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MEETING: PLANNING COMMITTEE
DATE: 18th September 2024
TIME: 6.30 pm
VENUE: Assembly Hall - Bootle Town Hall, Trinity Road, Bootle, L20 7AE

Member

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

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

AGENDA

1. Apologies for Absence

2. Declarations of Interest

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

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

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

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

Minutes of the meeting held on 24 July 2024.

4. Applications for Planning Permission - Approvals

A DC/2021/00015 - Land To The South Of Deyes Lane, Maghull (Pages 11 - 38)

Report of the Chief Planning Officer

B DC/2023/01962 - Land Bounded By School Lane To The North, A Railway Line To The West And Whinny Brook To The South, Maghull (Pages 39 - 54)

Report of the Chief Planning Officer

C DC/2024/01248 - 1 Harris Drive, Bootle (Pages 55 - 62)

Report of the Chief Planning Officer

D DC/2024/00751 - The Salesian Academy Of St John Bosco Netherton Way, Bootle (Pages 63 - 86)

Report of the Chief Planning Officer

E DC/2023/02182 - Land To The Rear Of 19 College Avenue, Formby

(Pages 87 - 118)

Report of the Chief Planning Officer

5. Planning Appeals Report

(Pages 119 - 152)

Report of the Chief Planning Officer

6. Visiting Panel Schedule

(Pages 153 - 154)

Report of the Chief Planning Officer

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

PLANNING COMMITTEE

MEETING HELD AT BOOTLE TOWN HALL ON 24 JULY 2024

PRESENT: Councillor Hansen (in the Chair)

Councillors Brough, Desmond, Dodd, Johnson,
John Kelly, Sonya Kelly, Richards, Roche,
Thompson, Tweed, Williams, Grace and Cavanagh.

ALSO PRESENT: Councillors Hart, McNabb Parker, Robinson and
Veidman.

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors McGinnity, O'Brien, Page and McKee (Substitute Member).

19. DECLARATIONS OF INTEREST

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

Member	Minute No.	Nature of Interest
Councillor S. Kelly	Minute No. 21, DC/2024/00479 - 31 Clovelly Drive, Birkdale	Pre-determination

20. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the Minutes of the meeting held on 26 June 2024 be confirmed as a correct record.

21. DC/2024/00479 - 31 CLOVELLY DRIVE, BIRKDALE

The Committee considered the report of the Chief Planning Officer recommending that the above application for the change of use of the existing garage to a short-term holiday let (Retrospective) be granted subject to the conditions and for the reasons stated or referred to in the report.

A petition on behalf of objectors against the proposed development had been submitted in respect of this application but both the petitioner and the

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applicant decided not to address the Committee. Written statements from both the petitioner and the applicant were included in Late Representations.

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.

22. DC/2024/00421 - 5 SCHOOL ROAD, HIGHTOWN

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of a first floor extension to the side, single storey to the rear, a single storey garden store in the rear garden and installation of a new shop front be granted subject to the conditions and for the reasons stated or referred to in the report.

Councillor McNabb, as Ward Councillor, made representations on behalf of objectors against the proposed development and a response was given by the applicant's agent.

Arising from the discussion members referred to the proposed design for the frontage of the property and expressed the view that it would be more appropriate if it was more in keeping with the existing design and that of the adjacent property.

RESOLVED:

That the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report and subject to a further condition requiring the design of the proposed shop front to be in keeping with the design of the adjacent property.

23. DC/2023/00065 - LAND BOUNDED BY POVERTY LANE TO THE SOUTH, A RAILWAY LINE TO THE WEST, WHINNY BROOK TO THE NORTH AND THE M58 MOTORWAY TO THE EAST, MAGHULL

The Committee considered the report of the Chief Planning Officer recommending that the above application for the variation of condition 2 pursuant to planning permission DC/2017/01532 allowed on appeal ref APP/M4320/W/20/3257252 date: 22/02/2021 - to be changed to: No more than 498 dwellings shall be occupied until the distributor road between Poverty Lane and School Lane, as shown on drawing A083347 91-18-C001-rev-E (or a subsequently approved version thereof), is constructed and available for use by the public 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, a response by the applicant's agent, and a statement from the developer of adjoining land to the North of the development site over which site the proposed distributor road would also cross.

