09 (Rev /) – Proposed Rear Elevation

1865/10 (Rev /) – Location Map & Site Plan

Reason: For the avoidance of doubt.

- 3) The outdoor seating plan shall be carried out in accordance with the Proposed Site Layout Plan ref. 1865/02 (Rev D).

Reason: For the avoidance of doubt and to ensure control is maintain over the scale of the outdoor seating area to protect neighbouring residents.

Agenda Item 5b

4) Prior to first occupation

a) A scheme of sound insulation to protect existing residential dwellings from the proposed drinking establishment shall be submitted to and approved in writing by the Local Planning Authority prior to the proposed change of use taking place.

b) The soundproofing shall be carried out in accordance with the scheme approved under (a) before the drinking establishment is brought into use and shall be retained for the lifetime of the development.

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

5) The premises shall not be open for business outside the hours of 09:00 to 23:00 Monday to Saturday and 14:00 to 22:00 Sunday and Bank Holidays.

Reason: To protect nearby residents from unacceptable levels of late evening and night time noise and disturbance.

6) The outdoor seating area shall not be open for business and shall be removed from the external pavement outside the hours of 09:00 to 22:00 Monday to Saturday and 14:00 to 22:00 Sunday and Bank Holidays.

Reason: To protect nearby residents from unacceptable levels of late evening and night time noise and disturbance.

7) No live, amplified or recorded music or entertainment shall take place within the premises above a level of LAeq 65dB, 10 minutes, measured 1 metre from any instrument, speaker or wall located within the premises.

Reason: To prevent noise and disturbance to nearby residents and to prevent the emission of noise above a level that would be detrimental to the aural amenity of the area.

8) No live music, amplified music, or live entertainment shall take place outside of the premises.

Reason: To prevent noise and disturbance to nearby residents and to prevent the emission of noise above a level that would be detrimental to the aural amenity of the area.

9) Prior to the change of use of the building hereby permitted, a waste management plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that that the refuse will be appropriately stored and collected from the

site in the interest of protecting neighbouring residential.

Informative

- 1) Background music is not prescribed under the Licensing Act 2003 and is exempt from other activities regarded as regulated entertainment. It shall be defined as any amplified music, which has a music noise level not exceeding LAeq 10min 65dB. Measurements to determine the music level shall be made at a position not less than 1 metre from any loudspeaker, instrument or wall.
- 2) New plant must not exceed the existing background L90 when assessed in accordance with current guidance such as BS4142.
- 3) A licence is required from the Highway Authority for the pavement cafe and the number of tables and chairs would be agreed under the terms of the licence. Please contact Sefton Council Network Management on telephone number 0151 934 4321.

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Agenda Item 6

Report to:	Planning Committee	Date of Meeting:	Wednesday 13 March 2024
Subject:	Planning Appeals Report		
Report of:	Chief Planning Officer	Wards Affected:	(All Wards);
Portfolio:	Planning and Building Control		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

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

Recommendation(s):

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

Reasons for the Recommendation(s):

To update members on planning and enforcement appeals

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

N/A

What will it cost and how will it be financed?

(A) Revenue Costs

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

(B) Capital Costs

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

Agenda Item 6

Implications of the Proposals:

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

Contribution to the Council's Core Purpose:

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

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7561/24.....) and the Chief Legal and Democratic Officer (LD.5661/24....) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Not applicable

Implementation Date for the Decision

Immediately following the Committee / Council meeting.

Contact Officer:	Tina Berry
Telephone Number:	0345 140 0845 (Option 8)
Email Address:	tina.berry@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 Councils website <https://www.sefton.gov.uk/planning-building-control/search-and-view-planning-applications-and-appeals/>

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Appeals Received and Decisions Made

Email: planning.department@sefton.gov.uk

Contact Officer: Mr Steve Matthews 0345 140 0845

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

Appeals received and decisions made between 22 January 2024 and 25 February 2024

Appeal Decisions

Becca's Bites 72 Moor Lane Thornton Liverpool L23 4TW

Reference: DC/2023/00634 (APP/M4320/W/23/3327849)

Removal of condition 4 pursuant to planning permission DC/2018/00148 approved 09/03/2018 to allow an outdoor seating area to the rear of the coffee shop.

Procedure: Written Representations

Start Date: 31/10/2023

Decision: Dismissed

Decision Date: 19/02/2024

72 Moor Lane Thornton L23 4TW

Reference: DC/2023/00633 (APP/M4320/W/23/3327848)

Variation of condition 5 pursuant to planning permission DC/2018/00148 approved 09/03/2018 to allow the coffee shop to be open from 08.00 to 22.00 Monday to Saturday and the outside seating area to be open from 09.00 to 18.00 daily.

Procedure: Written Representations

Start Date: 31/10/2023

Decision: Dismissed

Decision Date: 19/02/2024

Glenthorne 56 The Serpentine South Blundellsands Liverpool L23 6TB

Reference: DC/2023/00811 (APP/M4320/W/23/3328064)

Reinstatement of the dwellinghouse following demolition with alterations and extensions, reuse vehicular access to the Serpentine and construction of a garage block, boundary fencing and gates to the perimeter (Alternative to DC/2022/01008).

Procedure: Written Representations

Start Date: 15/11/2023

Decision: Dismissed

Decision Date: 15/02/2024

10 Chestnut Avenue Crosby L23 2SZ

Reference: DC/2023/01664 (APP/M4320/D/23/3334511)

Replacement roof covering (Retrospective)

Procedure: Householder Appeal

Start Date: 21/12/2023

Decision: Dismissed

Decision Date: 13/02/2024

11 Davenhill Park Aintree L10 8LY

Reference: EN/2023/00532 (APP/M4320/C/23/3332915)

Appeal against without planning permission and within the last four years the erection of a 2 metre-high fence to the side of the dwelling house.

