

# Public Document Pack



MEETING: PLANNING COMMITTEE

DATE: 5th June 2024

TIME: 6.30 pm

VENUE: Bootle Town Hall

## Member

Councillor  
Cllr. James Hansen  
Cllr. Brenda O'Brien (Vice-Chair)  
Cllr. Tony Brough  
Cllr. Mike Desmond F.R.C.A.  
Cllr. John Dodd  
Cllr. Joe Johnson  
Cllr. John Kelly  
Cllr. Sonya Kelly  
Cllr. Steve McGinnity  
Cllr. Christopher Page  
Cllr. Carol Richards  
Cllr. Michael Roche  
Cllr. Lynne Thompson  
Cllr. Paul Tweed  
Cllr. Joanne Williams

## Substitute

Councillor  
Cllr. Leslie Byrom C.B.E.  
Cllr. Janet Grace  
Cllr. Sir Ron Watson  
Cllr. Dominic McNabb  
Cllr. Mike Sammon  
Cllr. Nina Killen  
Cllr. Susan Bradshaw  
Cllr. Dave Robinson  
Cllr. Daniel McKee  
Cllr. Karen Cavanagh  
Cllr. Tom Spring  
Cllr. Danny Burns  
Cllr. Mike Sammon  
Cllr. Carla Thomas  
Cllr. Ian Maher

COMMITTEE OFFICER: Ian Barton  
Telephone: 0151 934 2788  
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# 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 10 April 2024.

## 4. Applications for Planning Permission - Petitions

Report of the Chief Planning Officer

**A DC/2023/01041 - Land at Durrants Cottages, Melling Lane, Maghull** (Pages 11 - 36)

## 5. Applications for Planning Permission - Approvals

Reports of the Chief Planning Officer

**A DC/2023/00627 - 101 South Road, Waterloo** (Pages 37 - 50)

**B DC/2023/02125 - 1-17 St Andrews Close and adjacent open space, Maghull** (Pages 51 - 62)

**C DC/2024/00159 - 12 Northway, Maghull** (Pages 63 - 72)

**D DC/2024/00375 - 6 Berry Street, Bootle** (Pages 73 - 78)

## 6. Planning Appeals Report (Pages 79 - 106)

Report of Chief Planning Officer.

**7. Visiting Panel**

(Pages 107 - 108)

Report of 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 10 APRIL 2024

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

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

ALSO PRESENT: Councillors Carragher and Hart

#### 151. COUNCILLOR PAULA SPENCER

The Chair referred to the sad passing of Councillor Paula Spencer on Wednesday 27 March 2024. The Committee stood in silence for a few moments as a mark of respect.

#### 152. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Tweed.

#### 153. DECLARATIONS OF INTEREST

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

Member	Minute No.	Nature of Interest
Councillor Dodd	Minute No. 155 DC/2021/00924 - Land off Bankfield Lane, Churchtown, Southport	Pre-determination

#### 154. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the Minutes of the meeting held on 13 March 2024 be confirmed as a correct record.

# Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 10TH APRIL, 2024

## **155. DC/2021/00924 - LAND OFF BANKFIELD LANE, CHURCHTOWN SOUTHPORT**

Further to Minute 15 of 29 June 2022, the Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of 9 houses, together with a new vehicular access and associated works (part alternative to application reference DC/2017/00821) be granted subject to the conditions and for the reasons stated or referred to in the report.

The Chief Planning Officer reported that, in accordance with the previous decision of the Committee, the applicant had carried out a further traffic survey on Bankfield Lane in an attempt to address the highway issues raised at the previous Planning Committee meeting. This had been reviewed by the Council's Highways Manager who had raised no objections and was satisfied that the proposal would not give rise to highway safety concerns.

Prior to consideration of the application the Committee heard a written representation from Councillor Lloyd-Johnson as Ward Councillor against the proposed development.

### **RESOLVED:**

That the recommendation be not approved and the application be refused for the reason that the proposed development does not comply with the site-specific requirements set out in Policy MN2 (site reference MN2.2) of the Local Plan which stipulates that there should only be one point of access.

## **156. DC/2024/00147 - 18 WILLS AVENUE, MAGHULL**

The Committee considered the report of the Chief Planning Officer recommending that the above application for the change of use from a dwellinghouse (C3) to a children's home (C2) for up to 3 children 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.

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

### **RESOLVED:**

That the recommendation be approved, subject to the signing of a Unilateral Undertaking that the applicant will in the first instance offer accommodation to children who are from, or with family, or have a long term connection to Sefton Borough, in consultation with Executive Director of Children's Social Care and Education, (with the applicant being required

to provide proof they have liaised with Sefton to place children and to give a reasonable time for Sefton to confirm) 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 requiring refuse bins to be stored at the rear of the premises and only brought forward for collection.

## **157. DC/2024/00170 - 55 KENDAL DRIVE, MAGHULL**

The Committee considered the report of the Chief Planning Officer recommending that the above application for the change of use from a dwellinghouse (C3) to a children's home (C2) for up to 3 children and associated works be granted subject to the conditions and for the reasons stated or referred to in the report.

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

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

### **RESOLVED:**

That the recommendation be approved, subject to the signing of a Unilateral Undertaking that the applicant will in the first instance offer accommodation to children who are from, or with family, or have a long term connection to Sefton Borough, in consultation with Executive Director of Children's Social Care and Education, (with the applicant being required to provide proof they have liaised with Sefton to place children and to give a reasonable time for Sefton to confirm) the application be granted subject to the conditions and for the reasons stated or referred to in the report, and in Late Representations and subject to an additional condition requiring refuse bins to be stored at the rear of the premises and only brought forward for collection.

## **158. DC/2024/00004 - 9 CHESTERFIELD ROAD, CROSBY**

The Committee considered the report of the Chief Planning Officer recommending that the above application for the change of use from a three-storey building comprising flats to a House in Multiple Occupation (HMO) (19 units - 19 persons) (Sui Generis), a single storey extension to the rear, alterations to elevations and roof including conversion of existing lean to roof to hip roof to match existing roof 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.

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

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RESOLVED:

That the recommendation be not approved and the application be refused for the reason that the proposed development represents over development and an intensification of use that would be out of keeping with the predominantly residential character of the area.

## **159. DC/2023/01911 - SITE OF FORMER BOOTLE HIGH SCHOOL BROWNS LANE, NETHERTON**

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of 53 dwellings, construction of vehicular access, open space, landscaping, and associated infrastructure works 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 the completion of a Section 106 legal agreement to secure financial contributions to mitigate the impact of recreational pressure on the Sefton Coast, agree details of affordable housing, a travel plan and employment and skills plan.

## **160. DC/2024/00229 - 1 HARRIS DRIVE, BOOTLE**

Further to Minute No. 148 of 13 March 2024, the Committee considered the report of the Chief Planning Officer recommending that the above application for a Change of use from Class E to a drinking establishment (Sui Generis) with the provision of outdoor seating and live music be granted subject to the conditions and for the reasons stated or referred to in the report.

The Chief Planning Officer reported that, in accordance with the decision of the previous meeting, discussions had taken place with the applicant in an attempt to make the outside seating area a safer space for both customers using the outdoor space and pedestrians using the shopping parade. The applicant had submitted amended plans to show a revised layout of the seating area to be set away from the main entrance which would prevent pedestrians being forced to walk around the seating area closer to the junction and would allow them to freely move between the outside seating space and the main entrance. It was considered that this arrangement would help to improve the safety of pedestrians using the shopping parade.

Members discussed the proposed revisions to the outside seating area but continued to express concern in respect of highway safety issues in the area. Members discussed the possibility of the application operating without the outside seating area.



RESOLVED:

That consideration of the application be delegated to the Chief Planning Officer to enable the applicant to submit revised plans with the removal of the proposed outside seating area.

**161. PLANNING APPEALS REPORT**

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

Appellant	Proposal/Breach of Planning Control	Decision
Mr A. Ramsey	EN/2023/00275 (APP/M4320/C/23/3327621) – 5 Hillcrest Road Crosby Liverpool L23 9XS - appeal against enforcement notice regarding, without planning permission, the erection of a single storey extension to the rear of the dwellinghouse.	18/03/24 Quashed
	DC/2023/00700 (APP/M4320/W/23/3332483) – 12A Carlisle Road Birkdale Southport PR8 4DJ - appeal against refusal by the Council to grant Planning Permission for the 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	12/03/24 Withdrawn
Mr V. Luke	EN/2022/00597 (APP/M4320/C/23/3315793) – 79 Scarisbrick New Road Southport PR8 6LJ - appeal against enforcement notice regarding the unauthorised change of use of a residential dwellinghouse and outbuilding to commercial offices and for the storage and distribution of goods associated with the business operating from the property.	12/03/24 Allowed
Mr M. Agrimi	EN/2023/00135 (APP/M4320/C/23/3326344) – 38 Blundell Road Hightown Liverpool L38 9EQ - appeal against enforcement notice regarding, without planning permission, the installation of seven (7) no. air conditioning units to the side of the dwellinghouse	12/03/24 Dismissed

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Mr. S. Levene	DC/2022/01349 (APP/M4320/W/23/3326362) - Land to the rear of 10 Queens Road Southport PR9 9HN - appeal against refusal by the Council to grant Planning Permission for the erection of 3 No. dwellings with the construction of a new vehicular access fronting onto Hawkshead Street with associated parking and upgrading of 2 coach houses	04/03/24 Dismissed
Mr P Finnegan	DC/2023/01326 (APP/M4320/X/23/3332059) - 102 The Serpentine North Blundellsands L23 6TJ - appeal against refusal by the Council to grant a certificate of lawfulness for the proposed erection of a single storey garden room to the rear of the dwellinghouse.	04/03/24 Dismissed

RESOLVED:

That the report be noted.

## 162. 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 8 April 2024.

Application No.	Site
DC/2023/01911	Site of Former Bootle High School, Browns Lane, Netherton.
DC/2024/00004	9 Chesterfield Road, Crosby.
DC/2024/00147	18 Wills Avenue, Maghull.
DC/2024/00170	55 Kendal Drive, Maghull.
DC/2021/00924	Land off Bankfield Lane, Churchtown, Southport.

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:** 5<sup>th</sup> June 2024

**Subject:** [DC/2023/01041](#)  
[Land At Durants Cottages Melling Lane Maghull L31 3DG](#)

**Proposal:** Erection of 4 No. semi detached dwellings (plots 1, 2, 3 and 4) following the demolition of No's 1 and 2 Durants Cottages. Erection of 2 No. detached dwellings (plots 5 and 6) and erection of replacement dwelling following demolition of No. 4 Durants Cottages. Conversion and reinstatement of No. 4 Melling Lane including two storey extension to the rear to form a dwellinghouse. Creation of a communal garden, with a new access road from Melling Lane and associated car parking

**Applicant:** Mr Harry Foster      **Agent:** Philip Seddon Associates Ltd

**Ward:** Sudell Ward      **Type:** Full Application

**Reason for Committee Determination:** Petition endorsed by Cllr Hardman

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## Summary

Permission is sought for redevelopment of the existing residential site, consisting of the erection of seven dwellings, following the demolition of three existing properties. The property to the front of the site, 4 Melling Lane, would also be reinstated, with a two storey extension to the rear. The proposal would include the widening of the access road.

The site is designated as residential area, and the principle of the development is therefore accepted. The main issues to consider in respect of the application are design and character, impact on trees, amenity matters, highway safety, flooding and drainage and ecology issues.

It is considered that the proposal, subject to conditions, complies with the Maghull Neighbourhood Plan, the adopted Local Plan and, in the absence of any other material considerations, the application is recommended for approval subject to conditions.

**Recommendation:** [Approve with conditions](#)

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**Case Officer** Louise Everard

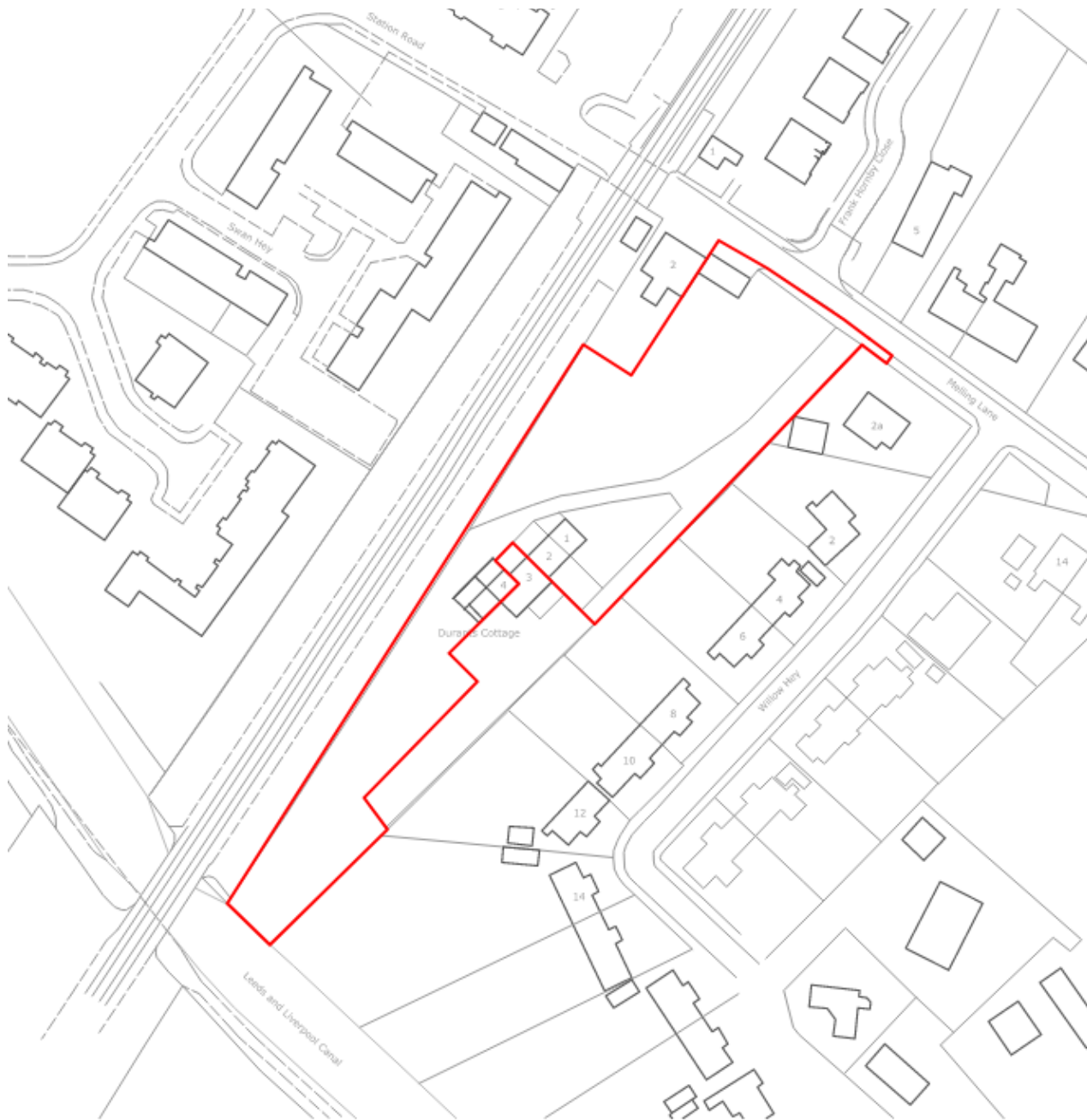
**Email** [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

**Telephone** 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RWAFQENW06E00>

Site Location Plan



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## The Site

The site address is land at Durants Cottages, Melling Lane, Maghull. The north west boundary of the site is adjacent to the railway, while the Leeds and Liverpool Canal runs along the rear of the site. On the opposite side of Melling Lane and to the southeast of the site there are existing residential dwellings.

There is currently a row of five terrace cottages accessed by an existing vehicular access point off Melling Lane. Two of the mid terrace houses are in separate ownership and do not form part of this application. The site also includes the existing residential dwelling, 4 Melling Lane.

The section of site between the existing row of dwellings and Melling Lane contains a dense covering of trees covered by a woodland Tree Preservation Order (TPO).

## History

S/1992/0209. Proposal: Erection of two detached two storey cottages, formation of a new vehicular and pedestrian access to Melling Lane and full refurbishment, conversion and extension to the side and rear of the existing two storey barn to form a new dwelling. Refused 6 October 1992

S/2010/0457. Proposal: Tree Preservation Order Consent to prune 8 trees on land to the rear and side of 2a Melling Lane (lies within TPO NO 243 Land adjacent to and south of 2 Melling Lane, Maghull). Approved 24 May 2001

S/2011/0257. Proposal: Tree Preservation Order Consent for remedial pruning works to multiple Sycamore, Birch and Chestnut trees (part of TPO73 &243) marked Site 6 on the plan. Approved 20 April 2011

## Consultations

### **Merseyside Environmental Advisory Service**

No objection subject to conditions

### **Highways Manager**

Raised concern over the proposal access arrangements. No objections to the internal layout and parking provisions.

### **Environmental Manager**

No objections subject to conditions

**Flooding & Drainage Manager**

No objection subject to condition on surface water drainage

**Canal And River Trust**

No objection subject to conditions for a risk assessment and method statement relating to the construction of foundation on plots 5&6, plus a Construction Environment Management Plan to ensure protection of the waterway during construction.

**Contaminated Land Team**

No objections subject to conditions

**Local Planning Manager**

No comments

**Conservation Manager**

No objections

**United Utilities**

No objection subject to condition

**Waste Disposal Team**

No objections to the layout and advised the site could continue to be served by the smaller refuse vehicle which currently accesses the site.

## Neighbour Representations

The neighbouring properties were notified on the 3/07/23 when the application was submitted and again on 7/11/23 when additional information was submitted. They were notified one final time on the current revision of the scheme on the 18/04/24.

As a result of this notification, 14 letters of objection were received from a total of 6 different addresses. The reasons for objections are summarised below.