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; subject to condition 9 being deleted following evidence provided by the applicant and advice from the Merseyside Environmental Advisory Service that the condition has been complied with; subject to an additional condition to ensure significant progress on the delivery of the distributor road whilst development on the additional 248 homes is progressing in agreement with the LPA; and the conditions to be renumbered accordingly.

24. DC/2023/02111 - LAND TO THE NORTH EAST OF POVERTY LANE NORTH WEST OF HARRIER CLOSE POVERTY LANE, MAGHULL

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of a residential care home (C2) with associated parking, infrastructure and landscaping 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.

25. DC/2024/00306 - FORMER GASWORKS LITHERLAND ROAD, BOOTLE

Further to Minute 119 of the meeting held on 18 October 2023 and Minute 130 of the meeting held on 15 November 2023, the Committee considered the report of the Chief Planning Officer recommending that the above application for the approval of details reserved by Conditions 11, 12 and 13 attached to planning permission DC/2023/00560 approved on 7/12/2023 be granted subject to the conditions and for the reasons stated or referred to in the report.

Arising from the discussion a member referred to paragraph 2.5 of the report and enquired if the times of operation of the proposed temporary waiting restrictions could be brought in line with the restricted hours for HGV movements set out at paragraph 2.2 a member requested that the Construction Traffic Management Plan (CTMP) be amended to ensure that

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there was no queuing/parking on the Litherland Road or Linacre Lane. It was reported that both these aspects would be investigated with the Highways Manager and the CTMP revised to reflect these changes.

RESOLVED:

That following further clarification with the Highways Manager and if appropriate the CTMP being amended, 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 a review of the proposed temporary waiting restriction hours for HGV movements and to an additional requirement to ensure HGV vehicles accessing the site do not park/queue along Litherland Road.

26. 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 S Proffitt	DC/2023/01653 (APP/M4320/D/24/3337988) - 3 Lunt Road Sefton L29 7WB appeal against refusal by the Council to grant Planning Permission for the erection of a dormer extension with a balcony to the rear of the dwellinghouse (Retrospective) (Alternative to DC/2023/00346 refused 07.07.2023)	Dismissed 04/07/2024
Mr K Stanton (Kayess Holdings Ltd)	DC/2023/01952 (APP/M4320/Z/24/3337983) - Moor House The Northern Road Crosby L23 2RA - appeal against refusal by the Council to grant Advertisement consent for the display of three non-illuminated signs. (Alternative to DC/2023/00799 refused 19 July 2023)	Dismissed 28/06/2024
Mr T. Armstrong	DC/2023/01855 (APP/M4320/D/24/3340729) - 191 Moorhey Road Maghull L31 5LG - appeal against refusal by the Council to grant Planning Permission for the erection of a new fence from a height of 1270mm to 1740mm along the side and the front of the dwellinghouse (Retrospective)	Dismissed 25/06/2024

Mr G. Cringle	DC/2022/01968 (APP/M4320/X/23/3328561) - Land At Powderworks Lane Melling Liverpool L31 1AU - appeal against refusal by the Council to grant Planning Permission for a Certificate of Lawfulness for the continuation of use of Land at Powderworks Lane as an industrial site, used for storage of materials, with small existing workshop buildings.	Allowed 18/06/2024
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RESOLVED:

That the report be noted.

27. 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 22 July 2024.

Application No.	Site
DC/2024/00306	Former Gasworks Litherland Road, Bootle L20 3JE
DC/2024/00421	5 School Road, Hightown L38 0BN
DC/2024/00479	31 Clovelly Drive, Birkdale PR8 3AJ
DC/2023/00065	Land Bounded by Poverty Lane to the South, a Railway Line to the West. Whinny Brook to the North and the M58 Motorway to the East, Maghull
DC/2023/02111	Land to the North East of Poverty Lane North West of Harrier Close Poverty Lane, Maghull

RESOLVED:

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

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Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 18th September 2024

Subject: [DC/2021/00015](#)
[Land To The South Of Deyes Lane Maghull L31 6DJ](#)

Proposal: Erection of 74 homes including new vehicular access off Deyes Lane, car parking, landscaping and associated site works following demolition of existing buildings.

Applicant: Mr Sean McBride **Agent:**
Castle Green Homes and
Parkhaven Trust

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

Reason for Committee Determination: Application previously considered by Planning Committee

Summary

This application seeks full planning permission to build 74 houses at the Parkhaven Trust site on Deyes Lane, Maghull. The scheme involves an amended layout to that considered by Planning Committee on 15 March 2023 which has arisen due to a change in applicant.