Procedure: Written Representations

Start Date: 16/01/2024

Decision: Withdrawn

Decision Date: 07/02/2024

Flat 3 46 Promenade Southport PR9 0DX

Reference: EN/2023/00344 (APP/M4320/F/23/3332396)

Procedure: Written Representations

Agenda Item 6

Appeals received and decisions made between 22 January 2024 and 25 February 2024

Appeal against the installation of UPVC windows at Flat 3, 46 Promenade, Southport, PR9 0DX;

Start Date: 02/11/2023
Decision: Dismissed
Decision Date: 29/01/2024

3 Lunt Road Sefton Liverpool L29 7WB

Reference: EN/2023/00370 (APP/M4320/C/23/3327614)

Appeal against without planning permission, the erection of a dormer extension with balcony to the rear of the dwellinghouse.

Procedure: Written Representations
Start Date: 11/10/2023
Decision: Dismissed
Decision Date: 29/01/2024

College Road Crosby Liverpool L23 3AS

Reference: DC/2022/01727 (APP/M4320/W/23/3320488)

Prior notification application for the installation of a 17.5m high streetworks column supporting 6 no. antennas, 2 no. 0.3m dishes and 2 no. equipment cabinets and ancillary equipment

Procedure: Written Representations
Start Date: 27/10/2023
Decision: Allowed
Decision Date: 24/01/2024

New Appeals

201A Altway Aintree Liverpool L10 6LB

Reference: DC/2023/00540 (APP/M4320/W/23/3328625)

Change of use of ground floor from retail (E) to a bar/cafe with the provision of outdoor seating (Sui Generis)

Procedure: Written Representations
Start Date: 05/02/2024
Decision:
Decision Date:

21A Ryeground Lane Formby Liverpool L37 7EG

Reference: DC/2023/01175 (APP/M4320/D/23/3333711)

Alterations to the dormer roofs from pitched to flat roof dormers on the front elevation. (Alternative to DC/2022/01593)

Procedure: Householder Appeal
Start Date: 14/02/2024
Decision:
Decision Date:

52 Edge Lane Crosby L23 9XF

Reference: DC/2023/01520 (APP/M4320/D/24/3337183)

Construction of a vehicular access to a classified road

Procedure: Householder Appeal
Start Date: 15/02/2024
Decision:
Decision Date:

End Cottage 4 Mount Cottages Prescott Road Melling L31 1AR

Reference: EN/2023/00495 (APP/M4320/C/23/3333707)

Procedure: Written Representations

Appeals received and decisions made between [22 January 2024](#) and [25 February 2024](#)

Appeal against without planning permission, a raised timber deck including an outbuilding has been erected, in the approximate position shown coloured blue on the attached Plan 2.

Start Date: 23/01/2024

Decision:

Decision Date:

66 Elm Road Seaforth L21 1BL

Reference: EN/2023/00628 (APP/M4320/C/23/3335692)

Appeal against without planning permission, the material change of use of the land from use for a house in multiple occupation (HMO) to a Childrens residential home.

Procedure: Written Representations

Start Date: 21/02/2024

Decision:

Decision Date:

12A Carlisle Road Birkdale Southport PR8 4DJ

Reference: DC/2023/00700 (APP/M4320/W/23/3332483)

Change of use from dwellinghouse to children's home, to provide care for up to 3 No. children, with the erection of a single storey and dormer extension to the rear.

Procedure: Written Representations

Start Date: 24/01/2024

Decision:

Decision Date:



Appeal Decisions

Site visit made on 16 January 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2024

Appeal A Ref: APP/M4320/W/23/3327849

Becca's Bites, 72 Moor Lane, Thornton, Liverpool L23 4TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr & Mrs C Williams of Becca's Bites against the decision of Sefton Metropolitan Borough Council.
- The application Ref DC/2023/00634, dated 12 April 2023, was refused by notice dated 7 June 2023.
- The application sought planning permission for the change of use of the rear part of the ground floor of the premises to a coffee shop incorporating a single storey extension to the rear without complying with a condition attached to planning permission Ref DC/2018/00148, dated 9 March 2018.
- The condition in dispute is No 4 which states that: *No external seating shall be provided in connection with the coffee shop unless expressly authorised.*
- The reason given for the condition is: *To prevent noise and disturbance to nearby residents.*

Appeal B Ref: APP/M4320/W/23/3327848

Becca's Bites, 72 Moor Lane, Thornton, Liverpool L23 4TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr & Mrs C Williams of Becca's Bites against the decision of Sefton Metropolitan Borough Council.
- The application Ref DC/2023/00633, dated 12 April 2023, was refused by notice dated 7 June 2023.
- The application sought planning permission for the change of use of the rear part of the ground floor of the premises to a coffee shop incorporating a single storey extension to the rear without complying with a condition attached to planning permission Ref DC/2018/00148, dated 9 March 2018.
- The condition in dispute is No 5 which states that: *The coffee shop must not be open to business outside the hours of 08:00 – 19:00 Monday to Friday, 08:00 – 17:00 Saturday and 10:00 – 14:00 Sunday.*
- The reason given for the condition is: *To prevent late night noise and disturbance to nearby residents and to protect the character of the area.*

Decision - Appeal A Ref: APP/M4320/W/23/3327849

1. The appeal is dismissed.

Decision - Appeal B Ref: APP/M4320/W/23/3327848

2. The appeal is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. They differ in that Appeal A relates to the provision of an outdoor seating area whilst Appeal B relates to the opening hours of the coffee shop. I have considered each appeal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration to this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.
5. Under Condition 5 the coffee shop can open during the following times: -
 - 0800 – 1900 – Monday to Friday;
 - 0800 – 1700 – Saturday; and
 - 1000 – 1400 – Sunday.

The appellant proposed altering these times to: -

- 0800 – 2200 – Monday to Saturday; and
 - the outside seating area to be open from 0900 to 1800 daily¹.
6. Condition 4 precludes any outdoor seating area at all. I saw on my site visit that there were tables/benches in the outdoor area and from the submissions with these appeals, the outdoor area is currently used in breach of this condition. The appeal proposal is to remove the condition and allow the outdoor seating area to be used in accordance with the above opening times.