Ecology/Trees

The loss of protected trees not justified

Further development on green space area not welcome

Knotweed on the site needs to be treated

The community garden would need to be properly maintained

Removal of trees/hedgerow would have an impact on wildlife

Protected trees previously lost in Maghull area

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Impact on roosting bats

## Design

Height of buildings and proposed design not in keeping

## Amenity

Overlooking to neighbouring properties

Electric gates will restrict access for parking at a neighbouring property

Affect levels of light to neighbouring properties

Proposed community garden will become a place for people to congregate, potential for anti social behaviour

## Highways/Access

Extra traffic at the junction will cause a hazard, particularly by the level crossing/Maghull Station

No details to ensure waste collection and deliveries will be possible within the site

Parking provisions not adequate

## Other matters

No pressing need for more housing

Surface water flows are incorrect

Developer has a history of being difficult and not finishing projects

The application claims part of someone else's land

Remaining cottages need all services maintained. Their structural integrity should not be threatened and cost of party wall or loss of rental should be covered by developer

On 27<sup>th</sup> July 23 a petition, with 129 signatures, was submitted objecting to the removal of trees protected by a woodland Tree Preservation Order. The application was called in to planning committee by Cllr Hardman on 9<sup>th</sup> November 2023, who also endorsed the petition.

An objection was received by Landor Planning Consultants on behalf of Maghull Town Council on 11<sup>th</sup> September 23. Their objections are summarised as:

- Access, servicing and highway safety
- Unacceptable tree loss
- Harm to non-designated heritage assets
- Negative impact on the character and appearance of the area
- Insufficient supporting information

## 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.

The Maghull Neighbourhood Plan was 'made' (i.e. adopted) on 24<sup>th</sup> January 2019 and carries full



weight in decision making.

## Assessment of the Proposal

### 1. The proposal

- 1.1 Permission is sought for the erection of a total of 7 dwellings, following the demolition of the existing three dwellings at the centre of the site, increasing the overall number of properties within the site by 4.
- 1.2 The proposal seeks to demolish the three terrace properties within the site, shown as 1,2 and 4 Durants Cottages, which are vacant and in poor state of repair. In place of 4 Durants Cottage a replacement three storey dwelling is proposed, with a similar footprint to the existing dwelling. A pair of 2-storey semi-detached dwellings with accommodation in the roof would be erected in a similar location to the current 1 and 2 Durants Cottages, with a further pair of semi-detached properties proposed further forward in the site. Two detached dwellings are proposed toward the rear of the site.
- 1.3 Finally, the development would also seek to refurbish and add a two-storey rear extension to the dwelling at the front of the site, 4 Melling Lane, which is currently vacant. A communal woodland would be created at the front of the site.

### 2. Principle of Development

- 2.1 The site is within the primarily residential area and so residential development would be acceptable in principle in line with policy HC3 'Residential Development and Primarily Residential Areas', subject to compliance with other Local Plan Policies.

### 3. Design and impact on the character of the area

- 3.1 Local Plan Policy EQ2 requires that new developments respond positively to the character, local distinctiveness and form of its surroundings. The site is linear in nature and the proposed dwellings will be set back a considerable distance from Melling Lane. They will also be significantly screened from Melling Lane by the existing trees and proposed replaced trees which front the site. There would be some views of the detached dwelling from the canal along the rear of the site.
- 3.2 The site is located within the Hall Lane character area as set out in the Maghull Town Council Residential Character Assessment, which forms part of the Maghull Neighbourhood Plan. In the assessment it states that this is one of the oldest parts of Maghull with a mixture of established and imposing Victorian Villas. However, the immediate surrounding area includes a mixture of property styles, including the relatively new housing development on the opposite side of Melling Lane.

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- 3.3 The development would consist of modern style dwellings. The semi-detached dwellings would be two storeys with dormer features in both the front and rear elevations. These properties echo the design of the dwellings on the opposite side of Melling Lane. The detached dwellings to the rear of the site would be two storey with pitched roof dormer in the front elevation and a gable feature in the rear creating a covered balcony area, within the second floor. This elevation would face the canal and is sufficiently detailed to provide visual interest towards the public area.
- 3.4 The dwelling proposed to replace 4 Durants Cottage would be three storeys in height, with a two storey and single storey element projecting to the side and front. The ridge height would link into the adjoining properties, nos 3/5. The layout and scale of this property is largely similar to the dwelling it would replace, with the exception of an increased width of the two-storey side element to create a master bedroom at second floor.
- 3.5 The extension to 4 Melling Cottage would be located to the rear of the dwelling and would respect the character of the property, as would the proposed alteration to the front to reinstate the dwelling.
- 3.6 Overall, the scale and design of the development are considered acceptable for the site. It would bring a mostly derelict site back into use and would respond positively to the character of the area. Therefore, it would comply with Policy MAG4 'Residential Character Areas' in the Maghull Neighbourhood Plan and Local Plan Policies EQ2 'Design' and HC3 'Primarily Residential Areas'.

## **4. Trees and Landscaping**

- 4.1 The site includes a large number of trees toward the front. The woodland within the site is covered by a Tree Preservation Order (TPO) which was first created in 1987 to protect the individual trees within the woodland. This was then updated in 2009 to protect all the trees within the woodland. The woodland comprises semi-mature and mature trees with a mix of species including mostly Sycamore, Horse Chestnut, Birch, Ash and Hawthorn. The development would result in the loss of a number of trees within the site and amendments have been made over the course of the application to limit the tree loss, including alterations to the access.
- 4.2 The latest revisions would involve the loss of 18 individual trees and part of G33 and G32 groups of trees, resulting in a total of 39 Trees. The Council's Tree Officer has advised that the trees proposed for removal are in poor form, with this section of the woodland suffering from little to no maintenance. The majority of the trees proposed for removal have been categorised within the arboriculture assessment as either category U, where the condition is such that any existing value would be lost within 10 years, or category C which denotes trees of low quality and value. There is also Japanese Knotweed present in this area of the site.

- 4.3 The current plans propose 28 replacement trees. However, to acceptably mitigate the loss, at least 11 additional trees are required, including a variety of scales, which could be accommodated within the site. The replacement planting would be focused within the woodland to the front of the site and in particular would boost the tree coverage on the eastern side of the woodland. This area of the woodland is currently more sparsely covered and the additional trees in this area would create an attractive frontage, as this section of woodland is more visible from Melling Lane, than the trees that would be lost in place of plot 1 and 2 which is set further into the site. The trees being retained also include those along the edge of the woodland, which are the most prominent along Melling Lane. A condition is therefore recommended to secure sufficient replacement planting.
- 4.4 A woodland management plan has also been submitted with the application which seeks to ensure the existing and replacement trees are maintained, securing the continuation of the woodland block for the long-term. Subject to this being updated to include the appropriate level of replacement trees, the woodland management would ensure the longevity of the woodland and retain the tree frontage of the site. It is therefore considered that the development would not conflict with the aims of Policy EQ9 with regards to trees and landscaping.

## **5. Residential Amenity**

### *5.1 Living Conditions of Future Occupiers*

- 5.2 The application is subject to Local Plan Policy HC3 and the accompanying guidance with the 'New Housing' Supplementary Planning Document (SPD). The proposed layout would achieve the minimum separation distances between all the new homes in line with the standards set out in the 'New Housing' SPD.
- 5.3 In relation to the proposed garden sizes, the Council's SPD requires that a minimum of 50sqm is provided for 2 bed homes and 60sqm minimum for the 3 and 4 bed houses. The garden sizes for all the dwellings would also accord with these guidelines.
- 5.4 The application was submitted with an accompanying noise assessment. The Council's Environmental Health Officer reviewed the proposal and concluded that subject to the mitigation measures set out within section 6.2.4 of the report, the internal noise levels of the properties would be acceptable. These measures could be secured by condition.
- 5.5 The noise report was not conclusive about the impact of noise from the railway on the garden of the properties adjoining the railway line (plots 1,2 and 5). The applicants were requested to provide noise predictions which included suitably designed acoustic barriers but did not submit any updated predictions. However, the Environmental Health Officer has noted that the inclusion of acoustic barriers may not provide any significant improvement on the current predictions and if that was the case the existing proposal would be acceptable

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without acoustic barriers. Therefore, as a precautionary approach a condition could be attached to secure acoustic barriers for the dwellings adjacent to the railway, unless revised modelling can be provided which demonstrates the acoustic barriers are not necessary.

5.6 Given the above, it is considered that the development would provide a good standard of living for future residents in accordance with Local Plan Policy HC3.

## 5.7 *Impact on surrounding properties*

5.8 The dwellings mostly likely to be affected by this proposal are those properties on Willow Hey, which back onto the site, as well as 3 and 5 Durants Cottage which would be retained and 2 Melling Lane at the front of the site. The proposed dwellings are all set at a sufficient distance from the existing surrounding dwellings, and meet the standards set out in the 'New Housing' SPD.

5.9 The semi-detached dwellings in plots 3 and 4 would be located to the side of 3/5 Durants Cottage and would have no significant impact in terms of outlook or overshadowing. The replacement of no.4 Durants Cottage would have a similar footprint to the existing building. The original proposal has been amended to step in the first and second floor, to ensure the building would not unduly affect the outlook or level of light experienced by the north west facing elevation of the adjoining property.

5.10 The extension to the rear of 4 Melling Lane, would be located to the side of the adjacent dwelling no.2 and would be set in approximately 5m from the shared boundary. Therefore, it would have no significant effect on the outlook or privacy and would not cause overshadowing of the adjacent dwelling.

5.11 Overall, the development would protect the living conditions of the surrounding residents, in accordance with Policy EQ2.

## 6. **Highway Safety**

6.1 The site is current accessed by a narrow access road with no footway. This existing arrangement serves the existing 5 dwellings within the centre of the site and also provides access to the parking to the rear of 2 and 4 Melling Lane.

6.2 The proposal is to widen the access road from 3m to 5.5m plus a 2m wide footway on the west side for the first half of its length and then reduce to a width of 4.5m without the footway for the remaining length. The Highways Manager accepts this but, as there are no existing physical constraints, suggests a footway should also be provided on the eastern side of the site access for at least 30m into the site.

- 6.3 Various revised layouts were considered in an attempt to accommodate the footway on both sides. However, this would have resulted in a greater loss of trees, some of which are highly prominent within the street scene and would have caused undue harm the character of the area. The site already contains dwellings and while a number are currently vacant, they could be reinstated without requiring permission. The development would result in a total of 4 additional dwellings.
- 6.4 While the Highways Manager is not satisfied with the proposed access, a balanced view has been taken that the proposed access arrangement is a significant improvement to the existing access arrangement which already serves 5 dwellings.
- 6.5 The footway would extend into the site as far as plot 3. After this point the access route would turn into a shared surface, which would serve the remaining 4 dwellings located towards the rear of the site. The shared surface for up to four dwellings is considered acceptable and would not raise a highway safety concern.
- 6.6 The layout and provision of parking spaces in relation of each dwelling accords with Sefton Council's Parking Standards. Each property would have access to a private garden area, where bicycles would be securely stored.
- 6.7 The site is currently served by a smaller refuse vehicle. The Waste Disposal Team have confirmed that this could continue following the completion of the development. Tracking details of the smaller vehicle have been provided to demonstrate it can manoeuvre within the site.
- 6.8 While the development would not provide a footway along both sides of the access, due to the constraints of the trees, the proposed access improves on the current arrangement. On balance it is considered that the scheme satisfies Policy EQ3 'Accessibility'.

## **7. Drainage**

- 7.1 The Local Lead Flood Authority have raised no objections to the proposal subject to a condition securing a sustainable drainage system, which would ensure the proposal complies with Local Policy EQ8 Flood Risk and Surface water.

## **8. Ecology**

- 8.1 The application was supported by a bat survey report, which has been reviewed by Merseyside Environmental Advisory Service (MEAS). Bat roosts were found in one of the buildings and therefore a licence will be required by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 to authorise the development. This can be secured by condition, as well as a lighting scheme for external lights to protect the adjacent habitats from excessive light spillage.

# Agenda Item 4a

8.2 A number of invasive species (Japanese Knotweed, Variegated Yellow Archangel, Montbretia and Rhododendron) have been identified within the site. A method statement would be required to demonstrate how the invasive species would be dealt with. This could be secured via condition. Further conditions have also been requested by MEAS to ensure appropriate Reasonable Avoidance Measures are undertaken during the construction in relation to amphibians, reptiles and hedgehogs, as well as matters to do with vegetation removal and mitigation measures for bats and birds. Subject to the appropriate conditions the development would comply with Local Plan Policy NH2 'Nature'.

## **9. Contaminated Land**

9.1 The site is likely to include Made Ground deposits associated with the historical buildings and their subsequent demolition, and there is the potential for contamination if any part of the site has been used for any purpose associated with the adjacent railway. Due to the sensitivity of the proposed residential development and the potential for the land to be affected by contamination, a suite of contamination conditions is required to ensure appropriate assessment and remediation of the site is carried out. Subject to conditions the development would comply with Local Plan Policy EQ6 'Contaminated Land'.

## **10. Non-designated Heritage Assets**

10.1 The land at Durants Cottages is near several Non-designated Heritage Assets which lie outside the site. These include the Milepost on the opposite side of the canal, the railway bridge and 7 & 9 Melling Lane, on the opposite side of the road from the application site. The Council's Conservation Officer has confirmed that the development will not cause any harm to the Non-designated Heritage Assets or their settings and the proposal complies with Local Plan policies NH9 'Heritage Assets' and NH15 'Non-designated Heritage Assets'.

## **11. Other Matters**

11.1 Objections received refer to the development claiming part of someone else's land in relation to plot 1. A plan showing the deed plan overlaid with a topographical survey was supplied to demonstrate the boundary line as shown on the current application and the agent has advised the correct ownership certificate has been signed. There is no evidence to suggest the contrary. Any land disputes would be a civil matter between parties and would not constitute a material planning matter.

11.2 Any party wall agreement or structural impacts of adjoining properties would be covered under separate legislation and also are not a material planning matter. An informative is recommended to remind the applicant of their obligations under the Party Wall Act 1996.

## 12. Equality Act Consideration

12.1 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.

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.

## 13. **Planning Balance and Conclusion**

13.1 The site is designated as primarily residential within the Sefton Local Plan and therefore the principle of the development is acceptable.

13.2 The development would result in the loss of some of the TPO Woodland, however these trees have been noted to be of poor-quality, and the woodland has benefitted from very little maintenance. Adequate replacement planting could be secured within the site and a woodland management plan would be used to ensure the longevity of the woodland.

13.3 The layout and scale of the development is acceptable within the site. It would provide good quality living conditions for future residents and would not cause significant harm to the amenity of the surrounding residents. With appropriate conditions to secure replacement planting, it is considered that the development would not cause harm to the overall character of the area.

13.4 The proposal would fail to provide a footway along both sides of the access road; however, it would provide a widened access road and a designated footway along the western side, plus a further pedestrian access would be provided into the site through the woodland area. It is considered the proposal would significantly improve the existing substandard arrangement, which already serves 5 dwellings and therefore on balance it is considered acceptable.

13.5 All other matters relating to drainage, ecology and contaminated land can be satisfied by condition.

# Agenda Item 4a

13.6 Overall, it is considered that the proposal complies with the Maghull Neighbourhood Plan, adopted Local Plan and guidance and therefore is recommended for approval subject to conditions.

## Recommendation - Approve with conditions

### Time Limit for Commencement

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

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

### Approved Plans

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

1552/08H - Site Plan as Proposed

1552/09 -No.4 Melling Lane Plans and Elevations as Proposed

1552/13B - Plot 5 &6 Plans and Elevations as Proposed

1552/14 A - Plots 1,2,3 &4 Plans and Elevations as Proposed

1552/15C - No.4 Durrant's Cottage Plans and Elevations as Proposed

1552/17D - Proposed Access from Melling Lane

Howell Acoustics Pace Homes Ltd. NOISE ASSESSMENT Project No. HA141. REF. HA141.  
Report No. R01. DATE: 31/07/2023.

Arboricultural Implications Assessment - Ref: TRE/DCML, Date: 4 April 2024

Arboricultural Method Statement - Ref: TRE/DCML, Date 4 April 2024

Reason: For the avoidance of doubt.

### Before the Development is Commenced

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



If the Preliminary Risk Assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a competent person (as defined in the National Planning Policy Framework, December 2023). The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority.

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

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

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

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

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

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

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- 6) No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority in conjunction with the Lead Local Flood Authority. Those details shall include:
- i. all components of the surface water drainage system including watercourses including:
    - (a) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;*
    - (b) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);*
    - (c) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;*
    - (d) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and*
    - (e) Foul and surface water shall drain on separate systems.*
  - ii. a timetable for its implementation,
  - iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout the lifetime of the development.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

Thereafter the surface water sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure satisfactory management and maintenance of the approved surface water drainage facilities is provided for the site for the lifetime of the development in accordance with the National Planning Policy Framework, Paragraph 103 and Policy EQ8 of the Local Plan.

- 7) No development shall commence until a method statement showing the extent of Japanese Knotweed, Variegated Yellow Archangel, Montbretia and Rhododendron and a scheme for its eradication from the site has been submitted to and approved in writing by the local planning authority. The method statement shall include:-
- i. A plan showing the extent of the invasive species,
  - ii. what methods of eradication will be used to prevent the plant spreading further,

- including demarcation,
- ii. what methods of eradication will be used and how the plants will be disposed of after treatment/removal,
- iv. a timetable for its implementation; and,
- v. details of ongoing monitoring.

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

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

- 8) No development shall commence, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period and shall cover the usual matters, including hours of work, dust management and a scheme of piling methodology, which provides justification for the method chosen, plus details of noise and vibration-suppression methods, plus the following details:

Details in relation to the Canal :

- A plan showing the areas of storage of plant, fuel/chemicals and materials used in constructing the development;
- Include the steps to be taken to prevent the discharge of silt-laden run-off, construction site drainage, materials or dust or any accidental spillages entering the waterway;
- Details of the environmental pollution incident emergency response;
- Details of the location of temporary stockpiles and the covering of these;
- Details specifying how the inlet to culvert 53 and waterway corridor would be protected during the works and include any details of proposed protective fencing/netting with silt barrier to be erected to safeguard the waterway infrastructure during site clearance/construction.

Reasonable avoidance measures in relation to Amphibians and Reptiles :

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

# Agenda Item 4a

- Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians or reptiles.

Reasonable avoidance measures in relation to Hedgehogs

A pre-commencement check for hedgehog;

- All trenches and excavations should have a means of escape (e.g. a ramp);
- Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- Appropriate storage of materials to ensure that mammals do not use them.

Measures to check for the presence of nesting/roosting birds by a Licensed Barn Owl worker prior to commencement of works.

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

- 9) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must include a programme of works, days and hours of working, a site layout during the construction phase, methods for traffic management and full details of the proposed measures to ensure that mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance. The provisions of the approved Construction Traffic Management Plan shall be implemented in full during the period of construction.

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

- 10) Works will not commence unless the local planning authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead or evidence that the application site has been registered under the bat mitigation class licence (CL21).