The main issues to consider include the principle of the development, its design and impacts on the character of the area, living conditions, highway safety, ecology, trees and flood risk. Matters relating to affordable housing, housing mix and planning obligations are also relevant.

The report concludes that the proposal complies with adopted Development Plan policy and, in the absence of any other material considerations, the application is recommended for approval subject to conditions, a Section 106 legal agreement and the concerns raised by the Environment Agency being addressed.

Recommendation: Approve with conditions subject to the completion of a Section 106 legal agreement and delegated authority to address the concerns raised by the Environment Agency

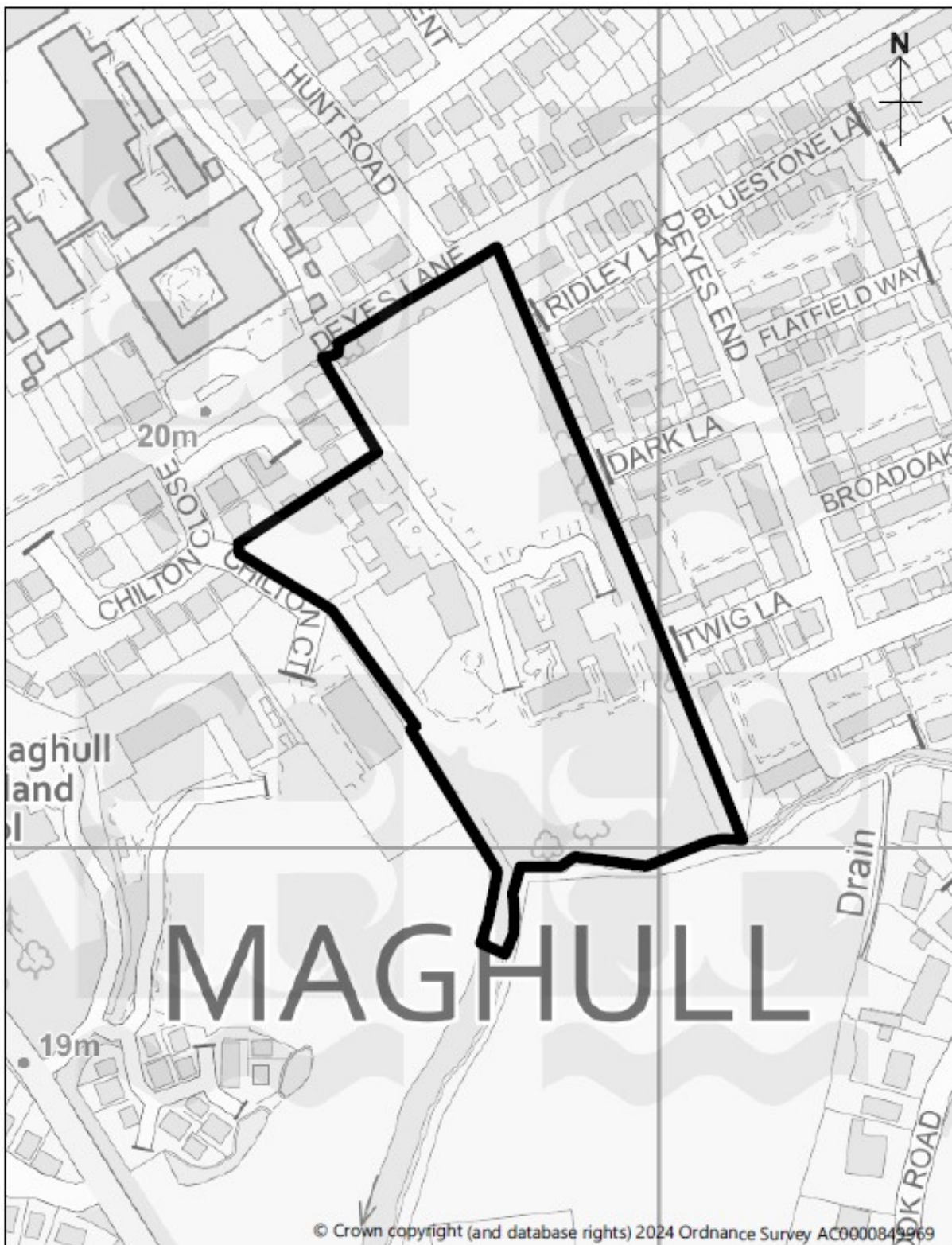
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Case Officer Diane Humphreys
Email planning.department@sefton.gov.uk
Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QMGWAVNW00600>

Site Location Plan



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The Site

The 3.2 hectare site lies on the south side of Deyes Lane, Maghull, roughly opposite Deyes High School. It contains two care homes, one of these (Kyffin Taylor House) is vacant whilst the other (James Page House) is operated by the Parkhaven Trust as a care home.