Main Issue

7. The main issue for Appeal A and Appeal B is the effect of the proposals on the living conditions of nearby occupiers with particular regard to noise and disturbance.

Reasons

8. The appeal site comprises a barber's shop and coffee shop on the ground floor with a paved area to the rear laid out with tables/benches. The upper floor is in residential use. No 72 Moor Lane is at the end of a row of commercial properties that wrap around The Crescent, and front both Moor Lane and Edge Lane. Adjacent to No 72 are a row of residential properties to the south-west, with No 70 Moor Lane immediately adjacent to the appeal site. On the opposite side of Moor Lane there is a supermarket and its car park. To the rear of the site, there are the rear gardens of residential properties on Thornfield Road.

¹ The appellant initially sought permission for an outdoor seating area to be open until 2000 daily. During the application process the appellant sought to reduce the permitted hours of use for the outdoor seating area to 1800. Despite stating such a change would not be acceptable, the Council's decision notice for Appeal B refers to opening hours of 0900 – 1800 daily. Given this is not a matter of dispute between the main parties, and no one would be disadvantaged by this change, I have considered the hours for the outdoor seating area to be those listed on the Council's decision notice.

Agenda Item 6

Appeal Decisions APP/M4320/W/23/3327848 & APP/M4320/W/23/3327849

9. The occupiers of surrounding residential properties may experience some noise and disturbance from the general activity associated with the commercial premises in the area especially those close to the Moor Lane and Edge Lane junction and the parking areas outside the commercial properties on The Crescent. By contrast, the rear of the premises is quieter and it is reasonable for residents to expect less noise and disturbance in their rear living areas and gardens.
10. The coffee shop was closed at the time of my site visit but the outside area could accommodate a substantial number of people that could generate a level of activity that would cause disturbance. I note that there are bi-fold doors that lead to the outdoor seating area which, when open, would allow noise from the indoor area to spill out into the area outside. Whilst this could happen regardless of the use of the outdoor area, and I note the Council has no particular concerns about this, the coffee shop could accommodate significantly more people if the outdoor space was used as well. In which case, the level of noise and disturbance would be very likely to increase to unacceptable levels for nearby residents.
11. The appellants state that the use of the outdoor area is dependent on weather conditions. Whilst this may be the case to some degree, it would be easy to provide large umbrellas and heaters positioned around the tables/benches so the harm could arise at any time of the year. In the summer months or during fine weather neighbours would be more likely to have windows open and be utilising their gardens so an argument based on weather permitting carries little weight in favour of outdoor seating.
12. The Council has suggested a Noise Impact Assessment in order to fully assess the noise implications of the use of the outdoor seating area. No such assessment has been carried out and so no evidence has been submitted that the proposal would not be harmful.
13. The appellant has suggested that any noise and disturbance could be managed by imposing a temporary permission for 12 months which, together with a restriction on the use of the outdoor area to no later than 1800, would enable the Council to monitor the situation. Also, a Management Plan is suggested as a means of restricting the number of people using the outdoor space.
14. The number of customers using the outdoor seating area could be included in a Management Plan and as such a plan could be secured by a condition attached to any grant of planning permission were the appeal to be allowed. Similarly, the hours of use of the outdoor area could also be controlled by a suitably worded condition. However, even with such a Management Plan and hours of use, I am satisfied that the close proximity of the various dwellings/gardens and the appeal site means it is very likely there would be unacceptable noise and disturbance. A temporary permission would not therefore, be appropriate in this case.
15. I appreciate that some people may prefer to sit outside especially with regard to ongoing concerns about Covid and an outdoor seating area would be good for the business. However, these matters do not overcome the harm I have identified.
16. Turning to the opening hours, given my conclusion on Appeal A, the part of the proposed amended condition relating to the outdoor area is not applicable. With regard to the coffee shop itself, the proposal would extend the closing time from 1900 until a further three hours later at 2200 Mondays to Fridays and for a further five hours from 1700 until 2200 on Saturdays.

17. Although the coffee shop is in a parade of shops there are residential properties close by, as referred to above, and extending its opening times until 2200 six days a week is likely to cause noise and disturbance from people coming and going at a time when surrounding residential properties could reasonably expect the area to be quieter as other premises in the parade close. Later opening hours would also alter the character of the premises from a daytime coffee shop to a night-time venue which would not be consistent with the overall character of the parade as providing a range of commercial services primarily during the day. The approved opening hours included four hours on Sundays, and no opening hours are now proposed for this day. However, given the already limited hours for Sunday, any benefit arising from this would be small.
18. I appreciate that there may be take-aways in the area that open late but there is currently only one take-away in the commercial block on Edge Lane which may open later into the evening, and a sandwich shop which closes at 1730. Moreover, unlike other commercial businesses in the immediate area, the coffee shop is at the rear of the premises whilst its access is from the front, therefore, activity is likely to be notable at both the rear and the front of the property.
19. Consequently, the proposals would have a harmful effect on the living conditions of nearby occupiers with particular regard to noise and disturbance. This would conflict with Policies HC3 and EQ10 of the Sefton Local Plan² which seek to protect the living conditions of occupiers of neighbouring properties and local amenity, and with the Framework in this regard.

Other Matters

20. The appellant's states that the barber's shop could extend their opening hours without the need for any approval. Also, the barber's shop has been described as an A1 use which following changes to the Use Classes Order, would now fall under Class E. The coffee shop would fall under the same Use Class. This could mean that the barbers could become a coffee shop which would mean that the whole of the unit would become a coffee shop falling within Use Class E. However, whilst I accept that such a situation could become confusing, it is not a matter that overcomes the harm I have identified.
21. I appreciate that there would be no issues relating to overlooking or loss of privacy to neighbours but these are not matters that overcome the main issue I have raised.