Reason: To safeguard conservation of species/habitats.

- 11) The development shall not commence until a woodland management plan has been submitted and approved in writing by the Local Planning Authority. The Woodland management plan shall in detail show how the woodland copse will be actively managed over a minimum of 30 years, to ensure the biodiversity of the area.

Reason: To appropriately manage landscaping enhancements on site.

## During Building Works

- 12) In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by condition 19.

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

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

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

- 14) No development shall commence above slab level until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- The provision of the site access and widening of the existing footway to 2.0m from east to west boundaries of the site including possible relocation of a lamp column and other street furniture
- The provision of dropped kerbs and tactile paving on both sides of the site access

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

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

- 15) No development shall take place within 15m of the canal unless a Risk Assessment and Method Statement (RAMS) outlining the construction of foundations of the buildings on plots 5 and 6 and construction works in proximity to the canal have first been submitted to and approved in writing by the Local Planning Authority. The details shall include:

# Agenda Item 4a

- The design, depth and means of construction of the foundations of the new buildings on plots 5 and 6 (including cross sections with relative levels and distance/offset in relation to the canal), together with any other proposed earth moving and excavation works required in connection with the development;
- Detail measures that will be taken to protect the canal and to limit any vibrations from any works on the site that could impact the canal structure during construction;
- Detail the location of stockpiles and construction equipment on site; and
- Include details of any protective fencing to be erected to safeguard the waterway infrastructure during construction from vehicles tracking too close to the canal and to prevent the storage of materials within 5m of the canal edge;

The development shall thereafter be carried out in strict accordance with the agreed Risk Assessment and Method Statement.

Reason: In the interests of safeguarding the stability of land adjacent to the canal in accordance with the aims of paragraphs 180(e) of the National Planning Policy Framework.

- 16) Prior to the erection of any external lighting, a light mitigation strategy, including measures to reduce light spillage onto foraging and commuting habitats for bats, shall be submitted to and approved in writing by the local planning authority. The approved lighting shall be implemented in accordance with the approved scheme and thereafter retained in perpetuity.

Reason: To safeguard existing habitats.

- 17) The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the dusk survey report (Tyrer Ecological Consultants Ltd, September 2023) which details the methods for maintaining the conservation status of common pipistrelle, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

Reason: To safeguard conservation of species/habitats.

- 18) No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations shall take place during the period 1st March to 31st August inclusive.

Reason: To protect birds during their breeding season.

## **Before the Development is Occupied**

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

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

- 20) No dwelling shall be occupied until the access road shown on plan 1552/08G has been constructed to the base course level to enable access to the dwelling(s).

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

- 21) No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling for cars to be parked, in accordance with Drawing No.1552/08G and that space shall thereafter be kept available for the parking of vehicles in perpetuity.

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

- 22) Prior to the occupation of the dwellings, the noise measures outlined in section 6.2.4 of Howell Acoustics - Pace Homes Ltd. NOISE ASSESSMENT Proposed Residential Development: Durrants Cottages, Melling lane, Maghull, L31 3DG. Project No. HA141. REF. HA141. Report No. R01. Date:31/07/2023 shall be installed and retained thereafter.

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

- 23) Prior to the occupation of the development hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority.

The boundary treatments for the gardens adjacent to the railway line shall be suitably designed acoustic barriers, unless updated noise modelling showing acoustic boundaries are provided and demonstrate that the acoustic boundaries would not provide any significant improvement on the current predictions as stated in the Howell Acoustics Pace Homes Ltd. Noise Assessment Project No. HA141. REF. HA141. Report No. R01. DATE: 31/07/2023.

Where acoustic fencing is not required, a gap of 13cm x 13cm shall be shown within the base of each length of boundary fencing serving the respective plot in order to maintain connectivity for hedgehogs.

The boundary treatment shall be completed as approved before the dwellings are occupied.

Reason: To ensure an acceptable visual appearance to the development, to ensure that the privacy of neighbouring occupiers/land users is retained at all times, to ensure acceptable living conditions

# Agenda Item 4a

for future residents and to protect species.



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

Reason: To safeguard conservation of species/habitats.

- 25) Before the development hereby permitted is first occupied, the first floor windows in the north facing side elevation of plot 1 and first and second floor windows in the east facing side elevation of plot 6 shall be fitted with obscured glazing to a specification of no less than level 3 of the Pilkington Glass Scale and any part of the window[s] that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

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

- 26) Prior to occupation of any dwelling, a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including:

- Details of soft landscaping and hard surfaces
- The location, size and species of all trees to be planted
- The location, size, species and density of all shrub and ground cover planting
- A schedule of implementation.

Reason: To ensure an acceptable visual appearance to the development and in the interest of conservation.

## **Ongoing Conditions**

- 27) Within the first planting/seeding season following completion of the development, all planting, seeding or turfing comprised in the approved details of the woodland management plan, covered by condition 11 and the landscaping covered by condition 26 shall be carried out.

Any trees or plants, outside of the woodland area, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The trees within the woodland management plan, shall be managed over the 30 years plan as per the approved management plans.

# Agenda Item 4a

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

## Notes to Applicant

### Highways

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail [snn@sefton.gov.uk](mailto:snn@sefton.gov.uk) to apply for a street name/property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at [HDD.Enquiries@sefton.gov.uk](mailto:HDD.Enquiries@sefton.gov.uk) for further information.

### Piling

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

Pressed-in methods, e.g., Hydraulic jacking.

Auger / bored piling

Diaphragm Walling

Vibratory piling or vibro-replacement

Driven piling or dynamic consolidation

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

### Fire safety

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

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

### Housing

Housing developments with units of detached or semi-detached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant.

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

## Canal and River Trust

- 5) The applicant/developer is advised to contact the Canal and River Trust Infrastructure Services Team on 01782 779909 or email Enquiries. [TPWNorth@canalrivertrust.org.uk](mailto:TPWNorth@canalrivertrust.org.uk) in order to ensure that and necessary consents are obtained and that the works comply with the Canal and River Trust "Code of Practice for Works affecting the Canal and River Trust" to ensure the waterways are protected and safeguarded.
- 6) The applicant/developer is advised to contact the Canal and River Trust Utilities team at the [utilitiesenquiry@canalrivertrust.org.uk](mailto:utilitiesenquiry@canalrivertrust.org.uk) to discuss the acceptability of discharging surface water from the site to the adjacent canal in order to ensure that and necessary consents are obtained. Please be advised that the Trust is not a land drainage authority, and such discharges are not granted as of right- where they are granted, they will usually be subject to completion of a commercial agreement.

## Party Wall Act

- 7) The applicant is reminded of their obligations under the Party Wall Act 1996.

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**Report of:** CHIEF PLANNING OFFICER      Derek McKenzie

**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 5<sup>th</sup> June 2024

**Subject:** [DC/2024/00627](#)  
[101 South Road, Waterloo, L22 0LT](#)

**Proposal:** Retention of ground floor class E use at front of premises; change of use of the rear part of the ground floor and the whole of the 1st and 2nd floors to form a 6 bedroom (6 person) HMO; removal of flat roof above rear yard to create outdoor amenity space; refuse storage for both the Class E Unit and HMO, cycle storage in basement, with minor external alterations to windows and doors

**Applicant:** Carolyne n/a      **Agent:** Mr Richard Gee  
Harold Jones Ltd      Roman Summer Associates Ltd

**Ward:** Church Ward      **Type:** Full Application

**Reason for Committee Determination: Called in by Cllr Cummins**

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## Summary

Permission is sought to convert part of the building into a 6 bedroom House of Multiple Occupation (HMO), including an area for outdoor amenity to the rear. The main issues considered are the principle of the development, amenity matters, design and highway safety.

The internal layout would be acceptable, with all the rooms exceeding the sizes recommended in the Council's guidance. The proposal falls short of the recommended outdoor amenity space. However, given the applicant already has permission, granted at appeal, for a 5 bed HMO with no outdoor amenity space, it is considered that the shortfall is offset by the provision of both the outdoor space and improved communal rooms when compared to the 5 bed scheme.

On balance it is considered that the development would provide acceptable living accommodation and it is therefore recommended for approval.

## Recommendation: Approve with conditions

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

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SBMBO8NWJZE00>

# Agenda Item 5a

## Site Location Plan



Sefton Council



Reference: Map reference  
Date: 23/05/2024  
Scale: Scale: 1:1250  
Created by: Initials

## The Site

The application site is located on the corner of South Road and Neville Road. The end property is three storeys in height, with an existing basement. The site is located within Waterloo District Centre.

## History

DC/2024/00288 Retention of ground floor class E use at front of premises; change of use of the rear part of the ground floor and all of the 1st and 2nd floors to form a 7 bedroom (7 person) House of Multiple Occupancy (Sui Generis); removal of flat roof above rear yard to create amenity space; bin refuse and cycle storage and associated external alterations.

Refused 5<sup>th</sup> April 2024

DC/2024/00287 Retention of ground floor class E use at front of premises; change of use of the rear part of the ground floor and all of the 1st and 2nd floors to form a 8 bedroom (8 person) House of Multiple Occupancy (Sui Generis); removal of flat roof above rear yard to create amenity space; bin refuse, cycle storage and associated external alterations.

Refused 5<sup>th</sup> April 2024.

DC/2023/00828 Change of use of the first and second floors only from a Bank (Class E) to an 8 bed roomed 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)

Refused 17<sup>th</sup> July 2023

Appeal dismissed 16<sup>th</sup> January 2024

DC/2023/00401 Change of use of the 1st and 2nd floors only from a Bank (Class E) to an 8 bed roomed 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.

Refused 4<sup>th</sup> May 2023

Appeal dismissed 16<sup>th</sup> January 2024

DC/2022/01947 Change of use of the rear part of the ground floor, first and second floors only from a Bank (Class E) to a 9 bed House in Multiple Occupation (HMO) (Sui Generis) including the erection of a deck extension to the rear, removal of part of the roof to form a rooftop amenity space with associated parapet wall and handrail, refuse and cycle storage to the rear, replacement windows and reinstatement of the original entrance door to the side of the property.

Refused 22<sup>nd</sup> November 2022

DC/2022/01875 Change of use of 1st and 2nd floors from bank (Class E) to an 8-bedroom HMO (Sui Generis), with a rear deck extension to provide amenity space (Alternative to DC/2022/01361

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refused 26/08/2022)

Refused 18<sup>th</sup> November 2022

DC/2022/01407 Prior notification application for the change of use of part of first floor and second floor of former bank (Class E) to 2 no. dwellings (apartments) (C3), use of existing basement for cycle storage and existing rear space for bin storage.

Refused 31<sup>st</sup> August 2022

DC/2022/01399 Change of use of 1st and 2nd floors from bank (E) to a 5-bedroom HMO (Class C4), with a rear deck extension to provide amenity space.

Refused 26<sup>th</sup> August 2022

Appeal dismissed 2<sup>nd</sup> March 2023

DC/2022/01361 Change of use of 1st and 2nd floors from bank (Class E) to an 8-bedroom HMO (Sui Generis), with a rear deck extension to provide amenity space.

Refused 26<sup>th</sup> August 2022

Appeal dismissed 2<sup>nd</sup> March 2023

DC/2022/01358 Retention of ground floor use (Class E), Change of use of 1st and 2nd floors of former bank (e) to form a 5 No. bedroom House of Multiple Occupancy (HMO) with associated refuse and cycle storage in rear yard (with flat roof extension).

Refused 26<sup>th</sup> August 2022

Appeal Allowed 2<sup>nd</sup> March 2023

DC/2022/00857 Prior notification application for the change of use from a bank (Class E) to 6 self-contained flats.

Decision: Prior Approval required and approved 9<sup>th</sup> June 2022



## Consultations

### Environmental Health Manager

No objection subject to condition

### Highways Manager

No objection subject to condition on cycle parking

## Neighbour Representations

Following the notification period, one letter of objection was received from a local resident. The issues raised are summarised below.

- Insufficient outdoor amenity space
- The appeal case was determined under previous guidance and is not comparable
- The outdoor space and bin storage would cause disturbance to the surrounding dwellings
- Area afforded to the commercial (Class E) unit would have to contract further

## Policy Context

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

## Assessment of the Proposal

### 1. The proposal

- 1.1 The application proposes to change the use of part of the ground floor, plus the 1<sup>st</sup> and 2<sup>nd</sup> floor to form a 6 bedroom House of Multiple Occupancy (HMO). The scheme includes the removal of a flat roof above the rear yard to create an area to be used as outdoor amenity space. Bins would be stored at ground floor and cycle storage would be provided within the basement. The front of the premises at ground floor would be retained as Class E, which includes commercial, business and service uses.
- 1.2 The site has a complex history with 9 previous applications seeking permission to change the use of the property to an HMO with various layouts, bedroom numbers and outdoor amenity provision, all of which have been refused by the Council. Five of these decisions have been

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appealed by the applicant, four of which were dismissed and one was allowed. The one application to be allowed proposed a five bed HMO, with no outdoor amenity space. The outcomes of these decisions will be considered in the assessment below, where relevant.

- 1.3 The main issues to consider are the principle of the development, living conditions of future occupiers including outdoor amenity space, impact on neighbouring properties and highway safety.

## **2. Principle of development**

- 2.1 The proposal is located in Waterloo District Centre where the principle of flats/HMO's above commercial premises is acceptable.
- 2.2 The change of use would involve the conversion of a section of the rear ground floor to accommodate the kitchen and bin storage area for the HMO. The front section, approximately 58m<sup>2</sup>, plus a further 30m<sup>2</sup> in the basement, would be retained for use under Class E. There is no policy requirement in terms of floor space for commercial units and the proposal would still retain the commercial frontage onto South Road. The layout includes provision for bin storage to the rear of the building for the commercial unit and there is no reason to think the unit could not continue to function for commercial purposes. Therefore, it is not anticipated that the change of use of the ground floor section would have any significant effect on the overall vitality and viability of the Waterloo District Centre and would accord with Policy ED2 'Retail, Leisure and other Town Centre Uses'.

## **3. Living conditions of Future Occupiers**

- 3.1 Policy HC4 (House Extensions, Houses in Multiple Occupation and Flats) among other things, requires developments involving HMO's to not cause significant harm to the living conditions for either the occupiers of the properties or neighbouring properties. The Council's Supplementary Planning Document on the 'Conversions of Flats and Houses in Multiple Occupation' provides further detail on the standards recommended to achieve acceptable living conditions.
- 3.2 The proposed layout includes 3 bedrooms to the first floor and 3 within the second floor. They would all benefit from en-suite facilities. One bedroom within the second would also include a mezzanine level within the roof space to serve as a study area. In terms of communal rooms, the ground floor would include a kitchen/dining room, the first floor would have a lounge room and the second floor would include a second kitchen, plus a further lounge/dining room.

### Bedrooms

- 3.3 In relation to the size of the bedrooms, the Flats and Houses in Multiple Occupation SPD sets minimum recommended sizes based on different scenarios. Of relevance, a single bedroom which has access to communal living room/lounge area and does not include integral kitchen

facilities is recommended to be a minimum of 10m<sup>2</sup>. A footnote adds that these areas can include en-suite bathrooms, toilets or shower rooms providing the bedroom living space does not fall more than 3m<sup>2</sup> below the recommended standard and the main room size is no less than 8.5m<sup>2</sup> in any case.

- 3.4 Five of the bedrooms range between 15.1 and 16.1m<sup>2</sup>, not including the ensuites. The bedroom on the second floor, with an additional mezzanine study area is approximately 25.2m<sup>2</sup>. All the rooms are indicated to be single rooms. There would be access to a communal dining and lounge room at second floor and therefore the recommended minimum for the single room would be 10m<sup>2</sup>. All the bedrooms exceed the recommended standards in the SPD.
- 3.5 All rooms have a window so there is a reasonable outlook and level of light afforded to each habitable room.

## Shared Facilities

- 3.6 With regards to shared facilities the SPD Flats and house in multiple occupation also advises on minimum standards for these areas as follows:

*4.2 The table below sets out the minimum size of the communal rooms if these are provided.*

Separate Kitchen	7m <sup>2</sup>
Lounge or Dining Room	11m <sup>2</sup>
Multi use communal area (e.g. kitchen/dining room or kitchen/lounge)	14m <sup>2</sup>

- 3.7 It also advises that shared kitchens should be no more than one floor up or down from the bedsit unit they are intended for unless they include a dining area.
- 3.8 The kitchen/dining room at the ground floor level measures 14 m<sup>2</sup> and the plans indicate a dining table suitable for four people. The lounge at first floor measures 15.1m<sup>2</sup> and at second floor a further separate kitchen measuring 7.5m<sup>2</sup> would be provided, alongside a lounge/dining room measuring 15.6m<sup>2</sup>. The rooms all meet the minimum recommended size and are appropriately located to ensure rooms at all levels have access to the facilities.

## Outdoor Amenity Space

- 3.9 The proposal is for 6 single bedrooms and to accord with the SPD's standard of 10m<sup>2</sup> per resident, the total outdoor amenity space should be 60m<sup>2</sup>. The SPD expects all measures to be taken to provide the minimum amenity space requirement and advises '*if the required amount of amenity space cannot be met the Council would expect the applicant to reduce the number of occupants expected to be accommodated*'.

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3.10 The proposal seeks to remove the flat roof over the rear yard to provide an area of outdoor amenity space. This would offer an area of 27m<sup>2</sup> and would include some planting and two benches. While this area is below the guidance, effort has been made within the layout to provide outdoor space as required by the SPD. The new SPD on Flats and HMOs (adopted in May 2023) has introduced Appendix B which contains a flow chart to be used to identify exceptional circumstances in which lower amounts of outdoor amenity space may be accepted. The development does not represent exceptional circumstances in accordance with Appendix B and therefore the level of outdoor amenity space is still considered unacceptable when assessed against the SPD.

3.11 Consideration needs to be had for the previous schemes which were appealed, particularly the 5 bed HMO which was allowed at appeal. The allowed scheme represents a 'fallback position' and is a material consideration in assessing the current application. The allowed scheme for 5 bedrooms was assessed on the basis of location and context. The bedrooms ranged from 16.1 to 38.1m<sup>2</sup>, with two providing over 30m<sup>2</sup>. The proposal included a kitchen at first floor and a further shared lounge/dining room for socialising on the second floor, with the communal areas amounting to approximately 34.1m<sup>2</sup>. The inspector gave significant weight to the quantity of the internal accommodation provided in the private rooms and communal spaces, which was balanced against the lack of outdoor amenity space.

3.12 Taking an average of the space available per resident, the table below compares the space on offer between the current 6 bed proposal and the fallback position of the 5 bed scheme.