The site is bordered on three sides by residential properties of various styles whilst its southern edge is formed by Whinny Brook with open fields beyond.

History

None relevant

Consultations

Local Plans Manager

No objection subject to conditions and a Section 106 agreement

Maghull Town Council

Amendments should be sought in respect of phasing, affordable housing and housing mix

Environmental Health Manager

No objection subject to conditions

Highways Manager

No objection subject to conditions

Flooding and Drainage Manager

No objection

Environment Agency

Object due to insufficient details

United Utilities

No objection subject to a condition

Merseyside Environmental Advisory Service

No objection subject to conditions and a Section 106 legal agreement

Natural England

No objection subject to mitigation

Tree Officer

No objection subject to a condition

Building Control Manager

No objection

Fire and Rescue Service

Objection in relation to the furthest plots with shared driveways

Neighbour Representations

Local residents were notified of the latest proposals on 17 May 2024 and 10 written objections have been received. The reasons for objecting are summarised below:

- Historic lack of maintenance of trees along the eastern boundary of the application site causes problems for adjacent residents including loss of light and damage to gardens
- How and who will maintain these trees and will a fence be built?
- Loss of trees and hedges out of character with the area
- Impact on wildlife including hedgehogs which are an endangered species
- Overlooking and loss of light
- Extra traffic and pollution
- Object to the proposed new layby due to highway safety issues caused by school traffic
- History of poor drainage and flooding in the area
- Can money be spent on replacing trees in our green spaces?

Councillor Hardman has also drawn attention to the long-standing problems experienced by residents to the east of the site relating to maintenance of the trees.

A representation has been received from the Merseyside and West Lancashire Bat Group on the basis that updated dusk emergence bat surveys are required.

Policy Context

The application site lies within an area designated as an Education and Care Institution 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.

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Assessment of the Proposal

1. Introduction

- 1.1 The current proposal is an amended scheme to that considered at Planning Committee on 15 March 2023 when it was resolved to approve the application subject to conditions and the completion of a Section 106 legal agreement. The scheme considered at that meeting involved a residential development of 53 houses and 22 apartments totalling 75 new homes.
- 1.2 Due to a change in applicant (Redrow Homes replaced by Castle Green Homes) the legal agreement was not completed therefore the planning permission could not be issued.
- 1.3 The new applicant wishes to provide a residential development of 74 houses. The amended scheme involves a revised layout to that considered by committee with the introduction of new house types and associated amendments to landscaping proposals.
- 1.4 The main issues to consider include the principle of the development, its design and impacts on the character of the area, living conditions, highway safety, ecology, trees and flood risk. Matters relating to affordable housing, housing mix and planning obligations are also relevant.

2. Principle

- 2.1 The principle of residential development on the site was considered acceptable for the earlier proposal as it complied with Development Plan policy comprising the Sefton Local Plan and Maghull Neighbourhood Plan.

Local Plan

- 2.2 The site is designated as a care institution in the Sefton Local Plan and the proposal is considered to comply with policy HC7 'Education and Care Institutions' as a site in former use as a care institution. This is because whilst one of the care homes on the site (Kyffin Taylor House) is vacant, the other (James Page House) will be replaced by a new facility at the Parkhaven Trust site at Liverpool Road South.
- 2.3 A phasing plan submitted with the earlier application showed the area occupied by James Page House including a large garden amenity area for its residents would be developed as a second phase. A condition was to be imposed to ensure the development was carried out in accordance with the submitted phasing plan thereby retaining the amenity space whilst the care home remained operational and satisfying part 3 of policy HC7.