Conclusion

22. For the reasons given above, I conclude that conditions 4 and 5 are necessary having regard to the living conditions of nearby occupiers and therefore both Appeal A and Appeal B are dismissed.

J D Clark

INSPECTOR

² Sefton Council – Sefton 2030 – A Local Plan for Sefton, Adopted April 2017.

Appeal Decision

Site visit made on 29 January 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2024

Appeal Ref: APP/M4320/W/23/3328064

Glenthorne House, 56 The Serpentine South, Blundellsands L23 6TB

- 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 and Mrs Terry and Lynda Riley against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2023/00811, dated 17 May 2023, was refused by notice dated 20 July 2023.
 - The development proposed is the reinstatement of a dwellinghouse following demolition with alterations and extension, re-use of the existing vehicular access to The Serpentine South and construction of a garage with erection of boundary fencing and gates to the perimeter.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The original house here has been demolished and the site cleared. The description of the proposed development set out above is taken from the application form. At an early stage in the application process the appellants agreed to a change in the description of the proposed development as requested by the Council. That revised description similarly refers to the "*reinstatement of the dwellinghouse following demolition with alterations and extensions*". The appellants now indicate that these descriptions are not accurate, mainly in that they refer to the demolition, which is agreed already by a previous permission for a replacement house (Ref DC/2022/01009) and is said to not be part of the current proposal. The Council raises no objection to the demolition in any case, so this matter is not crucial to my decision.
3. On a more salient point of clarification, this proposal is for a wholly new house of a completely different design to the previously existing house, so the references to "*alterations and extension*" are misleading. I have considered this appeal on the basis that it is for the construction of a new house and garage plus associated development following on from the complete demolition of the house.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023, during consideration of the appeal. The

main parties have been given an opportunity to comment on these changes and have not raised any new points.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Blundellsands Park Conservation Area.

Reasons

6. The Council's Blundellsands Park Conservation Area Appraisal (CAA) advises that the conservation area is a planned housing area developed in the late 19th/early 20th Century with mainly large villas in spacious grounds. With its coastal location and railway connection, it provided wealthy businessmen with opportunities for fashionable seaside residences. Policy NH9 *Heritage Assets of A Local Plan for Sefton (LP)* refers to Blundellsands as one of the key elements contributing to the distinctive identity of Sefton, so that its safeguarding and enhancing is a strategic priority.
7. The CAA confirms that the predominating style here is Victorian Gothic although there are many variations and some houses lean more towards the Arts and Crafts movement or have Italianate features and more classical proportions. Newer, more modern developments, especially some blocks of flats, are said to be negative features that detract from the character of the area.
8. Glenthorne House was identified in the CAA as being a building that contributed to the character of the area. Photographs show that it was a substantial 2 to 3 storey house with elements of Victorian Gothic style. Its site is now cleared, forming a relatively level and open area in the middle of the plot, well below the level of The Serpentine South. The site is fringed by trees and to the rear is a partially closed off section of road (Park Drive) mainly used by pedestrians. It is easily visible from both streets. The site's heritage significance stems mainly from its role as one of the original plots and is prominent corner location. Given the importance of this position, a new house here would have a significant impact on local character and appearance.
9. The proposal is to build a new 2½ to 3½ storey house of a more classical form and style, in contrast to the previously existing house. The new house would have a box-like form, regular rows of tall windows, a low pitched Mansard type roof structure with short chimneys set back behind parapet walls and a columned portico and central pedimented projecting gable at the front, facing The Serpentine South. To the rear, facing Park Drive, the design would include extensive glazing at lower ground floor and upper ground floor levels. A single storey detached garage would be built near to one edge of the site and fencing would be added around the perimeter.
10. The height and bulk of the proposed house would be substantial, in line with the historical villa style development and the spacious plot. The buildings would fit comfortably onto the site without the need to remove any significant trees or detract from the spaciousness of the plot.
11. The Council expresses some concern that the proposed house may not be tall enough for this position. I find that its height is appropriately proportional to its design. This does, however, bring up an area of ambiguity about the proposal.

Although, the area of the site where the house would be built is relatively level, the plans show a split level design fitting onto a steeply sloping site. The only indication of proposed floor levels is a note on the plans saying that the south elevation would "*be of similar level as the existing demolished house*". No information has been provided to clarify that level or the proposed ground levels around the building. Without that information it is difficult to fully assess the actual impact of the building's height, as seen from surrounding streets.

12. The CAA describes some buildings in the area as having a *Suburban Italianate* style, with features such as stuccoed quoins, double bracketed eaves, tri-partite windows and classically inspired columns. The appellants argue that the proposal leans towards this style, while sitting comfortably within the overall Gothic style. Aside from the columns and the quoins, however, I see little reflection of the Italianate style in the proposal. The main example of such design referenced in the conservation area is at St Mary's College, the elevations of which are dominated by tri-partite windows and which has bracketed eaves and more traditional shallow pitched roofs - rather than the single width windows, parapet walls and Mansard style roofs of the appeal proposal. I see little reflection of the Gothic style in the proposal, which appears to be of more straightforward classical architecture. The proposed design would therefore appear to be fairly unique within the conservation area.
13. The wide spacing and the individual designs of the existing villas do allow for some flexibility of approach here. The proposal, however, seems to over-stretch this by seeking to establish an unprecedented architectural approach on a key site.
14. I also agree with the CAA that the quality of materials and detailing of new buildings is important if new buildings are not to become negative factors in the conservation area. I am left unconvinced that the proposed new house would include the quality of detailing required for such a substantial addition. The CAA, for example, laments the introduction of upvc windows with thicker frame sections and in many cases the removal of glazing bars. The appeal proposal is for upvc windows, with glazing bars on some windows and plain glazing on others, including in prominent situations on the eastern and western elevations. Other vague aspects of the proposal such as materials, finishes and levels could potentially be clarified by the use of conditions, but the absence of the clarity appropriate to a conservation area site of heritage importance does add to my concerns.
15. Taking all of this into consideration, I find that the proposal would harm the character and appearance of the conservation area. It conflicts with LP policies NH9, NH10, NH12 and NH15, the CAA and the Framework, which seek to protect the significance of heritage assets and secure high quality design in conservation areas.
16. This harm to the significance of a heritage asset would, in the terms of paragraph 205 of the Framework, be less than substantial. Such harm must, in line with Framework paragraph 208, be weighed against the public benefits of the proposal. In this case, the proposal would make use of this sustainably located site to help boost the supply of housing, in line with local and Framework objectives. In view of this proposal being for a single house, and due to the existence of an alternative permission for a house here, I attach moderate weight to these important but modest public benefits.