	6 Bed Scheme		5 Bed Scheme allowed at appeal	
		Averaged per resident		Average per resident
Indoor Communal Area	52.2 m <sup>2</sup>	8.7m <sup>2</sup>	34.1m <sup>2</sup>	6.82m <sup>2</sup>
Total Communal Area (Including outdoor space)	79.2m <sup>2</sup>	13.2m <sup>2</sup>	34.1m <sup>2</sup>	6.82m <sup>2</sup>
Total Bedroom Area	102.2m <sup>2</sup>	17m <sup>2</sup>	125m <sup>2</sup>	25m <sup>2</sup>
Total Area	181.4m <sup>2</sup>	30.2m <sup>2</sup>	159.1m <sup>2</sup>	31.8m <sup>2</sup>

3.13 The comparison shows that the current scheme offers a greater provision of indoor communal space than the fallback position. The provision is further increased when the outdoor amenity space is also accounted for. The average bedroom space of the current scheme would be

below that of the fallback scheme, however the figures in the fallback scheme are bolstered by 2 large bedrooms (in excess of 32m<sup>2</sup>) which would only be available to 2 residents and would not benefit the other 3 occupants. The bedroom sizes within the current scheme still meet and exceed the recommended rooms sizes by a reasonable degree. The average of the total space available is slightly below the appeal scheme.

- 3.14 Previous applications DC/2022/01361 and DC/2022/01399 for 8 and 5 bed HMO's both proposed extensions to the rear to create outdoor amenity space at two levels. The proposed outdoor amenity space fell short of the SPD requirement and subsequently were refused and appealed. The inspector felt that the shortfall would not result in unacceptable living conditions. However, the overall quality of the proposal needed to be assessed holistically and the absence of shared rooms to live, eat and socialise were identified as a significant negative factor. The inspector concluded *'that notwithstanding the conclusion on the acceptability of the external amenity space, when the significant deficit is taken together with the deficit in terms of room size and absence of access to internal lounge/dinning space'*, the proposals were concluded to provide inadequate living conditions and the appeals dismissed.
- 3.15 A further two refused applications (DC/2023/00401 and DC/2023/00828), both 8 bed schemes with no outdoor amenity space, were dismissed at appeal. The inspector agreed that the lack of any outdoor amenity space would fail to provide acceptable living conditions. The bedrooms in these applications only just met the recommended sizes and the layouts have very limited space in terms of communal rooms.
- 3.16 It is acknowledged that the development would not meet the recommended standards in relation to outdoor amenity space. However, the provision of the 27m<sup>2</sup> would be an improvement over the fallback position for 5 bedrooms, which would provide none. The overall level of accommodation would be comparable to the fallback position but it would provide an improved balance of space across all of the 6 bedrooms. The scheme would also provide a greater quantity of indoor communal space, spread across all three levels, making it more accessible. Therefore, on balance it is considered that the proposed 6 bedroom layout would offer a comparable level of accommodation to the fallback position for a 5 bed HMO. The shortfall of the outdoor amenity space in the current scheme would be offset by the improved offering of both the outdoor space and the indoor communal rooms.
- 3.17 Taking a holistic view of the accommodation offered, while having regards to the existing fallback position, it is considered that the development would provide acceptable living accommodation, in accordance with Local Plan Policy HC4 (House Extensions, Houses in Multiple Occupation and Flats).

## Noise

- 3.18 The current application has not been supported by a noise assessment however the Council's Environmental Health Manager has reviewed the scheme. He notes that the previous appeal case included a condition requiring the submission of a noise report to ensure adequate

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protection of the prospective occupiers of the HMO from noise from the retained ground floor commercial use, the adjoining commercial use and also where necessary from noise transfer between rooms within the HMO area of the development. Similarly, these details could be secured by condition to ensure noise levels would be acceptable.

- 3.19 Despite the absence of a noise assessment, the proposed elevation drawings specify the glazing and acoustic trickle ventilation requirements for the façade habitable room windows/frames in the details on the respective drawings, which are acceptable and would be considered necessary to ensure suitable living conditions for future residents.
- 3.20 In conclusion, the proposed development would exceed the recommend rooms sizes as outlined in the Flats and House in Multiple Occupation SPD. The outdoor amenity space provision is below the recommended amount. However, taking into account the fallback position, the proposal would offer an improved level of communal space, including the outdoor amenity space and the communal rooms. On this basis it is considered that the development would provide acceptable living accommodation, in accordance with Local Policy HC4.

## **4. Impact on neighbouring properties**

- 4.1 The application site is located on the corner of South Road and Neville Road and is within a row of commercial terraced properties.
- 4.2 To the rear of the site, separated by an alleyway, is No 3 Neville Road which is a residential property. The outdoor amenity space would sit parallel with the side elevation of No.3, which has no opening in the end wall. The outdoor amenity area would be screened by the existing boundary wall and it is not considered its use would have any significant affects in terms of noise or disturbance to the dwelling to the rear.
- 4.3 The development would not introduce any new windows and it is not considered the change of use of the building would adversely impact the living conditions of any of the surrounding properties. As such the complies with Policies EQ2 (Design) and HC4.

## 5. Highway Safety

- 5.1 The Highways Manager has reviewed the scheme and advised that the proposal is not significantly different in highways terms from the previously refusal, to which there were no highways safety concerns. The refuse storage will remain on the ground floor as in the refused application, but the cycle storage is now proposed within the basement. The proposal is acceptable in highways terms subject to the condition to secure the cycle parking. and complies with Policy EQ3 on accessibility.

## 6. Bin Stores

- 6.1 The proposal would include two separate areas for the storage of bins towards the rear of the building. One would store the communal bins for the HMO and the second would serve the remaining Class E business. The layout would provide adequate storage for the bins, within a suitable location for ease of collection and would be well screened. The waste provision would accord with the recommendation within the Flats and Houses in Multiple Occupation SPD.

## 7. Planning Balance and Conclusion

- 7.1 In terms of living conditions, the internal layout ensures that all the rooms exceed the sizes recommended in the Council's guidance. The outdoor amenity space would fall short of the recommended standards. However, efforts have been made to ensure some outdoor space is provided, with the removal of the existing single storey extension at the rear.
- 7.2 The fallback position of the 5 bedroom scheme, allowed at appeal, is also a material consideration. The current scheme to include 27m<sup>2</sup> of outdoor space would be a positive addition and improve the fallback position, which included no outdoor amenity space. The scheme would also provide more indoor communal space, spread across all three levels, making it more accessible. Furthermore, the overall level of accommodation would be more evenly spread across the 6 bedrooms.
- 7.3 When considered in the context of the existing fallback position available at the site, it is felt that the shortfall of the outdoor amenity space in the current scheme is offset by the provision of the outdoor space and more spacious indoor communal rooms, when compared to the development allowed at appeal. It is therefore considered that, on balance, the development would provide acceptable living accommodation, in accordance with Local Policy HC4.
- 7.4 The proposal would not cause undue harm to the character of the area, amenity of surrounding properties or raise any highway safety concerns.
- 7.5 On balance it is considered that the proposal is acceptable and is therefore recommended for approval subject to conditions.

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## 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 rooms within the HMO would not be accessible by wheelchair users. However, this is not a requirement within any of the relevant policies or the Conversion to Flats and Houses in Multiple Occupation SPD and therefore is considered acceptable.

## Recommendation - Approve with Conditions

### Time Limit for Commencement

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

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

### Approved Plans

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

- 131 PLN I 03A - Location Plan
- 131 PLN L 19C - Proposed Site Plan
- 131 PLN 3 26F - Proposed Elevation 2 of 2
- 131 PLN E 27 - Proposed Elevations 1 of 2
- 131 PLN P 31 - Proposed Plans

Reason: For the avoidance of doubt.



## Before the Development is Commenced

3) No development shall commence until a noise report has been submitted to and agreed in writing by the local planning authority. The report shall show the enhancement of all walls and ceilings within the application site by a minimum of 10db above the standard within table 0.1a of Approved Document E of the Building Regulations. The requirements and recommendations of the report shall be implemented on site prior to the occupation of the HMO and thereafter retained as such.

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

## Before the Development is Occupied

4) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details shown on drawing number 131 PLN P 31-'Proposed Plans' and they shall be retained in perpetuity thereafter.

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

5) Prior to the development hereby approved being occupied, the secure refuse store shown on drawing number 131 PLN P 31-'Proposed Plans' shall be installed and made available for use. The facilities shall be retained thereafter for the lifetime of the development.

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

6) Prior to the occupation of the development hereby permitted, the glazing and acoustic trickle ventilation details, as specified on drawing no 131 PLN 3 26F (Proposed Elevation 2 of 2) and 131 PLN E 27(Proposed Elevations 1 of 2), shall be installed and thereafter retained in perpetuity.

Reason: To safeguard the living conditions of future occupiers.

## Note to Applicant

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

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**Report of:** CHIEF PLANNING OFFICER      Derek McKenzie

**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 5<sup>th</sup> June 2024

**Subject:** **DC/2023/02125**  
**1-17 St Andrews Close And Adjacent Open Space, Maghull, L31 6EX**

**Proposal:** Variation of conditions 1 and 14 pursuant to planning permission DC/2019/02432 approved 03/08/2020 for amendments to the surface treatment of the access road, driveways and landscaping for the public open space.

**Applicant:** Damfield Management      **Agent:** Mr Richard Gee  
Company Limited      Roman Summer Associates Ltd

**Ward:** Sudell Ward      **Type:** Variation of condition

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

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## Summary

The proposal seeks planning permission to vary conditions 1 and 14 of planning permission DC/2019/02432 for amendments to the surface treatment of the access road, driveways and landscaping of the public open space.

The main issues to consider are design, character and the impact on Damfield Lane Conservation Area and on trees and landscaping. The proposed amendments are considered to be acceptable and are in keeping with both the constructed development and the wider conservation area. The applicant has also demonstrated that funds will be in place to complete the works. The proposal therefore complies with the policies set out within the Sefton Local Plan and the Maghull Neighbourhood Plan and is recommended for approval subject to conditions.

## Recommendation: Approve with conditions

**Case Officer**      John Kerr

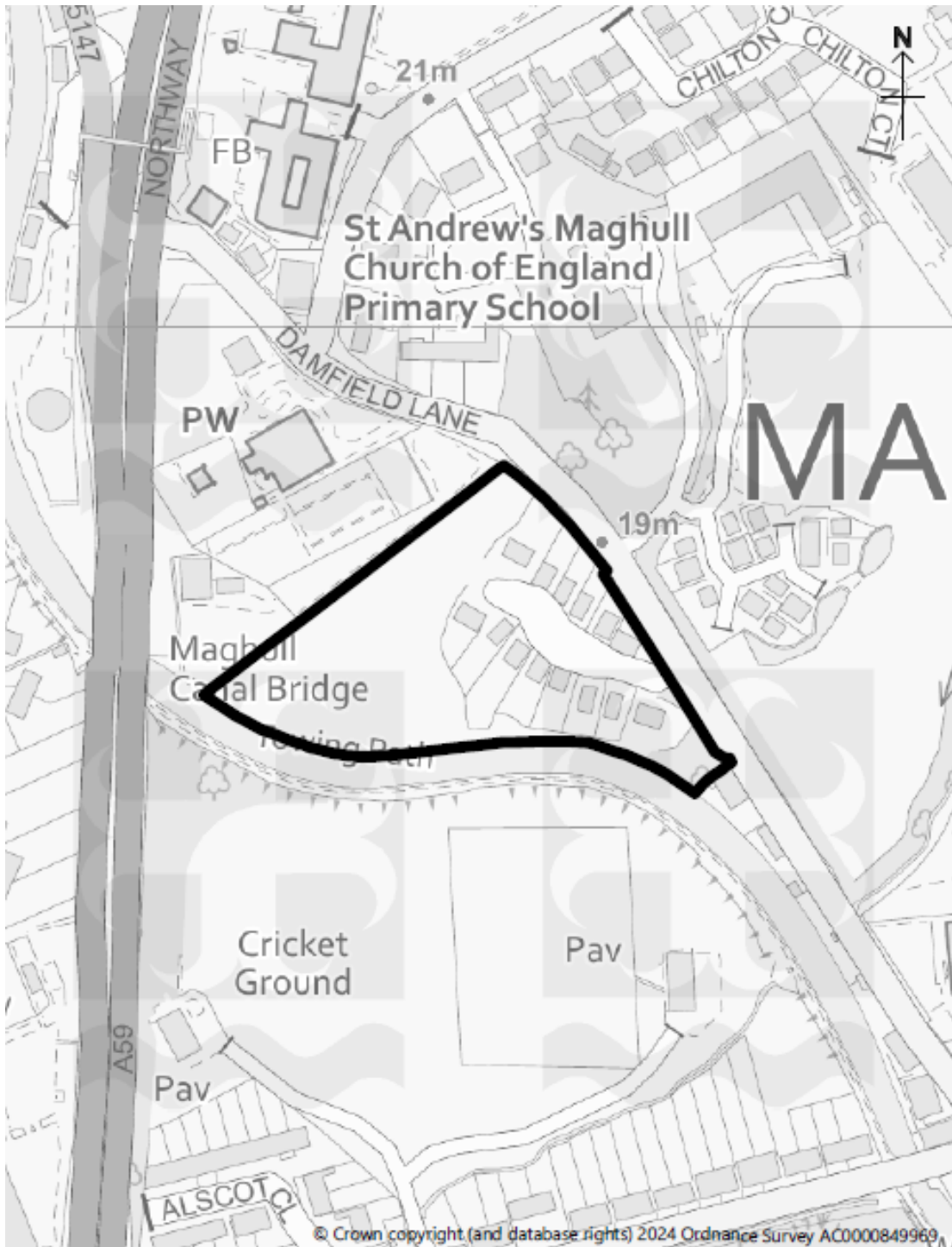
**Email**      [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)  
**Telephone**      0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S58QN8NWIX600>

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## Site Location Plan



Sefton Council



Reference: Map reference  
Date: 23/05/2024  
Scale: Scale: 1:2500  
Created by: Initials

## The Site

The application site comprises a residential cul-de-sac of 14 dwellings with vacant land adjacent which is proposed to be used as community garden. The site is located within Damfield Lane Conservation Area, Maghull and is bounded by the Leeds and Liverpool Canal to the south and west, St Andrew's Church to the north and Damfield Lane to the West.

## History

DC/2018/01681 – Erection of 14 detached dwellinghouses, access road and associated landscaping, a pond feature and nature trail. (Non-determination – allowed on appeal with conditions 22<sup>nd</sup> August 2019).

DC/2019/02432 – Variation of condition 2 pursuant to planning permission DC/2018/01681 (approved 22/8/2019) for amendments to the design, materials and internal layout of house types and landscape layout in order to fell 2 no. trees adjacent to the canal (Approved Conditionally 3<sup>rd</sup> August 2020).

DC/2020/02023 – Non-material amendment to planning permission DC/2019/02432 granted on 3/8/2020 for changes to the proposed houses, 2 new house types and landscaping (Approved 10<sup>th</sup> November 2020).

DC/2020/02059 – Variation of conditions 1, 14 and 16 pursuant to planning permission DC/2019/02432 approved 03/08/2020 to introduce gated access to the development (Refused - allowed on appeal with conditions 27<sup>th</sup> May 2021).

## Consultations

### **Conservation Manager**

No objection subject to a condition being attached for the fencing to protect the trees to be removed after landscape works are completed.

### **Merseyside Environmental Advisory Service (MEAS)**

No objection

### **Highways Manager**

No objection subject to the highway conditions requested for earlier applications still applying.

### **Flooding & Drainage Manager**

The change of surface to the access road will not impact the drainage scheme as rain water will discharge to the attenuation pond with no infiltration.

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## **Canal And River Trust**

No objection. Suggestions made to replace *Betulus nigra* with a native species (eg. *Betula pendula*, *Sorbus aucuparia*, *Acer campestre*). The *Quercus robur* and *Fagus sylvatica* will need to be planted at least 10m back from the washwall edge to ensure that roots do not interfere with the canal infrastructure. All other species should be set at least 5m back from canal edge.

## **Local Planning Manager**

No comment

## **Historic England**

No comment

## **Tree Officer**

No objection

## **Neighbour Representations**

34 neighbouring occupiers were notified by letter on 22/12/2023 or 11/01/2024 and further notification took place on 04/04/2024. One representation was received objecting to the proposal on the following grounds:

- Grassed paths within the public open space will quickly turn to mud and will become unusable

Five representations were received supporting the proposal on the following grounds

- It is in the interest of all parties to get the works completed
- Approval of the application will allow the development to be completed to a high standard
- Supportive although not in line with monetary contribution towards managements works to complete the site

## **Policy Context**

The application site lies within an area designated as 'white land' (i.e. land not allocated for a specific use) and a Conservation Area in the Sefton Local Plan which was adopted by the Council in April 2017. It is also included within the Old Hall Park Character Area within the Maghull Neighbourhood Plan which was made in January 2019 and carries full weight in decision making.

## Assessment of the Proposal

### 1. Introduction

- 1.1 The proposal seeks to introduce a revised landscaping scheme which includes changes to the access road and also the soft and hard landscaping on site. The conditions to be varied are attached to what is in itself is a varied permission. These are 1 (list of approved plans) and 14 (landscaping layout).
- 1.2 The main issues to consider are the principle of development, design, heritage and highway safety.

### 2. Background

- 2.1 Application DC/2018/01681 was allowed on appeal. The inspector attached a condition to ensure that prior to occupation of any part of the development a landscaping scheme must be submitted to and approved in writing by the Local Planning Authority. It was also stipulated that the approved landscaping scheme should be carried out in full within 3 months of occupation of any part of the development. The legal agreement also stated that the owner agreed to provide the Community Orchard/Public Open Space in accordance with the general principles set out in the Landscape Layout prior to the occupation of any dwelling.
- 2.2 Application DC/2019/02432 to vary this application was approved with a condition to ensure the landscaping scheme was carried out in full within 3 months of occupation. A Deed of Variation was also included which secured the management and maintenance of the community orchard/public open space.
- 2.3 Application, DC/2020/02059, to further vary the application was approved with the condition to ensure the landscaping scheme was carried out in full within 3 months of occupation. Again, a Deed of Variation was included; however, the delivery time was changed to read “prior to the Occupation of the final Dwelling”.
- 2.4 The hard and soft landscaping scheme to date has not been implemented. The applicant has explained that the developer no longer had the funds to complete the works to pave the road and to finish the driveways in resin bound gravel or to implement the landscaping scheme. There was also some ambiguity in the varied conditions about when precisely the landscaping scheme should take place. The trigger for the requirement for the Community Orchard/Public Open Space was “prior to occupation of the final dwelling”. The final dwelling was occupied in August 2023, but implementation has not yet commenced.