- 2.4 For the latest proposal, the applicant plans to construct the development as a single phase and has suggested a condition could be imposed preventing the commencement of development (other than site clearance and demolition of Kyffin Taylor House) prior to the vacant possession of James Page House which is expected to occur 18 months from acquisition of the site. This would ensure compliance with policy HC7 part 3.
- 2.5 The proposal for residential use is generally compatible with the surrounding area thereby satisfying that test in part 3 of policy HC7.
- 2.6 As the proposal is for residential use outside a designated primarily residential area, Local Plan policy HC3 'Residential development and primarily residential areas' is applicable, specifically part 3. The proposal does not conflict with this policy subject to it providing an acceptable residential environment and being consistent with other local plan policies, matters which will be discussed elsewhere within this report.

Neighbourhood Plan

- 2.7 The Maghull Neighbourhood Plan policy MAG4 'Residential character areas' shows the application site as being in the Hall Lane character area. The proposal should respond to the character of that area which the plan states "is one of the oldest parts of Maghull with a mixture of established and imposing Victorian buildings. The building materials used are also a mixture which is dependent on the age of the building but include red and sandstone coloured bricks, stone, tiles and slate. The roads are narrow and tree lined with the boundary treatments being mostly high sandstone walls."
- 2.8 The applicant's 'Supplementary Planning and Design Justification Statement' sets out how the latest proposal responds positively to the character of the area thereby according with Neighbourhood Plan policy.

3. Design and Character

- 3.1 The proposal involves a residential development of 74 homes comprising a mix of two-storey two, three and four bed terraced, semi-detached and detached houses. The houses will be built in red brick with some white render detailing and grey or red roof tiles.
- 3.2 The mix of house types and the use of materials add interest to the scheme which relates positively to the character and form of its surroundings thereby complying with Local Plan policy EQ2 'Design' and Neighbourhood Plan policy MAG4 'Residential Character Areas'. The applicant's supplementary statement advises that lower density detached housing located close to the Deyes Lane frontage reflects the character of existing properties in the area with a higher density and greater range of house types within the development site.

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- 3.3 Much of the site's character is formed by the trees and hedges which provide a natural setting to the proposed development with the new houses set back from the Deyes Lane frontage. Whilst the proposal involves some loss of trees and hedgerows (see section 7 below) it is considered that the landscaping proposals provide suitable replacement planting and retain the site's natural character.
- 3.4 The current and previously considered proposals achieve a net density of approximately 31 dwellings per hectare in compliance with Local Plan policy HC3 'Residential development and primarily residential areas' part 4.

4. Living Conditions

- 4.1 The impact of the proposal on the living conditions of residents surrounding the site and those who will occupy the site in the future needs to be assessed against Local Plan policies HC3 part 3 and EQ2 'Design' and the guidance set out in the 'New Build Homes' Supplementary Planning Document (SPD).

Existing Residents Surrounding the Site

- 4.2 There are residential properties bordering the site to the north, east and west. Distances between these dwellings and the proposed dwellings are in accordance with the guidance and therefore sufficient to prevent harmful impacts on existing residents' living conditions through overlooking, overshadowing or loss of outlook.
- 4.3 A condition is recommended in accordance with advice from the Environmental Health Manager to secure a Construction Environmental Management Plan (CEMP). This will control matters such as noise, dust and vibration during the demolition and construction phases.

Future Occupiers of the Site

- 4.4 The application has been assessed against the guidance contained in the 'New Build Homes' SPD in respect of interface distances and garden sizes and all relevance guidance is met.
- 4.5 The scheme satisfies Local Plan policies HC3 and EQ2 and relevant guidance in respect of impacts on residents' living conditions.

5. Highway Safety

- 5.1 A Highways Technical Note has been submitted with the amended layout and reviewed by the Highways Manager.
- 5.2 The applicant has demonstrated that the proposal will generate a similar level of traffic to the previous scheme and the Highways Manager is satisfied that this is not expected to have a severe impact on the highway network.
- 5.3 The proposed access road into the site from Deyes Lane will be 5.5 metres wide with 2 metre wide footways either side. There are several shared private driveways within the site; these have widths of either 4.8m or 5.5m and are in line with current Council guidance and considered acceptable.
- 5.4 The level of car parking for the development accords with the Council's guidance contained in the 'Sustainable Travel and Development' Supplementary Planning Document. A section of lay-by parking for four vehicles will be introduced on Deyes Lane to help accommodate on-street parking demand. This will enable additional safe parking in the area without adversely impacting on the flow of traffic on Deyes Lane or the inter-visibility along Deyes Lane between vehicles and pedestrians crossing the road at the uncontrolled pedestrian crossing in the speed table.
- 5.5 The Highways Manager has raised no objections to the proposal subject to conditions to secure off-site highway improvements, parking provision, visibility splays, a travel plan, access provision and a Construction Traffic Management Plan (CTMP). The CTMP should take account of the on-going redevelopment at Deyes High School opposite the site and minimise impacts on residents both locally and within the wider Maghull area.
- 5.6 The Fire and Rescue Service has raised an objection in respect of access for fire appliances to some of the plots. This matter would be considered under the Building Regulations and the Building Control Manager has commented that reasonable provision appears to have been made for fire brigade access.