-
17. The Council has drawn my attention to another appeal decision relating to development in the conservation area¹, which was for a much different scheme of domestic extensions. I note that Inspector's conclusions but assess this case on its own merits.

Conclusion

18. As set out in paragraph 205 of the Framework great weight must be attributed to any harm to a heritage asset, even where this harm is less than substantial. This aligns with the duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Taking all matters into account, I find no public benefits which would outweigh the significant harm that would be caused to the character and appearance of the conservation area.
19. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

¹ APP/M4320/W/22/3307412

Appeal Decision

Site visit made on 29 January 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13.02.2024

Appeal Ref: APP/M4320/D/23/3334511

10 Chestnut Avenue, Crosby, Sefton L23 2SZ

- 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 and Mrs William Sheils against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2023/01664, dated 22 September 2023, was refused by notice dated 14 November 2023.
 - The development proposed is replacement roof covering (retrospective).
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023, during consideration of the appeal. Having regard to the changes in the Framework and to the comparatively minor scale and nature of this appeal proposal, I consider that further consultation on this matter is not necessary.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Moor Park Conservation Area.

Reasons

4. Chestnut Avenue is part of a leafy, late 19th Century/early 20th Century housing estate characterised by large, individually designed houses set back on medium to large sized plots behind trees and hedges. No 10 is a semi-detached house, apparently one of the earliest on the estate – in place at least by 1908. Like many of the houses here, it is of Arts and Crafts architectural form and style, with a projecting gable and an intricate roofscape. Its previous roof covering of small format plain clay tiles, as still exists on the other half of the pair of semis (No 8), has been replaced with flat profile, large format red concrete tiles.
5. The appeal seeks approval for the existing tiles, so that they can be retained. The replacement of roof tiles like this would not normally require express planning approval as it would be permitted development under the terms of

Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015. Those permitted development rights have, however, been restricted in the conservation area by a Direction under Article 4 of that Order.

6. The Council's 2008 Moor Park Conservation Area Appraisal (CAA) advises that roofs play a critical role in the character of the conservation area, particularly in longer streetscape views, visually linking similar building types. I find that the roofscapes and roof coverings of the houses here have substantial significance to the heritage value of the conservation area, helping to unify the varying design of the houses. The CAA records that one of the covenants controlling the design of the original houses required roofing materials to be grey slate or red tiles, which at that time would presumably have meant plain clay tiles. The CAA confirms that plain clay tiles are still the predominant roof covering within the estate.
7. The CAA identifies a change to concrete roof tiles as being detrimental to the character of the buildings and the area as a whole, noting a richness and variety of tone within the clay tile and natural slate finishes. The 2010 Article 4 Direction presumably followed on from the CAA's analysis, to give a degree of control over roof coverings with the conservation area. Although there are some houses in the area with large format concrete tiles, many of these appear to be more modern infill buildings with simpler forms, such as can be seen at 6 Chestnut Avenue nearby. I note that the Council has allowed some concrete tiles in the conservation area, but have no details of those cases and they do not affect the overall character of the area enough to significantly affect my assessment in this case.
8. The new tiles at No 10 are of good quality and a good match in colour. They would become weathered and more variegated over time. They would likely always, however, display a greater degree of uniformity than small clay tiles. Their larger size and thicker edges furthermore give the roof a coarser look which sits uncomfortably with the more finely detailed Arts and Crafts style of the house. Their use on just half of the pair of semis also draws attention to this contrast, detracting from the building as a whole and from its group value in the street scene.
9. I conclude that the proposal harms the character and the appearance of the conservation area. It conflicts with policies NH9 and NH12 of A Local Plan for Sefton and the Framework, which seek to protect the significance of heritage assets and secure high quality design in conservation areas.
10. This harm to the significance of a heritage asset is, in the terms of paragraph 205 of the Framework, less than substantial. Such harm must, in line with Framework paragraph 208, be weighed against the public benefits of the proposal. In this case, the previous tiles were no doubt in poor condition and in need of replacement. I have seen nothing to show, however, that replacement with large concrete tiles was necessary for the long term future of the building.
11. As set out in paragraph 205 of the Framework great weight must be attributed to any harm to a heritage asset, even where this harm is less than substantial. This aligns with the duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Taking all matters into account, I find no public benefits which outweigh the relatively minor but still significant harm caused to the character and appearance of the conservation area.

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

Appeal Decision

Site visit made on 14 January 2024

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 29 January 2024

Appeal Ref: APP/M4320/F/23/3332396

Flat 3, 46 Promenade, Southport PR9 0DX

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr David Riley against a listed building enforcement notice issued by Sefton Metropolitan Borough Council.
 - The enforcement notice was issued on 28 September 2023.
 - The contravention of listed building control alleged in the notice is the installation of UPVC windows.
 - The requirements of the notice are: Remove the unauthorised UPVC windows at Flat 3, 46 Promenade, South PR9 0DX (1 bay window to first floor front elevation and 2 windows on the first floor front elevation to the right of the bay window) and replace them with 1 bay window (traditional fixed casement timber window with structural glazing bars and traditional casement timber windows top hung middle section with structural glazing bars on each side) and 2 traditional casement timber windows top hung middle section with structural glazing bars. This should be the same style as the original windows that were replaced without Listed Building Consent.
 - The period for compliance with the requirements is eighteen (18) months.
 - The appeal is made on the grounds set out in section 39(1) (e) and (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
-

Decision

1. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

The Appeal Site

2. The appeal premises forms part of a three-storey, Grade II listed, mid C19 terrace. The terrace originally comprised four houses which have subsequently been converted to flats. The terrace is listed for its group value, along with Stanley Terrace and Nos 49 & 50 Promenade. Based on the evidence before me, including the list description and observations on my site visit, the significance of the building as a heritage asset is mainly derived from the historic evidence it provides as part of a group of C19 town houses, its composition and proportions, and its architectural detailing, including timber joinery, large canted bay windows, large round-headed doorways with pilaster jambs and plain fanlight, deep cornices and dentilled and bracketed eaves cornices.