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- 2.5 The current applicants are now the local residents who have set up the Damfield Management Company Ltd. When the application was originally submitted, the company had no funds in place for any works. The proposed works will be funded by the Management Company arising from the service charge paid by all residents. Funds are expected to be in place by summer 2024 to fund the surfacing of the access road and driveways in tarmac. Once all the funds are in place, the approved landscape layout is anticipated to be completed. This is proposed to take place in two phases over two planting years. The details have been agreed by the applicant and are recommended to be secured by condition.
- 2.6 While design and character are assessed in full below it is considered that what is proposed is, in these exceptional circumstances, a pragmatic solution to allow a material of a lower specification to be used to lay the access road and driveways.
- 2.7 Public open space is normally required where there are 150 or more dwellings in the scheme or where there are 11 or more dwellings, and the site is over 2km from a 'main park' or a Countryside Recreation Area. As the site is less than 1.2km from Sefton Meadows Countryside Recreation Area, there is no requirement for the development to provide public open space.
- 2.8 The open space was instead introduced into the scheme in order to improve the Conservation Area setting whilst also softening the appearance of the development when viewed in the context of the listed building. It is considered therefore that the layout of the proposed amenity space meets its required function. The proposed public open space and soft landscaping within the residential development will retain its high specification with only minor differences from previously approved schemes. It is in the interests of local residents to complete these works as soon as practicably possible, with timescales that can be agreed through conditions.

### **3. Design, Character and Impact on Damfield Lane Conservation Area**

- 3.1 The application site lies within Damfield Lane Conservation Area which encompasses a number of Maghull's earliest buildings including St. Andrew's Church and Maghull Chapel are noted for maintaining a rural character despite now being surrounded by modern development. Prior to development the application site comprised an undeveloped field which adjoined St Andrew's church ground and the Leeds and Liverpool Canal, being separated from Damfield Lane by an historic stone wall and many trees.



3.2 The landscaping scheme would largely remain the same. Differences include the introduction of tarmac to the whole of the access road, driveways and the retention of existing timber fencing between all adjacent boundaries for rear garden plots on both sides of the road. Tarmac is a normal treatment within the locality. Given that the site is in a Conservation Area, the introduction of higher quality materials was the preferred option, however it is not considered to be essential for the scheme to be acceptable. Therefore, the alternative material of tarmac is considered appropriate. The introduction of boundary fencing between plots (within drawing no. 492/P/02 Rev F) to replace boundary hedging is considered to be an appropriate approach given that the timber fencing will not be readily visible from public vantage points.

3.3 The proposal is considered to accord with Local Plan policy EQ2 (Design) and NH12 (Conservation Areas) and Maghull Neighbourhood Plan policy MAG 4 (Residential Character Areas).

#### **4. Trees and Landscaping**

4.1 As mentioned above, the proposal will largely remain the same with the number and species of trees which was considered to be sufficient to mitigate the loss of trees originally removed to accommodate the development.

4.2 There is an objection regarding the proposed grass footpath replacing a previously proposed gravel path within the public open space. The originally approved gravel path was not considered to be essential for the scheme to be acceptable. As discussed above, this application provides a lower specification compared to the originally approved scheme to enable it to be completed. The proposal is considered to offer a pragmatic solution and whilst it may not be the preferred approach, it is acceptable in policy terms and is an affordable option for the residents. The omission of the gravel may make the open space less accessible for some users. In this instance the open space was not required because there was a deficit of public open space in the area, but because it formed an important part of the proposal in design and conservation terms, including the setting of the Listed Building. As designed it will continue to meet these requirements.

4.3 The proposal is considered to accord with Local Plan policy EQ9 (Provision of Public Open Space, Strategic Paths and Trees).

#### **5. Other Matters**

5.1 Where conditions remain relevant, they will be attached to the decision notice for the current application. Different delivery triggers will be introduced as the site has now been occupied.

5.2 A Deed of Variation to the Section 106 legal agreement will also be required to substitute the existing landscaping plan and to amend delivery triggers for the scheme.

# Agenda Item 5b

5.3 The Highways Manager has confirmed that the development will not be adopted by the Local Highway Authority. Therefore, a condition for a traffic regulation order for a 20mph speed limit on the proposed access road is no longer required.

5.4 The applicant has confirmed that the infrastructure for full fibre broadband has been installed. Therefore, a condition to require this is no longer necessary.

## **6. Equality Act Consideration**

6.1 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.

6.2 The proposed open space landscaping could mean it is not easily accessibility to some potential users, however the primary purpose of the open space was to provide an appropriate setting for the Listed Building. There was not a policy requirement to provide open space due to the amount of housing proposed or a shortfall of open space elsewhere therefore the proposal provides an acceptable quality of accommodation for occupiers as proposed. 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.

## **7. Conclusion**

7.1 The proposed amendments are considered to be acceptable and are in keeping with both the constructed development and the wider conservation area. Overall, the proposal preserves the character and appearance of the Damfield Lane Conservation Area, the proposal also complies with the Maghull Neighbourhood Plan, the Local Plan and also national policy and is recommended for approval subject to conditions and a Deed of Variation to the legal agreement.

## Recommendation – Approve with Conditions

### Conditions:

- 1) The development hereby granted must be carried out strictly in accordance with the following details and plans:
  - Proposed Location Plan (A003 Rev P05)
  - Proposed Site Plan (A004 Rev P05)
  - Proposed Block Plan (A005 Rev P05)
  - Access Layout (J977 Access Fig 1 Rev E)
  - House Type 1 Plans and Elevations (A101 Rev P02 and A102 Rev P05)
  - House Type 2 Plans and Elevations (A103 Rev P02 and A104 Rev P05)
  - House Type 3 Plans and Elevations (A105 Rev P02 and A106 Rev P05)
  - House Type 2A Plans and Elevations (A107 Rev P02 and A108 Rev P05)
  - Material Specifications (A901 Rev P01)
  - Site Section A-A (A007 Rev P02)
  - Site Section B-B (A008 Rev P02)
  - Archaeological Evaluation at Damfield Land document (ARS Ltd Report 2019/224)
  - Otter and Water Vole Survey (Rachel Hacking Ecology, dated October 2019)
  - Revised landscape layout for POS and hard landscaping within new housing (492/P/02 Rev F)

Reason: For the avoidance of doubt.

- 2) The provisions of the approved Construction Traffic Management Plan (Brierstone), confirmation to Canal and River Trust Third Party Works Agreement email dated 14<sup>th</sup> February 2020 and Initial Site Setup and Traffic Management Plan (as per approval of details application DC/2019/02216) shall be implemented in full during the period of construction.

Reason: In the interest of highway safety and to protect the ecological interest of the area, minimise waste and prevent pollution.

- 3) Tree protection barriers as specified within the Arboricultural Method Statement shall be maintained in a satisfactory manner around the outer limit of the crown spread of all retained trees until the surfacing of the access road is completed. During the period of construction, no material shall be stored, or trenches dug within these enclosed areas.

Reason: To prevent damage to the trees in the interests of visual amenity and conservation.

# Agenda Item 5b

- 4) The approved sustainable drainage system (Proposed Drainage Plan (18-1023-210 Rev P1), Attenuation Pond (18-1023-205 Rev P3), Sustainable Urban Drainage Management Plan and email correspondence (dated 1st March 2021) confirming all aspects of the sustainable drainage system will be maintained by the Development's Management Company shall be fully constructed prior to the surfacing of the access road, and managed and maintained thereafter in accordance with the approved details.

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

- 5) Within six months of the date of this decision notice, the provision of the approved access onto Damfield Lane referenced 18-1023-500 Rev P3 (as per approval of details application DC/2020/01953) shall be implemented and constructed in accordance with this approved scheme.

Reason: In the interests of highway safety and ensuring suitable access.

- 6) Within six months of the date of this decision notice, the provision of the approved off-site improvements referenced 18-1023-500 Rev P3 (as per approval of details application DC/2020/01953) shall be implemented and constructed in accordance with this approved scheme.

Reason: In the interests of highway safety and to improve accessibility to public transport.

- 7) Within six months of the date of this decision notice areas for vehicle parking, turning and manoeuvring shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved Revised landscape layout for POS and hard landscaping within new housing - 492/P/02 Rev F and these areas shall be retained thereafter for that specific dwelling.

Reason: In the interests of highway safety.

- 8) The provision of the approved street lighting (as per approval of details application DC/2020/01943) shall be managed and maintained thereafter in accordance with the approved details.

Reason: In the interests of highway safety.

- 9) The provision of the approved Electrical Vehicle Charging points referenced WallPod:EV Technical Data Sheet, Proposed Electrical Services Layout, House Types 1, 2, 2a and 3, 169/HT1/E01 T1, HT2/E01 T1, HT2A/E01 T1 and HT3/E01 T1 (as per approval of details application DC/2020/01943) shall be permanently retained thereafter.

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

- 10) Following the completion of the landscaping scheme (ref. Revised landscape layout for POS and hard landscaping within new housing - 492/P/02 Rev F), the approved bird boxes shall be fitted to trees, while swift bricks and sparrow terraces must be included within the construction of each dwelling (as per approval of details application DC/2019/02216).

Reason: To mitigate the loss of and provide enhanced habitats.

- 11) The recommendations of the approved Japanese Knotweed Method Statement dated 6th January 2020 along with the 30th January clarification letter, Cross Section of Excavation (JK19- 5740-07 Rev A) and full Excavation Option in Relation to Horse Chestnut Tree (JK19- 5740-06) shall be carried out in full.

Reason: In order to prevent the spread of an invasive species across the site.

- 12) Within six months of this decision notice, the access road shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved *Revised landscape layout for POS and hard landscaping within new housing - 492/P/02 Rev F*.

Reason: In the interests of visual amenity, protecting the character and appearance of Damfield Lane Conservation Area and ensuring privacy.

- 13) Planting in accordance with the approved soft landscaping scheme within the *Revised landscape layout for POS and hard landscaping within new housing - 492/P/02 Rev F* shall begin within the 2024 – 2025 planting season and planting shall be completed within the 2025 – 2026 planting season. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity, protecting the character and appearance of Damfield Lane Conservation Area and ensuring privacy.

- 14) Prior to the Revised landscape layout for POS and hard landscaping within new housing - 492/P/02 Rev F being implemented, the *Betula nigra* shall be replaced with a native species (e.g. *Betula pendula*, *Sorbus aucuparia*, *Acer campestre*).

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

- 15) The *Quercus robur* and *Fagus sylvatica* shall be planted at least 10m back from the washwall edge.

Reason: To ensure that the roots do not interfere with the canal infrastructure.

# Agenda Item 5b

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

Reason: In order to protect the character and appearance of Damfield Lane Conservation Area and in particular views from the canal.

17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no gate, fence, wall or other means of enclosure shall be erected other than those expressly authorised by this permission.

Reason: In order to protect the character and appearance of Damfield Lane Conservation Area and in particular views from the canal.

**Report of:** CHIEF PLANNING OFFICER      Derek McKenzie

**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 5<sup>th</sup> June 2024

**Subject:** [DC/2024/00159](#)  
[12 Northway, Maghull, L31 5U](#)

**Proposal:** Change of use from an office (E) to a children's home (C2) for a maximum of two children, with up to three carers, two of whom will sleep overnight, working on a rota basis.

**Applicant:** Simon Walley      **Agent:** Adrian Rose  
Theophelian Ltd      Rose Consulting

**Ward:** Molyneux Ward      **Type:** Full Application

**Reason for Committee Determination:** Called in by Cllr. Paula Murphy

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## Summary

The proposal seeks planning permission for the change of use from an office to a children's home to provide care for up to two children aged 7 – 18 years.

The main issues to consider are the principle of development, the impact on the living conditions of future occupiers and neighbouring properties, the impact on the character of the area and highway safety. The proposal is not considered to significantly harm the character of the area or the living conditions of either the future occupiers or neighbouring properties. The proposal complies with the policies set out within the Sefton Local Plan and is recommended for approval subject to conditions.

## Recommendation: Approve with conditions

**Case Officer**      John Kerr

**Email**      [planning.department@sefton.gov.uk](mailto: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=S7RHK7NWJAZ00>

# Agenda Item 5c

## Site Location Plan



Sefton Council



Reference: Map reference  
Date: 23/05/2024  
Scale: Scale: 1:1250  
Created by: Initials



## The Site

The application relates to a semi-detached two storey property located along Northway in Maghull. The surrounding area consists of commercial uses and residential properties of a similar size.

## History

S/1998/0170 – Change of use from retail use to offices at ground and first floor level. Approved.

S/2003/1160 – Erection of a single storey extension at the rear of the office premises. Approved.

S/2003/1246 – Conversion of existing building at the rear of the premises to offices. Approved.

S/2013/0138 – Change of use from offices to Dog Grooming and Hydrotherapy centre. Approved.

DC/2021/00923 – Prior notification application for conversion of offices (E) into two dwellinghouses (C3). Prior Approval Not Required.

## Consultations

### Highways Manager

No objection subject to condition.

### Environmental Health Manager

No objection subject to condition.

## Neighbour Representations

The application has been called in by Cllr. Paula Murphy on the following grounds:

- Harmful to residential amenity
- Harmful to highway safety

12 neighbours were notified by letter on 31/01/2024 with further notification on 20/02/2024 and 24/04/2024. 16 representations have also been received from 7 different properties all objecting to the proposal on the following grounds:

- Impact on parking and on highway safety
- Inappropriate location
- Impact on living conditions
- Incorrect plans and information

# Agenda Item 5c

- Safety concerns in relation to antisocial behaviour
- Impact on value of property
- Lack of notification

## 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.

The Maghull Neighbourhood Plan was 'made' (i.e. adopted) on 24th January 2019 and carries full weight in decision making.

## Assessment of the Proposal

### Introduction

The proposal seeks planning permission for the change of use of the premises from an office to a children's home to provide care for up to two children.

- 1.1 The main issues to consider are the principle of the development, the impact on the living conditions of neighbouring properties, the impact on the character of the area and the impact on highway safety.
- 1.2 Amended plans were received to remove the parking space in the rear garden area and to amend the red edge on the location plan. Neighbours and consultees were re-notified and re-consulted. Further proposed floor plans were also submitted. Neighbours were not re-notified as the plans were not considered to disadvantage third parties.

## 2. Background

- 2.1 The application site has previously been part of a larger site known as 10 – 12 Northway, also including the building denoted as “the bungalow” to the rear (granted permission S/2003/1246 date: 23/01/2004) and was formerly used as an office complex. Permission was also granted at the site for a dog grooming and hydrotherapy centre (ref. S/2013/0138 date: 10/04/2013); however, this permission was never implemented.
- 2.2 A prior notification application was submitted in 2021 to convert nos. 10 – 12 into two separate dwellings (Use Class C3 – ref. DC/2021/00923) where it was confirmed that “prior approval” was not required to convert the offices. The change of use has been implemented at no. 10 and was sold as a residential dwelling on 7<sup>th</sup> November 2022. While it is understood that internal works have taken place at no. 12 it has not been used as a dwelling and its lawful use therefore remains as offices. The bungalow to the rear has also been separated off and is now in a different ownership. Therefore, no. 12 is considered to be an office space in its own right, separate from the bungalow to the rear which is also used as an office space.
- 2.3 As a part of the subdivision of the site, the bungalow and no. 10 have access to parking at the rear of the site; however, no. 12 has no right to use this parking space. The owners only have a right to cross the land to gain access to the rear of their premises.

## 3. Principle

- 3.1 The property is located adjacent to commercial premises with active uses including painting and decorating contractors, a tuition centre and office to the rear but surrounding neighbours are otherwise residential. 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.
- 3.2 Although classified as a Residential Institution (Use Class C2) use, the use does have similarities to a dwelling, albeit the house could be more intensively used as opposed 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 relevant. 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.
- 3.3 Although this property is not currently in use, it could lawfully be used as an office space. To change the use to something more in line with residential is considered to be appropriate in this area and so the principle of development is acceptable in land use terms, provided that the proposal meets other planning policies and material considerations.

# Agenda Item 5c

## 4. Living Conditions

4.1 It is important to consider the impact of the proposed use on the living conditions of neighbouring residents as a result of possible noise and disturbance.

### *Change of Use*

4.2 The proposal seeks permission for the use of the premises for 2 children between the ages of 7 – 18 years.

4.3 A Design and Access Statement has been provided which sets out how the premises would be managed which includes details of the staff rota. The rota would work on the basis of six carers operating on a shift pattern 48 hours on, 60 hours off. A manager and also a carer would usually visit the site most weekdays between 9am and 5pm. Other than at change over times at approximately 9:30am, there would be no more than three staff on the premises at one time.

4.4 While external visits to the premises would also be occasional, the working schedule is considered to be acceptable. Due to the number of children and carers it is not considered to be too dissimilar to a family situation. It is therefore unlikely to give rise to unacceptable impacts on the surrounding neighbours.

4.5 The Environmental Health Manager has also suggested a condition for a Noise Management Plan prior to the change of use taking place to manage the impact of noise. Officers consider that this is addressed through the arrangement of bedrooms (which would be agreed by condition), and given the appropriate noise insulation and the small scale of the use this is not considered necessary to make the proposal acceptable.

4.6 To lessen the potential for any disturbance within the property itself across the party wall to no. 10 Northway, it is considered reasonable to attach a condition to restrict children's bedrooms from being located along the adjoining party wall to reduce the likelihood of noise being transmitted. The applicant has agreed to the condition and has also submitted proposed floor plans to demonstrate that this would be the case. The proposal is therefore considered acceptable and meets the aims of Local Plan policy EQ2 (Design), Part 2(c), which seeks to protect the amenity of those within and outside the development. The proposal also meets the aims of Policy HC3 (Primarily Residential Areas) which seeks to ensure that development protects the residential character and the living conditions of the residents in those areas.

4.7 The Environmental Health Manager also suggested a condition to require a Noise Management Plan to be submitted prior to the change of use taking place. It is not considered that information arising from this condition would add anything significant beyond what can

already be achieved through the condition restricting children's rooms adjoining the party wall. Therefore, this condition is not considered to be necessary.

4.8 The proposal also includes two staff bedrooms. A legal agreement would also restrict the number of children who could reside in the premises at any one time. In addition, a legal agreement is recommended to ensure that the rooms are used by children from Sefton only. This would give a greater level of control to the Local Authority, in that the management of the premises and care for the children could be monitored by Sefton Children's Services.