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5.7 The proposed scheme meets Local Plan policy EQ3 'Accessibility' and relevant guidance in respect of issues relating to highway safety.

6. Ecology

6.1 The applicant has submitted an updated ecological 'walkover' (searches for signs of protected plant and animal species on the application site) to supplement the various ecological reports previously submitted alongside the application and these have been reviewed by Merseyside Environmental Advisory Service (MEAS).

6.2 The development is adjacent to Whinny Brook local wildlife site and MEAS recommends a condition to secure reasonable avoidance measures for the watercourse and bank habitats during demolition and construction. These measures can be included in a Construction Environmental Management Plan secured by condition. Further conditions are recommended by MEAS to protect potential bat and breeding bird habitats as well as badger and hedgehog.

6.3 The applicant has submitted a Ground Level Tree Assessment and Dusk Emergence Survey report. MEAS has reviewed the report and commented that the 29 trees of low bat roost potential must be identified so that soft felling techniques (where the tree is carefully dismantled in sections and each section slowly lowered to the ground) can be employed. The survey report has since been updated to identify the 29 trees and MEAS advise that a condition requiring soft felling is acceptable. This is recommended within the condition for a Construction Environmental Management Plan.

6.4 The updated layout has resulted in a net loss of biodiversity on the site. In addition to the landscaping proposals, the applicant has suggested that measures such as invasive species management, bat and bird nesting boxes, hedgehog refuges and bug hotels will provide biodiversity enhancements on the site. MEAS has advised that this proposal is acceptable and can be secured by a condition requiring the submission and approval of a biodiversity enhancement plan. The application is not subject to the 10% biodiversity net gain requirement as it was submitted before these regulations were introduced.

6.5 MEAS states that the proposal will lead to increased visits to the Sefton Coast which comprises sites designated as of ecological importance. Due to potential impacts on these sites, the proposal requires Habitats Regulations Assessment for 'likely significant effects'. MEAS has undertaken the assessment which concludes that, without mitigation measures, there will be 'likely significant effects' on the designated sites. In accordance with Regulation 63 (Habitats Regulations 2017) MEAS has prepared an Appropriate Assessment report which concludes there will be no adverse effect on the integrity of the site provided mitigation measures are secured. These take the form of a condition requiring an information leaflet to be given to new residents and a commuted sum payment to manage recreational pressure secured by a section 106 legal agreement.

- 6.6 The Council has adopted an Information Note on mitigating the impact of recreational pressure within Sefton. The applicant has confirmed their agreement to the 'opt-in' approach comprising a commuted sum payment of £76 per home, at 2024/25 prices, as the site is in the outer zone, away from the Coast. This gives a total commuted sum of £5,624.
- 6.7 Natural England has been consulted on the outcome of the Appropriate Assessment (AA) and has raised no objections subject to the appropriate mitigation being secured. The AA forms Annex 1 to this committee report and Natural England's comments are at Annex 2.
- 6.8 The proposal satisfies Local Plan policy NH2 'Nature', relevant guidance and the Habitats Regulations in relation to impacts on ecology.