3. The appeal site is also located within Promenade Conservation Area (PCA). It occupies a prominent position on the Promenade in a location where there are a number of listed buildings. The general consistency, including layout of the plots, architectural decoration, scale, roofs, building sizes and types of property on Promenade, all contribute to the Victorian character and appearance of this part of the PCA.

Appeal on grounds (e) and (i)

4. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 as amended (the Act) requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. The appellant argues that listed building consent ought to be granted for the UPVC windows, as the timber windows that were replaced were not the original windows installed in the property. They were thus not historic and were of a different appearance and opened differently from those that would have originally been installed. The contribution that the replaced windows made to the character and the significance of the building is therefore reduced.
6. Furthermore, he contends that the design of the new windows conforms to the appearance of those on the remainder of the front elevation of the terrace. He argues that they preserve the uniformity of the window pattern and therefore sustain the character and appearance of the listed building as seen in public views from Promenade. The windows only differ in respect of their material. UPVC has been used on other properties within the Listed Group and are widespread within the PCA. The appellant extends this argument to support his ground (i), claiming that the works would not restore the character of the building to its former state.
7. Windows are often amongst the most prominent features and an integral part of the design of traditional buildings. In this case, the timber windows in the listed building are not the original ones, have a different design with small-paned glazing with casements. However, their traditional timber construction, including structural glazing bars and casements all contribute to the significance of the building.
8. In contrast, the windows that have been installed are constructed from a non-traditional material. Although the glazing arrangement is the same, their sections are bulkier, smoother and flatter than timber windows. They have a modern and less refined appearance, lacking the fine detailing and depth of timber frames. In addition, the bulk and incongruity of the UPVC frames is heightened where the casements have storm seals and the mullions and transoms have been adhered as opposed to being an integral part of the frame.
9. I appreciate that UPVC windows have been installed in the adjoining terrace, which forms part of the Listed Group, and in Stanley Terrace. Those windows also do not preserve the special architectural or historic interest of those buildings and are not therefore a precedent that should be repeated.
10. For the reasons given above, the UPVC windows fail to preserve the special architectural and historic interest of the building and do not preserve or

enhance the character or appearance of the PCA. In the context of the significance and special interest of the asset as a whole, and in the language of the National Planning Policy Framework (NPPF), the harm would be less than substantial. Because the harm is less than substantial, paragraph 208 of the NPPF says the harm should be weighed against the public benefits of the proposal, including securing its optimum use.

11. There are no public benefits which would outweigh the considerable importance and weight to be given to the harm to the heritage asset. As such, the works do not comply with the heritage aims of the NPPF, or the design and heritage aims of Policies NH9, NH11 and NH12 of, A Local Plan for Sefton, adopted 2017. The appeal on ground (e) therefore fails and listed building consent is refused.
12. The requirement to remove the UPVC windows and replace them with timber windows to match those which previously existed in terms of size, profile, sections, design and appearance does nothing more than take the building back to the condition it was in before the unauthorised works were carried out.
13. I conclude that the requirements would restore the character of the building to its former state and the appeal on ground (i) fails.

Other Matters

14. I recognise the circumstances relating to the appellant's purchase of this property, and it was remiss of your solicitor and estate agents to not explain the responsibilities that come with owning a listed building. However, those matters are not for my consideration in this appeal, and I must have regard to my statutory duties under the Act. I also appreciate the financial implications as a consequence of the unauthorised works and enforcement notice. The Council have recognised those costs and thus a period of 18months has been given to comply with the notice.
15. I understand that a new Event Centre is to be constructed close to the appeal site, and thus there will be a change to the appearance of the PCA. I do not know the precise details of this scheme, however, the works the subject of this appeal relate to unauthorised works to a listed building, and thus are not comparable to those of a new build construction. I therefore give this consideration little weight.

Conclusion

16. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Elizabeth Pleasant

INSPECTOR

Appeal Decision

Site visit made on 15 January 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2024

Appeal Ref: APP/M4320/C/23/3327614

Land at 3 Lunt Road, Sefton, Liverpool L29 7WB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Steven Proffitt against an enforcement notice issued by Sefton Metropolitan Borough Council.
 - The notice was issued on 2 August 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a dormer extension with balcony to the rear of the dwellinghouse.
 - The requirement of the notice is to: remove the dormer extension and balcony and reinstate the roof to its previous condition.
 - The period for compliance with the requirement is: three (3) months from the date this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. It is directed that the enforcement notice is varied by:
 - the deletion of 'three (3) months' and the substitution of 'six (6) months' as the time for compliance.
2. Subject to the variation, the appeal is dismissed, and the enforcement notice is upheld.

Reasons

3. An appeal on ground (g) is that the period specified in the notice falls short of what should reasonably be allowed. The appellant says that the compliance period is not considered long enough to complete all the required works, given that several different trades are needed to undertake the prescribed works. Further, they explain that the appellant would need to commission the trades and get the work carried out. Despite being asked to clarify what period the appellant considers to be reasonable, no response was forthcoming. I have therefore reached a judgement based on the points made and my experience.
4. Although the Council considers three months to be adequate time for the required work to be undertaken, I do not agree. Firstly, the appellant has a right to appeal and to await the outcome of that process before they carry out any of the requirements. Furthermore, the requirement involves removing the dormer extension and balcony and returning the dwelling back to its previous condition. This will involve different trades, and these will need to be coordinated and available. I consider that six months is a more reasonable period, bearing in mind the current time of year while still providing a definitive point in time whereby the breach of planning control is remedied. On this basis, I conclude that the appeal on ground (g) succeeds.