4.9 Concern has been raised regarding a fear of crime and safety; however, whilst this is a material consideration, there is no evidence to substantiate such a claim. The proposal is considered to comply with Local Plan Policy HC3 (Primarily Residential Areas) and HC4 (House Extensions, Houses in Multiple Occupation and Flats).

## **5. Character**

5.1 The site is located adjacent to a small cluster of commercial properties in an otherwise residential row and would change to residential in character. Policy EQ2 (Design) of the Local Plan seeks to ensure that proposals respond positively to the character and appearance of the area.

5.2 The use of the premises would result in an intensification of the use of the property as it is currently vacant. However, given the proposed number of children expected to reside at the premises, this is not considered to be significant. When compared to the lawful use as an office space which could potentially have a greater impact through the comings and goings to and from the site, the proposal is not considered likely to result in a more intensive use of the site. The property comprises medium sized semi-detached premises in an area characterised by properties of a similar scale; therefore, it is not considered that the proposed use would harm the character and appearance of the area. The proposal is considered to comply with policy EQ2 (Design) within the Local Plan.

## **6. Highways**

6.1 Policy EQ3 (Accessibility) of the Local Plan seeks to ensure that proposals do not cause any harm in terms of highway safety.

6.2 The proposal does not include any off-street parking. The Highways Manager suggests the proposal would require at least three off-street parking spaces. Spaces were originally proposed in the rear garden area; however, this resulted in an unacceptable impact on the garden. The layout was also unacceptable due to the spaces falling below the standard size of 2.5m x 5.0m and it was not clear that the space would actually be accessible given the parking arrangements for the offices to the rear.

# Agenda Item 5c

- 6.3 The Highways Manager confirmed that six off-street parking spaces would be required when considering the lawful use as an office space. When comparing the parking standards for a children's home, only three off-street parking spaces would be required. Therefore, the proposed use would have a lower parking requirement than the lawful office use and would have less impact on street parking and highway safety.
- 6.4 The applicant has demonstrated in a Travel Plan that incentives would be offered to staff to use public transport or taxis which would come in the form of free bus passes or the reimbursement of taxi fares. The Travel Plan could be secured by condition.
- 6.5 The proposed change of use is considered to be acceptable as trips generated by the use would not be significantly greater than what could be generated from an office. The site is also within acceptable distances from bus stops where frequent and regular services are available. The site is also within an acceptable walking distance of local shops, amenities and facilities.
- 6.6 The Highways Manager has objected to the proposal on the grounds that no off-street parking is provided. However, the factual assessment of the lawful uses of the site and the absence of parking restrictions to Northway demonstrates that the proposal would not cause significant harm with regard to highway safety when compared to the existing lawful situation. The additional measures set out in the Travel Plan further seek to reduce an impact on on-street parking beyond anticipated levels. The proposal therefore complies with policy EQ2 (Design) and EQ3 (Accessibility) within the local plan.

## **7. Other Matters**

7.1 The Director of Children's Services (Commissioning Team) has confirmed that they support this application, and that the applicant has met with them, viewed the property and demonstrated that they have aligned their work with Sefton Council's 'sufficiency strategy'. The applicant is also willing to work directly with Children's Services and to accommodate children from Sefton.

7.2 The devaluation of properties is not a material planning consideration.

7.3 Properties have been notified in line with the Council's Statement of Community Involvement.

7.4 There are no other matters raised that give rise to concern associated with the development.

## **8. Planning Balance and Conclusion**

8.1 The proposal demonstrates that the proposed use of the premises as a children's care home for 2 children can be accommodated within the premises without causing significant harm to the living conditions of neighbouring residents. A legal agreement limiting the number of children to be cared for at the premises would further ensure the impacts on neighbour living conditions is protected. A condition to ensure children's bedrooms are not located adjoining the party wall will also help to reduce the impacts on neighbouring living conditions.

8.2 In addition to the above, the legal agreement to ensure children placed in the home are from Sefton. This would give the Local Authority a greater level of control, helping Sefton Children's Services to effectively monitor how the premises are managed.

8.3 It is considered that the proposal is acceptable, and it is therefore recommended that planning permission be granted, subject to conditions.

## **9. Equality Act Consideration**

9.1 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.

# Agenda Item 5c

9.2 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.

## Recommendation – Approve with conditions

- 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 is hereby permitted in accordance with the following approved plans and documents:

MS54077 – Location Plan  
12N-DRA-03 – Block Plan  
12N-DRA-02 (Rev A) – Proposed Layout Plans  
Design and Access Statement (dated 24/01/2024)  
Travel Plan (dated 23/04/2024)

Reason: For the avoidance of doubt

- 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.

- 4) The bedrooms to be used by children shall not be located adjoining the party wall.

Reason: In the interests of neighbouring amenity and limiting noise transmissions.



**Report of:** CHIEF PLANNING OFFICER      Derek McKenzie

**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 5<sup>th</sup> June 2024

**Subject:**      **DC/2024/00375**  
**6 Berry Street Bootle L20 8AT**

**Proposal:** Erection of a single storey extension to the front and installation of a gate to the existing palisade fence.

**Applicant:** Mr Joe Johnson      **Agent:** Brian Sherriff  
Berry Street Garage Ltd      Colab: Design and Safety

**Ward:** Linacre Ward      **Type:** Full Application

**Reason for Committee Determination:**

The applicant is a member of Planning Committee.

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## Summary

The proposal is for a single storey extension to the front of the existing building and a new gate in the existing perimeter fencing.

The application has been assessed against Local Plan Policies ED3, EQ2 and EQ3 and is recommended for approval.

## Recommendation: Approve with Conditions

**Case Officer**      Carol Gallagher

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

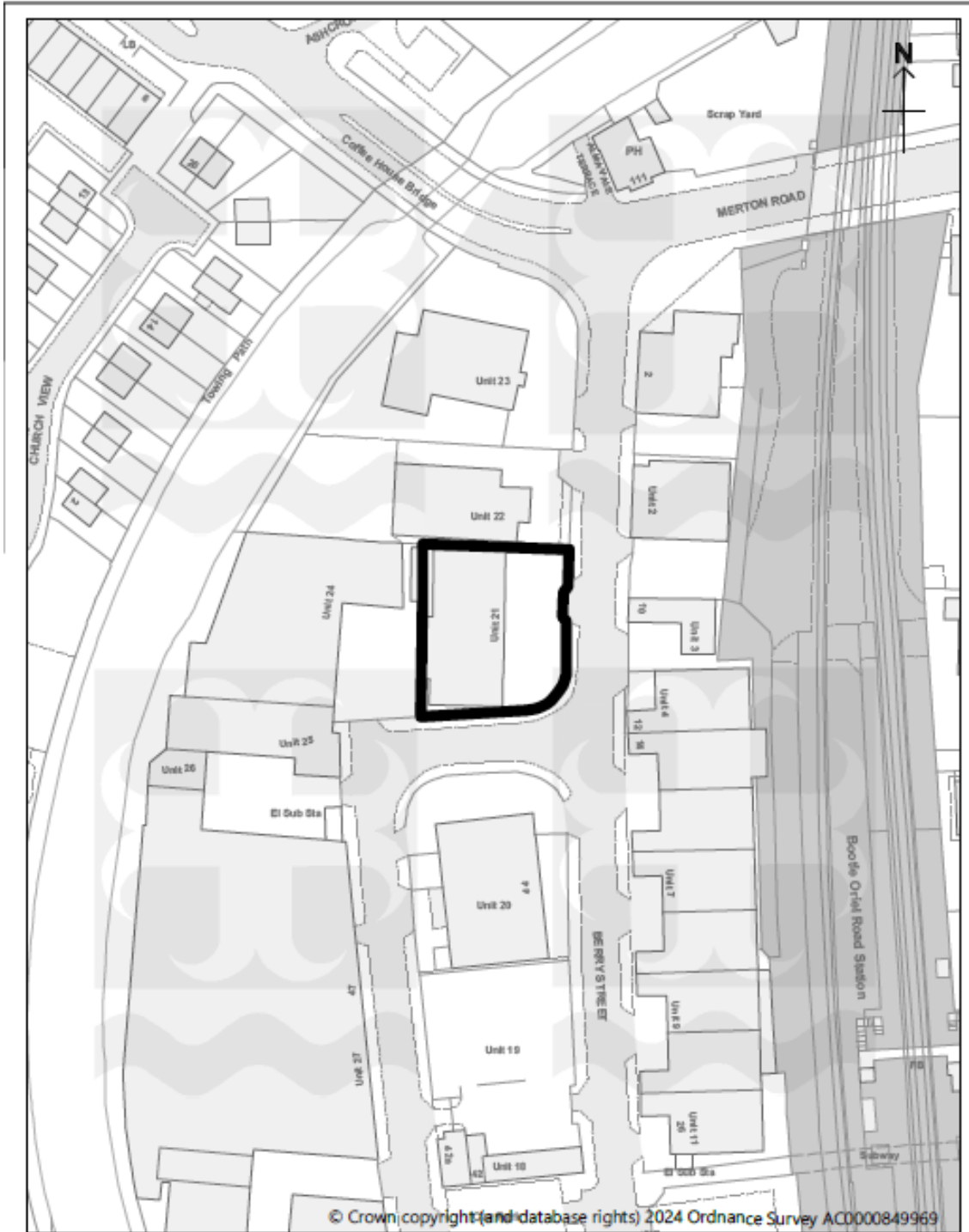
**Telephone**      0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S9IU37NWJMO00>

# Agenda Item 5d

## Site Location Plan



Reference: Map reference  
Date: 23/05/2024  
Scale: Scale: 1:1250  
Created by: Initials

## The Site

The application site is a large detached single storey building located on a corner plot. It is currently trading as a repairs garage and MOT centre and is located within an established industrial area.

There is a small timber building to the front of the site forward of the front elevation.

## History

None relevant

## Consultations

### Environmental Health Manager

No objection

### Highways Manager

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

### Canal And River Trust

No comment

## Neighbour Representations

Neighbours were notified on 20<sup>th</sup> March 2024 and a site notice was displayed from 24<sup>th</sup> April 2024 with no responses received.

## Policy Context

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

# Agenda Item 5d

## Assessment of the Proposal

### 1 Proposal

- 1.1 The application is for a single storey extension to the front and installation of a pedestrian gate to the existing palisade fence. The extension proposes to enlarge the reception space to upgrade the existing WC to allow for a disabled WC. There is no proposal to otherwise increase the capacity of the building or the number of employees.
- 1.2 The issues to consider are the principle of development, design, highway safety, impact to neighbouring properties and impact to visual amenity.

### 2 Principle of development

- 2.1 The application site located within an employment area in the adopted Local Plan so the principle of development is acceptable subject to assessment against other material considerations.

### 3 Design

- 3.1 The proposal will be located where the existing small timber building is to the front of the site which will be removed to accommodate the extension. It will project 5.4m from the front elevation of the main building and will be 5.7m wide and 3m high with a flat roof. The building will be rendered to match the existing building.
- 3.2 The proposed extension is single storey and will be set behind railings that form the perimeter of the plot. The applicant is proposing a new gate within the railings as part of the application which could be conditioned so that the gate is colour coated to match the existing railings.
- 3.3 The design of the extension is single storey and could be conditioned for matching materials which is acceptable. This would ensure the extension fits in and with the character of the industrial area. As such the proposal is considered to comply with policy EQ2 'Design'.

### 4 Highway safety

- 4.1 Due to the projection of 5.4m from the main elevation of the existing building there will be the loss of a maximum of 1 parking space which already appears to be quite narrow. The proposal does not result in an increase in capacity or employment at the site and the Highway Manager has no objections. The proposal complies with policy EQ3 'Accessibility'.

### 5 Impact to neighbouring properties

5.1 The application site is located within a large plot and while the proposal is forward of the existing building it is considered there will be no adverse impact to any neighbouring units. The proposal is therefore in line with policy ED3 (3) 'Existing Employment Areas'.

## 6 Summary

6.1 The proposal is acceptable and is recommended for approval subject to 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**

### **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: Site outlined in red as shown on the location plan and Drwg 02 Rev B.

Reason: For the avoidance of doubt.

# Agenda Item 5d

## During Building Works

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

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

## Before the Development is Occupied

- 4) Prior to first occupation of the extension the proposed gate as shown on Drwg No 02 Rev B shall be colour coated to match the existing railings.

Reason: In the interests of visual amenity.

# Agenda Item 6

<b>Report to:</b>	Planning Committee	<b>Date of Meeting:</b>	Wednesday 5 <sup>th</sup> June 2024
<b>Subject:</b>	Planning Appeals Report		
<b>Report of:</b>	Chief Planning Officer	<b>Wards Affected:</b>	(All Wards)
<b>Portfolio:</b>	Planning and Building Control		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

## Summary:

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

## Recommendation(s):

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

## Reasons for the Recommendation(s):

To update members on planning and enforcement appeals

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

N/A

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

### (A) Revenue Costs

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

### (B) Capital Costs

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

# Agenda Item 6

## Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> There are no resource implications	
<b>Legal Implications:</b> There are no legal implications	
<b>Equality Implications:</b> There are no equality implications.	
<b>Impact on Children and Young People:</b> No	
<b>Climate Emergency Implications:</b>  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.7653/24) and the Chief Legal and Democratic Officer (LD.5753/24) 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.

<b>Contact Officer:</b>	Tina Berry
Telephone Number:	0345 140 0845
Email Address:	planning.department@sefton.gov.uk

## Appendices:

The following appendices are attached to this report:

Appeals extract from the back office system plus copies of any Planning Inspectorate decisions.

## Background Papers:

The following background papers, which are not available anywhere else on the internet can be accessed on the Council's website <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](mailto:planning.department@sefton.gov.uk)

Contact Officer: Mr Steve Matthews 0345 140 0845

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

Appeals received and decisions made between 22 March 2024 and 16 May 2024

**Appeal Decisions**

**13 Rosemary Lane Formby Liverpool L37 3HA**

**Reference:** DC/2019/01441 (APP/HH/2014)  
 High hedge complaint

**Procedure:** Written Representations  
**Start Date:** 09/03/2023  
**Decision:** Part Allow/Dismissed  
**Decision Date:** 15/05/2024

**Land At The Junction Of Derby Road And Strand Road Bootle Liverpool L20 8EE**

**Reference:** DC/2023/01407 (APP/M4320/Z/24/3337440)  
 Advertising consent to display a freestanding internally illuminated 48 sheet digital LED advertisement display sign to replace the existing sign.

**Procedure:** Householder Appeal  
**Start Date:** 07/03/2024  
**Decision:** Allowed  
**Decision Date:** 13/05/2024

**65 Scarisbrick New Road Southport PR8 6LF**

**Reference:** DC/2023/01092 (APP/M4320/W/23/3335615)  
 Creation of a new driveway, vehicular access to Curzon Road, a new external door and reconfiguration of fire escape.

**Procedure:** Written Representations  
**Start Date:** 27/02/2024  
**Decision:** Dismissed  
**Decision Date:** 26/04/2024

**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:** Allowed  
**Decision Date:** 24/04/2024

**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:** Dismissed  
**Decision Date:** 12/04/2024

**52 Edge Lane Crosby L23 9XF**

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

**Procedure:** Householder Appeal

# Agenda Item 6

Appeals received and decisions made between 22 March 2024 and 16 May 2024

Construction of a vehicular access to a classified road

**Start Date:** 15/02/2024  
**Decision:** Dismissed  
**Decision Date:** 11/04/2024

## New Appeals

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### 8 Glenpark Drive Southport PR9 9FA

**Reference:** DC/2023/01683 (APP/M4320/W/23/3335572)

Change of use from dwellinghouse (C3) to a 2 person residential supported living dwellinghouse (C2)

**Procedure:** Written Representations  
**Start Date:** 15/04/2024  
**Decision:**  
**Decision Date:**

### Moor House The Northern Road Crosby L23 2RA

**Reference:** DC/2023/01952 (APP/M4320/Z/24/3337983)

Advertisement consent for the display of three non-illuminated signs. (Alternative to DC/2023/00799 refused 19 July 2023)

**Procedure:** Householder Appeal  
**Start Date:** 10/05/2024  
**Decision:**  
**Decision Date:**

### 3 Lunt Road Sefton L29 7WB

**Reference:** DC/2023/01653 (APP/M4320/D/24/3337988)

Erection of a dormer extension with a balcony to the rear of the dwellinghouse (Retrospective) (Alternative to DC/2023/00346 refused 07.07.2023)

**Procedure:** Householder Appeal  
**Start Date:** 28/03/2024  
**Decision:**  
**Decision Date:**

### 117 Liverpool Road Birkdale Southport PR8 4BZ

**Reference:** DC/2023/00737 (APP/M4320/W/24/3337581)

Reserved matters consent is sought pursuant to outline planning permission DC/2020/02573 approved 31/5/2022 - for access, appearance, landscaping, layout, scale and other associated works.

**Procedure:** Written Representations  
**Start Date:** 22/04/2024  
**Decision:**  
**Decision Date:**

### Land To The Rear Of 1-3 Aughton Road Birkdale Southport PR8 2AF

**Reference:** DC/2023/01679 (APP/M4320/W/24/3338768)

Approval of details reserved by conditions 5, 6, 7 and 8 attached to planning permission DC/2019/01901 approved on 21.05.2020

**Procedure:** Written Representations  
**Start Date:** 16/04/2024  
**Decision:**  
**Decision Date:**

### 372 Liverpool Road Birkdale Southport PR8 3BZ

**Reference:** DC/2022/02294 (APP/HH/2150)

**Procedure:** Written Representations

High Hedge Complaint

**Start Date:** 08/04/2024

**Decision:**

**Decision Date:**

## 26 Stanley Park Litherland L21 9JT

**Reference:** DC/2023/01611 (APP/M4320/W/24/3338031)

Erection of a dwelling with additional parking, following the demolition of existing garage and wall, within the curtilage of 26 Stanley Park

**Procedure:** Written Representations

**Start Date:** 26/03/2024

**Decision:**

**Decision Date:**

## 25 Botanic Road Southport PR9 7NG

**Reference:** DC/2023/00374 (APP/M4320/W/24/3339834)

Removal of condition 7 and variation of conditions 8 and 9 pursuant to planning permission DC/2021/02153 approved on 22/03/2022 to allow the rear garden to be used by customers/children, increase the opening hours to include the occasional Sunday from 10.00am to 16.00pm and increase the number of children on the premises to 20.

**Procedure:** Written Representations

**Start Date:** 14/05/2024

**Decision:**

**Decision Date:**

## 43 Blundell Road Hightown Liverpool L38 9EF

**Reference:** DC/2023/00203 (APP/HH/2152)

High Hedge Complaint

**Procedure:** Written Representations

**Start Date:** 08/04/2024

**Decision:**

**Decision Date:**

## 8 Hastings Road Birkdale PR8 2LS

**Reference:** DC/2023/02023 (APP/M4320/D/24/3341511)

Extension to the first floor balcony at the rear of the dwelling including extension of 1.1m safety balustrade to the rear elevation and installation of 1.7m balustrade/obscure glazed screen to the north side of the proposed balcony area (part retrospective)

**Procedure:** Householder Appeal

**Start Date:** 24/04/2024

**Decision:**

**Decision Date:**

## 191 Moorhey Road Maghull L31 5LG

**Reference:** DC/2023/01855 (APP/M4320/D/24/3340729)

Erection of a new fence from a height of 1270mm to 1740mm along the side and the front of the dwellinghouse (Retrospective)

**Procedure:** Householder Appeal

**Start Date:** 26/04/2024

**Decision:**

**Decision Date:**

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## Appeal Decision

Site visit made on 26 March 2024

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

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**Appeal Ref: APP/HH/2014**

**Hedge at 13 Rosemary Lane, Formby L37 3HA**

- The appeal is made under section 71(1) of the Anti-social Behaviour Act 2003 (the Act).
  - The appeal is made by Mr Jack Thomas, hedge owner, against a Remedial Notice (RN) issued by Sefton Metropolitan Borough Council.
  - The complaint, reference BLC/009622/01176311 is undated.
  - The Remedial Notice is dated 14 October 2021.
- 

### Decision

1. The appeal is allowed in part and the RN is corrected and varied in the terms set out in the RN attached to this decision.

### Background

2. A complaint was made from the occupiers of 157 Lonsdale Road about the appeal hedge in 2019 under Part 8 of the Act. The complaint was upheld, and the Council issued a remedial notice on 16 January 2020 (RN1). The Council subsequently withdrew RN1 and served a second remedial notice on 14 October 2021 (RN2), which also related to the reasonable enjoyment of the property at No 157. Little substantive evidence has been provided by the Council to explain why RN1 was withdrawn and replaced by RN2. Nonetheless, the appeal has been made against RN2 and I have proceeded on this basis.

### Main Issue

3. The main issue is whether RN2 is reasonable and appropriate.

### Reasons

4. The hedge comprises a row of conifer trees growing within the garden of 13 Rosemary Lane along a boundary shared with a residential property at No 157. The hedge runs along approximately half of the width of the rear boundary of No 157 and forms a part of a wider hedgerow.
5. Loss of daylight and sunlight to a property that is caused by the height of a neighbour's hedge is normally deemed to be unreasonable if the hedge is growing above the Action Hedge Height (AHH). The Council has not provided any justification in respect of how the AHH measurement within RN2 has been calculated.
6. Instead, it has submitted the complaint assessment report that was used to determine the AHH within RN1. This states that the Council assessed the impact of the hedge on No 157's property according to the methodology

- formulated by the Building Research Establishment Hedge Height (HH) and Light Loss (LL) published by the Government in October 2005 (BRE guidance). This publication sets out the formulae for calculating loss of light to habitable room windows and gardens.
7. At the time of the original site inspection, the Council measured the height of the hedge to be around 8.5 metres (m) and for the effective length of the hedge to be 4.4m, as it does not run along the full 9m width of No 157's rear garden. Where the length of the hedge is less than the length of the boundary it grows on, the BRE guidance sets out in section 4.2, that the formula for non-rectangular gardens should be used. For non-rectangular gardens, which applies here, it is the area of the garden divided by the effective hedge length, then multiplied by the relevant orientation factor which gives the AHH.
  8. The AHH for the garden was calculated by the Council as being 5.15m (90.6m area of garden / 4.4m effective hedge length x 0.25 orientation factor), and 7.60m for the window respectively. According to the BRE guidance, it is the lower of the AHH heights which should determine the overall AHH. Thus, the overall AHH for RN1 was given as 5.15m. The appellant and complainant have not specifically challenged these measurements and I have no substantive reason to conclude that they were incorrect in any way. Therefore, as the hedge was higher than the overall AHH it resulted in a loss of daylight and sunlight to the windows and rear garden area of No 157, and subsequently had an adverse effect on the reasonable enjoyment of the complainant's property.
  9. At the time of my site visit it was apparent that some works had been carried out on the hedge and that it had subsequently been reduced in height. Local residents consider the entire hedge as shown on the red line of the attached plan to RN2 should be reduced in height.
  10. However, the spreadsheet to calculate the AHH within the BRE guidance defines the term 'effective hedge length' as the length of the hedge that runs parallel to the garden boundary (of the complainant). It also clearly states that the effective length of the hedge cannot be more than the width of this garden boundary and illustrates a similar example to the appeal hedge in 'Figure 3. Examples of the measurement of effective hedge length'.
  11. The red line of the hedge, as identified in the attached plan to RN2, extends across the boundaries of No 157 and 159's rear garden areas and is clearly longer than No 157's garden width. It is also substantially longer than the 4.4m effective hedge length used to calculate the AHH for RN1, which has remained as an unsubstantiated AHH of 5.15m for RN2. As such, this cannot be correct, reasonable and appropriate. Moreover, whether or not the area of the hedge to the rear of No 159 impacts on the reasonable enjoyment of the owners or occupiers of that property is not before me as the appeal relates only to a complaint made by the owner/occupier of No 157.
  12. I also see no justification on visual amenity grounds for all of the hedge, as illustrated in the attached plan to RN2, to be reduced in height. Although the hedge owner may choose to lower the whole hedge that would be a matter for the owner. I shall therefore revise the attached plan to clearly identify the appeal hedge with a black line running along the rear boundary of No 157 only. This would still result in significant improvements to light reaching the back garden area and windows of No 157 and thus the occupier's reasonable enjoyment of their property.

13. In determining works related to a RN, the future health of the hedge is a consideration which must be taken into account. The suggested staged reduction is a reasonable approach to take to maintain the health of the hedge. As such, I am satisfied that the staged reduction heights, with a preventative action height of 5.15m to ensure future maintenance and mitigation are reasonable and appropriate in this instance.
14. I appreciate that the initial action and second stage reductions may have already been carried out. Nevertheless, *The High Hedges Complaints: Prevention and Cure* publication (P&C) requires that a RN must explain what action must be taken in relation to the hedge in order to remedy the adverse effect and, if necessary, to prevent it recurring ("initial action") and by when ("the compliance period"); and what further action, if any, is required to prevent longer-term recurrence of the adverse effect ("preventative action"). The initial action must therefore be included in the revised RN.
15. However, the Act makes no provision for a timetable to be set for each stage of the works, only for a compliance period within which the overall initial action must be completed. Individual dates for staged cuts cannot be enforced and I have thus corrected the RN to reflect this. Furthermore, the compliance period of 3 months is clearly not practical to carry out these staged works to ensure that the future health of the hedge is not compromised.
16. I have thus corrected the RN and have given a compliance period of 15 months from the operative date, which is now the date of this decision. I am satisfied that this does not cause any injustice to the parties given that the overall period for all of the works remains the same. Nevertheless, I have included an informative to recommend that the stage reduction works are completed in line with the timeframes suggested by the Council. An informative concerning the need for the actions specified in the revised RN to be carried out so as not to disturb wild animals protected by the Wildlife and Countryside Act 1981 has also been included.

## Conclusion

17. I therefore conclude that the appeal should be allowed in part and that the requirements and plan of RN2 shall be corrected and varied so that there is a revised RN which:
  - revises the attached plan to clearly identify the appeal hedge (black line);
  - corrects matters relating to compliance period; and
  - revises the operative date of the RN so that it takes effect on the date of the decision.

*Mark Caine*

INSPECTOR



**IMPORTANT: this Notice affects the property at**

**13 Rosemary Lane, Formby L37 3HA**

**ANTI-SOCIAL BEHAVIOUR ACT 2003**

**PART 8: HIGH HEDGES**

**REMEDIAL NOTICE**

**CORRECTED AND VARIED BY Mark Caine BSc (Hons) MTPL MRTPI LSRA**

**Appointed by the Secretary of State for Communities and Local Government under Section 72(3) of the above Act.**

**1. THE NOTICE**

This notice is sent under Section 73 of the Anti-social Behaviour Act 2003 and pursuant to a complaint about the high hedge specified in this notice.

The notice is sent because it has been decided that the hedge in question is adversely affecting the reasonable enjoyment of the property at 157 Lonsdale Road, Formby L37 3HF and that the action specified in this notice should be taken to remedy the adverse effect and to prevent its recurrence.

**2. THE HEDGE TO WHICH THE NOTICE RELATES**

The hedge comprises a row of conifer trees on the northern boundary of 13 Rosemary Lane, Formby L37 3HA shown marked black on the plan attached to this notice.

**3. WHAT ACTION MUST BE TAKEN IN RELATION TO THE HEDGE**

**3.1 Initial Action**

I require the following steps to be taken in relation to the hedge before the end of the period specified in paragraph 4 below:

- i. Reduce the hedge identified on the attached plan with a black line to a height not exceeding 4.6m above ground level.

**3.2 Preventative Action**

Following the end of the period specified in paragraph 4 below, I require the following steps to be taken in relation to the hedge:

- i) Maintain the hedge identified on the attached plan with a black line so that at no time does it exceed a height of 5.15m above ground level.

**4. TIME FOR COMPLIANCE**

The initial action specified in paragraph 3.1 to be complied with in full within 15 months of the date specified in paragraph 5 of this Notice.

## 5. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the date of this decision.

## 6. FAILURE TO COMPLY WITH THE NOTICE

Failure by any person who, at the relevant time is an owner or occupier of the land where the hedge specified in paragraph 2 above is situated:

- a. to take action in accordance with the Preventative Action specified in paragraph 3.2 by any time stated there,

may result in prosecution in the Magistrates Court with a fine of up to £1,000. The Council also has power, in these circumstances, to enter the land where the hedge is situated and carry out the specified works. The Council may use these powers whether or not a prosecution is brought. The costs of such works will be recovered from the owner or occupier of the land.

Signed: *Mark Caine*

Dated: **15 May 2024**

### **Informative**

It is recommended that:

The hedge identified on the attached plan with a black line be reduced to a height not exceeding 6m above ground level within a period of 3 months from the date specified in paragraph 5 of this Notice.

The initial action set out in paragraph 3.1 of this Notice to be completed by the end of the compliance period set out in paragraph 4 from the date specified in paragraph 5 of this Notice.

All works should be carried out in accordance with good arboricultural practice, advice on which can be found in BS 3998: 'Recommendations for Tree Work'.

Skilled contractors are employed to carry out this specialist work. For a list of approved contractors to carry out works on trees and hedges, see the Arboricultural Association's website at [www.trees.org.uk](http://www.trees.org.uk) or contact 01242 522152.

In taking action specified in this Notice, special care should be taken not to disturb wild animals that are protected by the Wildlife and Countryside Act. This includes birds and bats that nest or roost in trees. The bird nesting season is generally considered to be 1 March to 31 August.



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## Plan

This is the plan referred to in my decision dated: **15 May 2024**

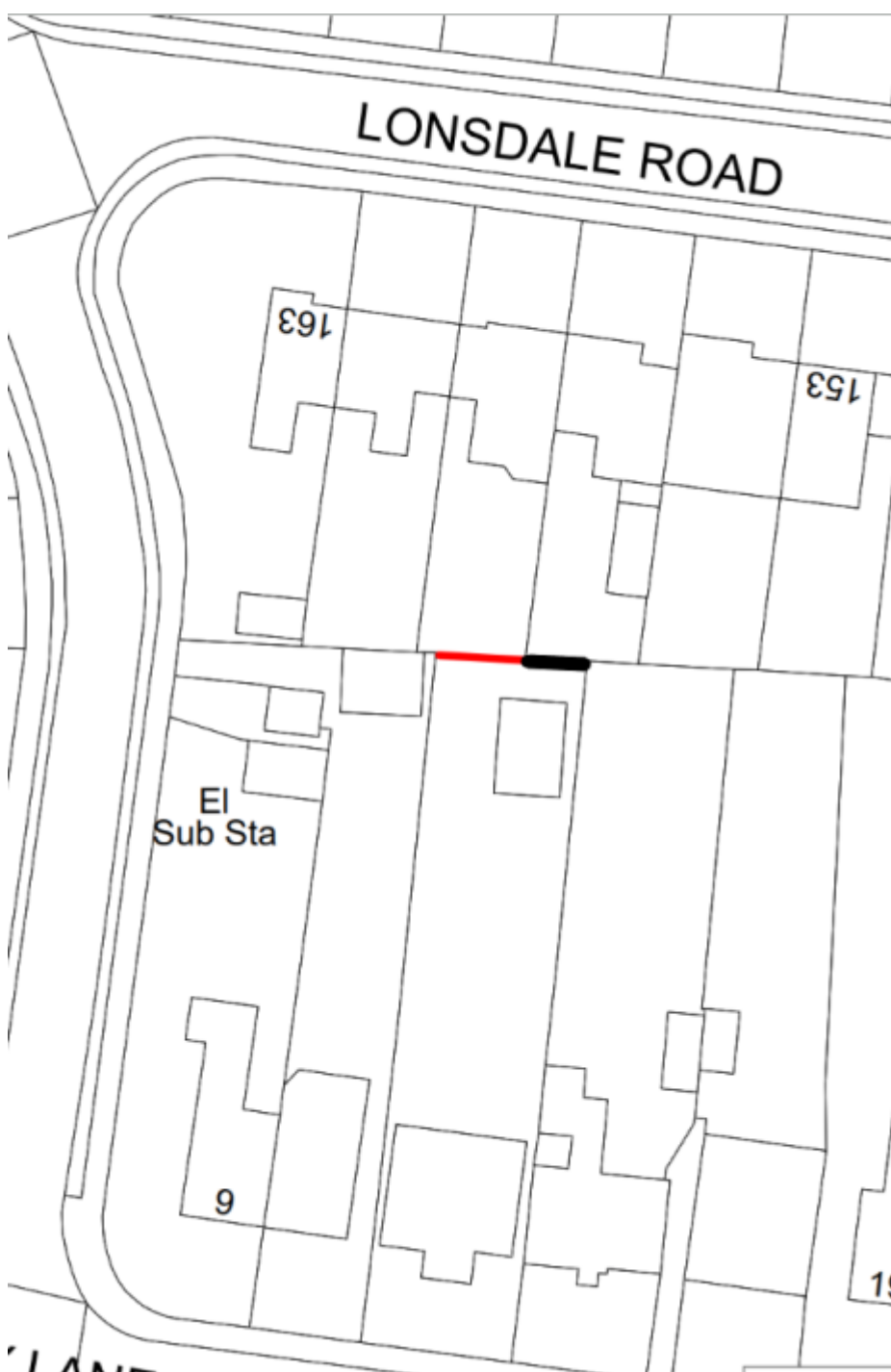
**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

**Hedge at: 13 Rosemary Lane, Formby L37 3HA**

**Reference: APP/HH/2014**

Scale: Not to scale

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## Appeal Decision

Site visit made on 26 April 2024

**by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS**

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

**Decision date: 13 May 2024**

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**Appeal Ref: APP/M4320/Z/24/3337440**

**Land at the junction of Derby Road and Strand Road, Bootle, Liverpool L20 8EE**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by JCDecaux Limited against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2023/01407, dated 9 August 2023, was refused by notice dated 12 December 2023.
  - The advertisement proposed is a single leg, free standing advertising structure featuring one internally illuminated sequential display screen.
- 

### Decision

1. The appeal is allowed, and express consent is granted for a freestanding internally illuminated 48 sheet digital LED advertisement display sign to replace the existing sign on land at the junction of Derby Road and Strand Road, Bootle, Liverpool, L20 8EE, in accordance with application ref: DC/2023/01407, dated 9 August 2023, and subject to the five standard conditions set out in the Regulations and also to the additional conditions included in the attached schedule.

### Procedural Matters

2. The appellant describes the proposal as for *'a single leg, free standing advertising structure featuring one internally illuminated sequential display screen'*, whereas the local planning authority (LPA) describes it as *'a free standing internally illuminated 48 sheet digital LED advertisement display sign to replace the existing sign'*. I have considered the appeal using the latter description as it provides additional precision.
3. The LPA has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. A revision to the National Planning Policy Framework 2023 (the Framework) was published on 19 December 2023. The amendments made did not have a bearing upon the main issue in this appeal, and it was therefore not necessary

to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.

## The Main Issue

5. The LPA makes no objection to the proposal upon grounds of visual amenity, and I have no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement upon highway safety.

## Reasons

6. The proposed replacement advertisement display would be located at a heavily traffic controlled junction at Derby Road with Strand Road, and where there are currently two similar, but separately located advertisement displays, one facing south along Derby Road and the other facing north. The south facing display has a digital form whereas the north facing display, which is the subject of the appeal, has a back-lit mechanical sequence display.
7. The appeal proposal is to mirror the technology and display characteristics of the south facing advertisement. In this regard, the support structure and the size of the display panel would not change for the existing advertisement.
8. The south-bound carriageway consists of five lanes leading to the traffic-light controlled junction, with three lanes continuing straight forward beyond the lights and with the other lanes providing turning space through the junction.
9. The main parties agree that the changes to displayed images should not be so frequent as to engage the attention of drivers so as to cause a distraction, and that changes to displayed images should be no less than every 10 seconds. There is also agreement that such images should be static, with no sequencing for a product or attraction which can tell a story and where drivers might be tempted to wait for, and look at, the next story display and which again would lead to a reduction in highway safety at the junction. I have no reason to disagree.
10. The point of contention between the main parties is the level of luminosity of the proposed display and whether it would be so great as to unacceptably compete with and confuse drivers with regard to the traffic lights and the turning signals of other drivers.
11. The appellant has proposed levels of luminosity some 30% below the recommended night-time levels of the Institute of Lighting Professionals (ILP), though which recognises that every case must be determined upon its merits.
12. On my site visit, I was able to see that, while the junction is heavily trafficked, it is not an unduly complex one and is well lit. Moreover, the proposed display would be mainly directly in front of the drivers' views such that those travelling directly forward would not have to turn away from the road to look at the advertisements shown on the display.
13. Furthermore, I have no information before me as to any luminosity limits upon the existing display to be replaced or indeed, on any such limits felt necessary

# Agenda Item 6

Appeal Decision : APP/M4320/Z/24/3337440

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to be imposed by the LPA upon the other existing signage display at the junction.