Conclusion

5. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation.

Andrew McGlone

INSPECTOR

Appeal Decision

Site visit made on 13 December 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Appeal Ref: APP/M4320/W/23/3320488

Site in front of Marine Football Club, College Road, Crosby L23 3AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cornerstone Telecommunications against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2022/01727, dated 30 August 2022, was refused by notice dated 20 October 2022.
 - The development proposed is the installation of a 17.5m high streetworks column supporting 6 no. antennas, 2 no. 0.3m dishes and ancillary equipment. The installation of 2 no. equipment cabinets and development ancillary thereto.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 17.5m high street works column supporting 6 no. antennas, 2 no. 0.3m dishes and ancillary equipment. The installation of 2 no. equipment cabinets and development ancillary thereto at Site in front of Marine Football Club, College Road, Crosby L23 3AS, in accordance with the terms of the application, ref DC/2022/01727, dated 30 August 2022, and the plans submitted with it, including: Drawing No. 100 Rev D (site location maps), Drawing No. 201 Rev D (proposed site plan), and Drawing No. 301 Rev D (proposed site elevation).

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions. In accordance with Part 16 of the GPDO, I have assessed the proposal solely on the basis of its siting and appearance.
3. I have taken the address of the appeal site from the appeal form and the statements of both main parties as it is a more accurate description of the location. I am satisfied no party would be prejudiced by my so doing.
4. The appellant has provided additional information at the appeal stage which identifies and discounts alternative sites that have been considered for the proposed development. The Council and interested parties have had the opportunity to comment on this information as part of the appeal process. The

information does not alter the form or location of the proposed telecommunications installation. I am satisfied that no prejudice would occur to any party as a result of my consideration of the information and have determined the appeal on that basis.

5. It has been suggested that the proposed cabinets do not require prior approval. Nevertheless, they are shown on the submitted plans and included in the description of development. Therefore, I have considered them as part of the appeal scheme.
6. The Council has referred to development plan policies in its decision notice. However, the principle of the development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A contain no requirement to have regard to the development plan, but policies may be material considerations where relevant to matters of siting and appearance. Policies EQ2 and HC3 of the Local Plan for Sefton, 2017 (LP) are material considerations as these policies are concerned with, amongst other things, general design criteria for new development and the character of residential areas.
7. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. The Framework includes sections on supporting high quality communications and achieving well designed places. Therefore, it is also a material consideration. As the Framework's policy content insofar as it relates to the main issues has not been significantly changed, albeit that the numbering of paragraphs has changed, there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

8. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

9. The appeal site is an area of pavement fronting Marine Football Club on College Road. The proposed 17.5m column would be located at the back edge of the pavement, adjacent to a tall close boarded timber fence which displays the name of the football ground and up-coming fixtures. The proposed cabinets would be located adjacent to the column at the back edge of the pavement in front of a lower, short section of timber fence. Behind the fence is '1894 bar and bistro' which includes an outdoor seating area and a pay and display car park with the football stand and other associated buildings beyond.
10. In the immediate vicinity of the appeal site, College Road is fronted on each side by retail and other commercial properties. There are residential properties behind and above some of the commercial properties fronting College Road and the area to the south of the appeal site and on three sides of the football ground is predominantly residential. The area is therefore of mixed urban character and appearance.

11. The proposed development would occupy a prominent location on the pavement, particularly having regard to the outdoor seating area, planted boxes and car park, which provide a visual break in the built-up area. Although the appellant's photomontages demonstrate that the functional appearance of the proposed column would be seen within a similar setting as the four floodlights which surround the football ground, and would not be significantly taller, the floodlights are set back behind the car park and do not have the same intimate relationship with College Road where the presence of the proposal would be noticeably amplified.
12. Notwithstanding the proximity to the spectator stand and floodlights, due to its height and bulky headframe design, the installation would be a prominent structure when viewed from the outdoor seating area and the entrance to the football ground. It would also be clearly visible in views along College Road and Warwick Avenue in the skyline, above the backdrop of the spectator stand, boundary fence and the surrounding one and two storey buildings. Properties bordering the football ground would also have views of the upper part of the proposed column and headframe.
13. The height of the proposed installation would be significantly taller than the surrounding roadside street furniture and the column width would be bulky in comparison. Street trees along College Road would provide some screening to the proposal in longer views along the road. Nevertheless, there are no trees in the immediate vicinity of the appeal site and any screening afforded by trees would be reduced during the winter months when the trees would not be in full leaf. In any event, from observations at my site visit, the column would be significantly taller than these trees. In this context, whilst the height and bulk of the column and headframe would be less conspicuous in long range views, it would be a discordant and conspicuous feature along this part of College Road.
14. The Council raises no concerns with the equipment cabinets and other proposed ancillary works. These would be low key and in keeping with the urban roadside location where such features are common. The site is not located within an area subject to any heritage designation.
15. For the reasons set out, I conclude that the siting and appearance of the proposed installation would result in moderate harm to the character and appearance of the area. The proposal would conflict with, insofar as they are material considerations, paragraph 135 of the Framework and Policies EQ2 and HC3 of the LP which all seek, amongst other things, that development responds positively to the character, local distinctiveness and form of its surroundings and does not harm the character or appearance of the area.

Alternative sites

16. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and in this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposal would provide 5G coverage and a number of potential benefits have been set out by the appellant relating to improved connectivity, such as supporting the economy and digital inclusion.
17. However, as I have found that the proposed siting would cause harm to the character and appearance of the area, it is necessary to consider whether

other, less harmful options may be available. Indeed, Paragraph 121 of the revised Framework advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this should include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.

18. On the evidence before me, the appellant has appropriately followed the sequential approach, advocated by the Framework, in identifying site options. The appellant identified that their existing mobile telecommunications site at the corner of College Road and Brooke Road East is shared with Vodafone. The appellant asserts that it would not be possible to provide an upgraded installation at this site which would satisfy both operators requirements to provide a 5G service. As such, the existing street work monopole would be retained by Vodafone and the appellant's equipment must be located somewhere within the search area to provide consistency in coverage. Even if mast sharing was an acceptable solution, there is no evidence to suggest that it would negate further telecommunications equipment from coming forward within the local area.
19. It is noted that, as with all 5G cells, the relevant search area is very constrained and that in this case, the designated search area covers what is largely a densely populated residential area. There are further limitations in siting new infrastructure too close to the existing installation on Brooke Road East due to interference.
20. I also recognise that the dense urban nature of the area provides limited alternative options and rooftop installations may not be possible due to the traditional design and height of buildings in the area. This has consequentially led to several discounted options. While the Council initially questioned the lack of evidence provided in the application regarding alternative sites, the Council now confirm in their statement that the information provided by the appellant in their appeal submission may help to overcome their concerns relating to the robustness of the search for alternative sites. The Council has not questioned the constrained size of the search area or the list of alternative sites that were considered as part of the appeal.
21. Of the 15 alternative sites put forward in the appellant's site selection process, 4 would be marginally outside the search area. Two mast sharing options would result in a taller and bulkier installation close to residential properties. Rooftop installations would be prominent or unsuitable due to the relatively low height or pitched designs of buildings in the area. Many ground based options would be close to residential properties or on narrow pavements. A potential option within the forecourt of the Esso garage on College Road would restrict vehicle movement at the site.
22. My attention has been drawn by an interested party to potential alternative sites close to Alexandra Park. Surrounding roads are located outside the search area. I saw at my site visit that the pavements on each side of Carnegie Avenue are narrow and the canopy of the Crosby Park, Nissan business overhangs part of the pavement. Furthermore, the dense canopy of trees on the periphery of the park may restrict an installation on the adjoining pavements. In any event, this location would be equally harmful to the character and appearance of the surrounding area.

23. Although the reasons for discounting alternative sites are expressed in broad terms, having reviewed the submitted evidence and seen the alternative locations, I am satisfied that there are no suitable alternative sites to provide the additional network coverage and capacity requirements in this area. I also note the appellant has reduced the height of the proposed column from a previous proposal in the same location.¹
24. Accordingly, based on the available evidence, I consider that the appellant's findings that there would be no other feasible, available, and more suitable location for the development to be both reasonable and justified.

Balance and conclusion

25. The government is committed to supporting the deployment of next-generation mobile infrastructure. In this regard, whilst I recognise the general social and economic benefits, those benefits, as well as alleged adverse climate change and other environmental impacts, have effectively been recognised by the grant of permitted development rights in the GPDO. Hence, they do not carry weight when considering matters of siting and appearance as part of the prior approval process.
26. I do, however, recognise that there is an identified and undisputed need for improved mobile telecommunications provisions meaning that the installation has to be sited somewhere in the target area.
27. I have found that moderate harm would arise to the character and appearance of the area from the siting of the proposed development and there would be conflict with the LP in this regard. Nevertheless, it has been satisfactorily demonstrated that there are no suitable alternative sites. Therefore, unless the proposed site comes forward, the need for a telecommunications installation to provide new 5G coverage and capacity, and replacement 2G, 3G and 4G services to this area of Crosby would remain unmet.
28. Overall, I consider that the absence of a suitable alternative site means that the need for the installation to be sited as proposed taking into account any suitable alternative outweighs the moderate harm that would occur to the character and appearance of the area due to the siting and appearance of the proposal.

Other Matters

29. I have carefully considered all other matters raised by interested people, including in regard to narrow pavements, the effect on local businesses and Marine Football Club and health.
30. The proposal would not significantly impede the flow of pedestrians or compromise safety along College Road and there have not been any objections from statutory consultees.
31. I have had regard to the location of the proposal close to Marine Football Club. However, no robust evidence has been provided to substantiate the claim that the proposed column would significantly harm the visitor experience to the football ground or would affect local businesses. Also, it would be far enough away to avoid an impact on any schools or nurseries. It is also a well-founded

¹ LPA Ref: DC/2021/00538

principle that the planning system does not exist to protect private interests such as value of land or property².

32. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
33. It is suggested that there would be no need for the proposed equipment. However, at paragraph 122 the Framework states that the need for electronic equipment should not be questioned.
34. My attention has been drawn by the Council to an appeal that was dismissed even though there was a lack of alternative sites³. However, I have not been provided with a copy of the decision or the specific circumstances of this appeal. As such, I have insufficient information to make a robust comparison. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
35. I note that several comments relate to a different proposal at Victoria Park, Park View, Waterloo⁴. The Council confirm this is due to there being a similar proposal under consideration at Victoria Park at the same time as this appeal.

Conditions

36. Any permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the Local Planning Authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the Local Planning Authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

37. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

A Veevers

INSPECTOR

² Planning Practice Guidance - Paragraph: 008 Reference ID: 21b-008-20140306

³ Appeal Ref: APP/Q4625/W/22/3294942

⁴ LPA Ref: DC/2023/01871

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Planning Committee
Visiting Panel Schedule

Date Monday 11th March 2024
Start: 10:00 am at BOOTLE TOWN HALL

Agenda Item	Time	Application Details	Ward
5B	10:15am	DC/2024/00229 1 Harris Drive, Bootle L20 6LD	Litherland
5A	11:00am	DC/2023/01055 Formby Village Sports Club Rosemary Lane, Formby L37 3HA	Harington
4A	11:30am	DC/2023/01865 12 Carlisle Road, Birkdale PR8 4DJ	Birkdale

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