14. When taking into account the above matters, I have no reason to believe that the reduced luminosity levels from those recommended by the ILP would cause unacceptable harm to highway safety. Furthermore, there is no evidence that it would be any more harmful than current luminosity levels.

15. Therefore, I conclude that the proposal would accord with policy EQ11 of the Sefton Local Plan (2017) and with paragraph 141 of the Framework in so far as they seek to create places that are safe.

## **Conditions**

16. The consent is for ten years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions. I have not been provided with any reason why the application for a ten year period would be unacceptable.

17. I have imposed a condition relating to the approved plans in the interests of certainty.

18. I have imposed conditions relating to the frequency of changes to the displayed images and to their content and luminosity in the interests of highway safety.

## **Conclusion**

19. For the above reasons, I conclude that the appeal should be allowed.

*S. Hartley*

INSPECTOR

## **Schedule of conditions**

1. The consent is for ten years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions.
2. The development hereby permitted shall be carried out in accordance with the following plans: A02279, part 1 dated August 2023 (proposed block plan) and A02279, part 2 dated August 2023 (panel specification and screen specification)
3. The internally illuminated advertisement hereby approved shall not have any intermittent light source, or display any moving or apparently moving images, animation or video.
4. The internally illuminated advertisement hereby approved shall not change more frequently than once every 10 seconds, the sequential change between advertisement displays shall take place over a period of no greater than 0.1 second and the display shall include a mechanism to freeze the image in the event of a malfunction.
5. The internally illuminated advertisement hereby approved shall not display images or information that require close study such as email addresses or telephone numbers.
6. The internally illuminated advertisement hereby approved shall not display images or information that resemble official road traffic signs, traffic lights or traffic matrix signs.
7. The intensity of the illumination of the internally illuminated 48 sheet digital LED advertisement display permitted by this consent shall be no greater than 800 candela per square metre during daylight hours and 225 candela per square metre during twilight and night hours, as defined by official lighting up times.

## Appeal Decision

Site visit made on 10 April 2024

**by Alison Partington BA (Hons) MA MRTPI**

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

**Decision date: 26 April 2024**

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**Appeal Ref: APP/M4320/W/23/3335615**

**65 Scarisbrick New Road, Southport, PR8 6LF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Javed against the decision of Sefton Metropolitan Borough Council.
  - The application Ref is DC/2023/01092.
  - The development proposed is described as "splitting of driveway and new door".
- 

### Decision

1. The appeal is dismissed.

### Background and Main Issue

2. The Council have stated that prior approval was granted in January 2022 for the change of use of the appeal property from offices to 2 dwellings. The appeal scheme proposes amendments to the existing fire escape, a new door and new first floor windows on both side elevations. The Council consider that, subject to conditions, these proposals are acceptable. From the evidence before me and what I saw on my site visit I see no reason to disagree with this conclusion.
3. In addition, the proposal includes the creation of a new driveway and vehicular access onto Curzon Road. The main issue in the appeal is the effect of this on the character and appearance of the area, having particular regard to the likely long-term effect on nearby street trees.

### Reasons

4. The appeal site is located on the corner of Scarisbrick New Road and Curzon Road. The trees along both these roads are attractive features which make a positive contribution to the character and appearance of the area. In order to provide off-road parking for the dwelling that fronts onto Scarisbrick New Road, it is proposed to create a new vehicular access onto Curzon Road. This would be located between, and within close proximity to, 2 street trees. As such, the proposal would have the potential to impact on these trees and particularly their root protection areas. Any damage to these trees would have a detrimental impact on the street scene.
5. The proposal was not accompanied by an arboricultural report that assesses the potential impact of the proposed new vehicular access on the nearby trees. The appellant has suggested that the works required to create the access would be limited in nature. However, in the absence of any information establishing the root protection area for the trees and assessing the impact of the proposal on



the trees, I am not satisfied that the work required to create the new vehicular access can be done without having a detrimental impact on the adjacent trees.

6. The appellant has pointed to the fact that there are other vehicular accesses to properties on this and other nearby roads which are located very close to street trees. Whilst this may be the case, I observed that these all appeared to be well established rather than recently created drives. Given this, these accesses may well pre-date the street trees, or at least would have been created when the trees were much younger and so their root protection areas were smaller. Moreover, I observed that whilst there are a number of new houses on Curzon Road which have vehicular accesses, none of these are located near street trees.
7. Overall, I consider that, through its potential impact on the nearby street trees, the proposed vehicular access may adversely impact on the character and appearance of the area. As a result, it would conflict with Policies EQ2 and EQ9 of the Local Plan for Sefton (adopted April 2017) which, amongst other things, require that development proposals respond positively to the character and local distinctiveness of the surroundings and do not result in unacceptable loss of, or damage to, existing trees.
8. For the reasons set out above, I conclude the appeal should be dismissed.

*Alison Partington*

INSPECTOR

## Appeal Decision

Site visit made on 10 April 2024

**by Alison Partington BA (Hons) MA MRTPI**

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

**Decision date: 24 April 2024**

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**Appeal Ref: APP/M4320/W/23/3328625**

**201A Altway, Aintree, L10 6LB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Kieron Jamieson against the decision of Sefton Metropolitan Borough Council.
  - The application Ref is DC/2023/00540.
  - The development proposed is the change of use of ground floor from retail (E) to a bar/café with the provision of outdoor seating (Sui Generis).
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of ground floor from retail (E) to a bar/café with the provision of outdoor seating (Sui Generis) at 201A Altway, Aintree, L10 6LB in accordance with the terms of the application, Ref DC/2023/00540, subject to the conditions in the Annex A.

### Procedural Matter

2. I note the description of development given on the application form and the very detailed description on the appeal form. In the banner heading and my formal decision above, I have used the description of development used on the decision notice as it provides a more accurate and succinct description of the proposed development.

### Main Issue

3. The main issue in the appeal is the effect of the proposed development on the living conditions of nearby residents with particular regard to noise and disturbance.

### Reasons

4. The appeal relates to a vacant unit at one end of a small retail centre, on the corner of Altway and Stowe Avenue. The wider area is predominantly residential. The nearest residential property to the premises is No 1 Stowe Avenue whose gable end faces the rear of the unit, across a vehicular access. There are also properties on the other side of Altway as well as on the far side of the Stowe Avenue junction.
5. The retail centre contains a wide range of uses including a number of uses that open in the evening. At the other end of the centre is a public house with a large outside seating area, and a Conservative Club that I am told holds regular events is located nearby on Lancing Drive. As such, the shopping centre

- and other nearby commercial uses already create noise and activity during the evening.
6. Whilst I have not been supplied with any details, it is likely that the former use of the premises as a card shop means it would have operated mainly daytime hours. It is proposed to use the unit as a small-scale café and bar, with a small outside seating area at the front of the unit. It is proposed the use would be open during the evening as well as the day, although the appellant has indicated that the outside seating area would not be used for the purposes of eating / drinking beyond 5pm.
  7. The shopping centre has 3 parking areas, providing around 23 spaces and there is a separate area to the rear where staff can park. Although I observed that the customer parking areas were well used, there were always spaces available. Whilst only a snapshot in time, I consider that customers for the proposed use would generally use these parking areas rather than the surrounding streets. Moreover, although open longer hours, it is unlikely that a small-scale café/bar would attract significantly more car-borne customers than a retail use. As a consequence, I am satisfied that there would not be undue inconvenience or disturbance to local residents arising from parking associated with the proposal.
  8. Conditions can be used to control the opening hours of the café/bar as well as the hours the external seating area can be used. They can also be used to control the noise levels from any music played within the premises. Given this, and that there are other uses within the centre that already open until the same time as is proposed for this use, I envisage that any noise and disturbance resulting from the proposed use, and the arrival or departure of clientele from the premises would be minimal in comparison with, and indistinguishable from, that associated with the other uses in the centre.
  9. In addition, it is not proposed to cook food on the premises, and this can be controlled by condition. As such, there would be no particular odours associated with the proposal. Ensuring that waste from the use is appropriately stored and managed can also be controlled by a condition. Given this, and the nature of the use, I see no reason why it should cause an increase in litter in the area.
  10. The unit is set back slightly from the immediately adjacent row of shops and the external seating area would extend no further forward than these units. The pavement at this point is of a sufficient width to ensure that the external seating area would not cause an obstruction to other users. Whilst people may choose to stand elsewhere to smoke, this would not necessarily block the pavement and would be no different from customers of other premises who may stand outside the unit to do the same. Nor is there any substantive evidence to show that the use of this area by smokers would pose a health risk to others.
  11. It is suggested that the use has the potential to increase anti-social behaviour. Although there is no substantive evidence that this would be the case, should it occur, matters can be addressed using other legislation. It has also been argued that there is no need for such a use as there are other such uses in the area. Whilst there are other drinking establishments, I saw no other cafes in the vicinity, and in any case, it is not the role of the planning system to prevent competition. Whether the proposal would be financially viable is a matter for

the owner and is not a reason that justifies refusing planning permission. In addition, there is no persuasive evidence that the proposal would lead to a loss of property values.

12. All in all, I consider that the proposal would not unacceptably harm the living conditions of nearby residents with particular regard to noise and disturbance. Accordingly, I find no conflict with Policies HC3, EQ2 and EQ10(1)a of the Sefton Local Plan (adopted April 2017) which require that, amongst other things, developments should not cause significant harm to the living conditions of neighbouring residents. Nor would it be contrary to paragraph 135f of the National Planning Policy Framework that require that developments should provide a high standard of amenity for existing and future users.

### **Conclusion and Conditions**

13. For the reasons set out above I conclude the appeal should be allowed.
14. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty. The other conditions are all necessary in order to protect the living conditions of nearby residents. However, I have changed the hours the outside seating area is allowed to be used so that it accords with the appellant's stated intentions and I have combined suggested condition 2 and 3 to avoid repetition.

*Alison Partington*

INSPECTOR

## **Annex A**

### **Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted, including the outside seating area, shall be carried out in accordance with the following approved plans: Site Location Plan; Block / Site Plan; Existing Ground Floor Plan Drawing Number OFS-201AA-PP-CI-04-2003-001 Rev A; Proposed Ground Floor Plan Drawing Number OFS-201AA-PP-CI-04-2003-002 Rev A; and Proposed Site Layout Plan Drawing Number OFS-201AA-PP-CI-04-2003-003 Rev A.
- 3) The use hereby permitted shall only take place between the following hours: 08:00 to 23:00.
- 4) The outdoor seating area shall not be used, and shall be removed from the external pavement area, outside the hours of 08:00 to 17:00.
- 5) 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.
- 6) No live, amplified or recorded music, or live entertainment shall take place outside of the premises.
- 7) No cooking, with the exception of warming or reheating, shall take place on the premises without appropriate extraction facilities first being installed. Prior to the installation of any such plant or equipment a written scheme of noise control, and detail of control of odours, for the proposed plant and equipment shall be submitted to, and approved in writing by, the local planning authority. The approved scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.
- 8) 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.

## Appeal Decision

Site visit made on 6 April 2024

**by Elaine Benson BA(Hons) DipTP MRTPI**

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

**Decision date: 12 April 2024**

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**Appeal Ref: APP/M4320/D/23/3333711**

**21a Ryeground Lane, Formby, Sefton L37 7EG**

- 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 M Goulbourne against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2023/01175, dated 5 July 2023, was refused by notice dated 4 September 2023.
  - The development proposed is 'amendment to Approved Application (DC/2022/01593) from pitched roof dormers to flat roof dormers on the front elevation'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. This is the effect of the appeal proposal on the character and appearance of the host property and the surrounding area.

### Reasons

3. The two appeal dormers have already been constructed on the front elevation of the appeal property. The principle of front dormer extensions and their position on the roof were approved in a recent planning permission ref DC/2022/01593. The flat roof design of the dormers is consistent with the contemporary architectural treatment of the host property and to my mind is an acceptable approach in an area of diverse house designs where dormers are a characteristic design feature.
4. However, the dormers are overly large in proportion to the size and scale of the front roof plane and the ground floor windows. Due to their size and the extent of their projection from the roof, the dormers appear dominant, out of proportion with the scale of the property as a whole and are incongruous. Furthermore, whilst the proposal complies with certain guidance in the Council's SPD House Extensions (SPD), the proposal conflicts with its paragraph 6.4 in this regard.
5. The appeal property is in a prominent location at the bend of the road and at a point where the designs of the adjacent properties transition. Notwithstanding its set back from the road frontage, the building is conspicuous due to the strident and discordant appearance of the dormers. The development harms the character and appearance of its surroundings.

6. I conclude that the dormer development results in a top-heavy roof which unbalances the overall appearance of the building. The proposal does not respond positively to the character and appearance of the surrounding area and consequently fails to comply with Policies EQ2 and HC4 of the Local Plan and Policy ESD2 of the Formby and Little Altcar Neighbourhood Plan which, in summary, seek to achieve high quality design that makes a positive contribution to the surrounding area. As already indicated, the scheme conflicts with similar design guidance in the SPD relating to roof alterations. The proposal is also counter to the design guidance in the National Planning Policy Framework which states that development that is not well designed should be refused.
7. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

*Elaine Benson*

INSPECTOR

## Appeal Decision

Site visit made on 23 March 2024

**by Elaine Benson BA(Hons) DipTP MRTPI**

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

**Decision date: 11 April 2024**

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**Appeal Ref: APP/M4320/D/24/3337183**

**52 Edge Lane, Thornton, Sefton, Merseyside L23 9XF**

- 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 Mrs Linda Byrne against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2023/01520, dated 16 August 2023, was refused by notice dated 1st November 2023.
  - The development proposed is to install a drop kerb in order to drive onto the driveway at the front of the house.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. This is the effect of the appeal proposal on highway safety.

### Reasons

3. The appeal property, 52 Edge Lane (No 52), stands at the corner of Edge Lane and Larchfield Road. It is proposed to construct a new vehicle crossing from its frontage onto a slip road off Edge Lane, a classified road. The proposal would enable the appellant to use the frontage of No 52 for parking. It is the only property without direct vehicle access to the slip road which provides access to Nos 22-52 Edge Lane and parking spaces along most of its length. The proposed dog-leg access would cross a large, grassed verge which lies between the junction of Edge Lane with Larchfield Road and the access to the slip road.
4. Edge Lane is a main arterial route out of Thornton and a route to and from Liverpool and Southport. Consequently, traffic flows along the road are significant throughout the week. The southern access to the slip road is about 5m from the junction of Larchfield Road with Edge Lane. The proposed vehicle crossing would be within the bellmouth of its entrance. The speed limit reduces from 30mph on Edge Lane to 20mph in the slip road.
5. There are multiple junctions in the area around the appeal site. Whilst motorists travelling along Edge Lane might expect to see vehicles using the slip road, the addition of a further crossing, particularly at the angle proposed, is in my judgement likely to cause confusion to drivers. Furthermore, vehicles entering or exiting the appellant's driveway would not have safe manoeuvrability due to the limited distance from the grassed verge and the



proximity to the junction, even if the vehicle movements were contained within the slip road. In combination, these factors would result in conditions that would be detrimental to highway safety. Furthermore, although other nearby houses have direct access to it, the original design of the slip road did not make provision for a vehicle crossing to No 52. Instead, its garage and off-street parking to the rear of the property are accessed from Larchfield Road. This factor appears to me to further demonstrate that an additional access in the proposed location is unacceptable in highway design terms.

6. The evidence indicates that the proposal would increase the likelihood of vehicles reversing onto Edge Lane close to the two other junctions (Edge Lane/slip road and Edge Lane/Larchfield Road). This would be somewhat unexpected by other motorists travelling along Edge Lane, even where there is good visibility. The appellant states that she would not reverse onto Edge Lane and there is no reason to doubt this. However, this could not be enforced and there would be no controls over how future occupiers of the property might use the vehicle crossing. Reversing manoeuvres in this location could result in vehicle collisions.
7. In the area around the appeal site, many properties fronting Edge Lane have an access directly off the classified road. They present a risk of vehicles reversing onto Edge Lane. Nonetheless, the history of these works has not been provided and in any event, each application for a vehicle crossing must be considered on its own merits. It is also acknowledged that the occupiers of No 50 Edge Lane may have used their driveway access onto the slip road for many years without incident, thus suggesting that motorists are not confused by the existence of a vehicle crossing there. However, its location is different to that of the proposed vehicle crossing.
8. As detailed above, No 52 has existing off-street parking provision. It has not been convincingly demonstrated why that area could not be altered to provide a sufficiently sized parking area, with an electric vehicle charging point if required. A safe, level and private off-street pedestrian access to the house through the garden could also be provided which would overcome the personal concerns identified by the appellant. This could also address the problems caused by flooding of the road that she has detailed. But in any event, personal circumstances cannot outweigh the wider public highway safety concerns that are likely to arise because of the appeal proposal.
9. The appellant does not consider that the proposal encroaches onto or affects a junction and/or creates an unacceptable risk of conflict between highway users. However, there is no technical or professional evidence to support these assertions. Anecdotal evidence of parking manoeuvres performed on the service road without incident does not outweigh technical evidence. The more convincing evidence with this appeal is the assessment provided by the Highway Authority.
10. It is unfortunate that advice about the construction of a cross-over appears to have been inconsistent with the technical consultee advice provided for the planning application. Nonetheless, the appellant was advised that planning permission was required for the works and each planning application is considered on its own merits, based on the site-specific circumstances.

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11. I am not convinced by the Council's evidence that the loss of an on-street parking space in the slip road would be sufficient justification to dismiss the proposal. However, I conclude overall that a safe vehicle access to the appeal site could not be achieved. The proposed crossing would encroach onto and affect a junction, leading to an unacceptable risk of conflict between highway users. Consequently, the proposed development does not comply with Policies EQ2 (2a) and EQ3 (f) of the adopted Sefton Local Plan and the highway safety requirements of the National Planning Policy Framework.
12. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

*Elaine Benson*

INSPECTOR

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

Date Monday 3<sup>rd</sup> June 2024

Start: 10:00 am at BOOTLE TOWN HALL

Agenda Item	Time	Application Details	Ward
5D	10.15am	DC/2024/00375 6 Berry Street Bootle	Linacre
4A	10.50am	DC/2023/01041 Land at Durrants Cottages Melling Lane, Maghull	Sudell
5B	11.15am	DC/2023/02125 1-17 St Andrews Close and adjacent open space Maghull	Sudell
5C	11.35am	DC/2024/00159 12 Northway Maghull	Molyneux

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