7. Trees and Landscaping

- 7.1 The majority of the tree cover on the site is located around its perimeter with a number of smaller ornamental trees located within the site.
- 7.2 The application has been reviewed by the Council's Tree Officer. The proposal involves the loss of 36 individual trees and 9 groups as well as the removal of sections of hedgerow including the removal of the hedgerow along the Deyes Lane frontage. This hedgerow does have good amenity value and adds to the character of the area. However, its removal would facilitate the improvement and widening of the footpath along the Deyes Lane frontage which is necessary to provide safe access to the site.
- 7.3 The landscaping proposals involve the planting of 94 new trees and hedgerows with the remaining trees shown to be adequately protected during construction. This is considered acceptable and the Tree Officer raises no objections to the proposals subject to the submitted arboricultural documents being listed as approved documents.
- 7.4 Local residents have raised concerns about an historic lack of maintenance of trees along the eastern boundary of the application site causing problems including loss of light and damage to gardens. The applicant has agreed to a condition requiring the submission and approval of a landscape management plan to address this issue.
- 7.5 The proposal satisfies Local Plan policies EQ2 'Design' and EQ9 'Provision of public open space, strategic paths and trees' in respect of impacts on trees and landscaping proposals.

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8. Flood Risk

- 8.1 The application is accompanied by a Flood Risk Assessment and Drainage Strategy (FRA & DS) which has been reviewed by the Flooding and Drainage Manager and United Utilities. The majority of the site is located in Flood Zone 1, where there is a low risk of flooding, with a narrow corridor along the southern boundary adjacent to Whinny Brook being in a higher risk category. No development is proposed within this higher risk corridor.
- 8.2 The plans show a sustainable drainage (SuDS) pond in the south-west corner of the site. Consultees raise no objections subject to a condition requiring the development to be carried out in accordance with the submitted foul and surface water drainage design drawing and limiting the rate of surface water drainage to 8.9 litres per second.
- 8.3 The Environment Agency (EA) has been consulted as Whinny Brook is designated as a 'main river'. The EA has requested additional information from the applicant to clarify whether any works will take place within 8 metres of Whinny Brook and ascertain whether the EA is likely to grant a permit. Any further information on this matter will be reported as late representations and delegated authority is requested to enable the issue to be resolved before the application is determined. The FRA & DS acknowledges that an Environmental Permit may be required from the EA. This can be added as an informative.
- 8.4 Subject to the EA's concerns being addressed, the proposed scheme satisfies Local Plan policy EQ8 'Flood risk and surface water'.

9. Affordable Housing and Housing Mix

Affordable Housing

- 9.1 The affordable housing requirement for the site is 30% which equates to 22.2 dwellings, consistent with Local Plan policy HC1 'Affordable and Special Needs Housing'. However, the applicant has submitted a Vacant Building Credit (VBC) Statement requesting the application of eligible VBC to the site which contains a vacant building, Kyffin Taylor House.
- 9.2 The VBC statement demonstrates that the measurements for the vacant Kyffin Taylor House provided by the applicant and verified by the Council as part of the previous scheme enables a reduction from 22.2 to 19.0 affordable homes. This is in line with part 5 of policy HC1.
- 9.3 The proposal provides 19 affordable homes which is acceptable. In line with policy and government guidance two thirds of the 19 homes should be affordable or social rent and the remainder should be affordable home ownership properties. The Affordable Housing Layout shows that 12 of the affordable homes (63%) are for affordable rent and 7 are affordable home ownership properties (37%) which is acceptable. At least 25% of the affordable homes should be in the First Homes tenure, a type of affordable home

ownership. Therefore, of the 19 affordable homes, 5 of these should be made available as First Homes. These are provided.

9.4 The First Homes (and other discounted market homes) should be made available in line with Sefton's Local eligibility and price cap criteria, as set out in the 'Affordable and Supported Homes' Supplementary Planning Document. This can be secured in the section 106 legal agreement (see section 10 below).

9.5 The affordable homes are 'tenure blind' and reasonably dispersed throughout the site. The development will be constructed in a single phase as discussed in paragraph 2.4 above.

9.6 The proposed development meets Local Plan policy HC1 and relevant guidance.

Housing Mix

9.7 Local Plan policy HC2 'Housing Type, Mix and Choice' part 1 requires that 25% of the market homes are provided as 1 or 2 bedroom homes and 40% of the market homes provided as 3 bed homes. Of the 55 market homes proposed, 14 have 2 bedrooms (25%) and 22 (40%) have 3 bedrooms.

9.8 Policy HC2 part 2 requires that 20% of the market homes are designed to meet Building Regulation Requirement M4(2) 'accessible and adaptable dwellings'. The proposal provides 14 such homes which equates to 25% of the market homes.

9.9 The proposal satisfies policy HC2 in respect of housing mix, type and choice.

10. Planning Obligations

10.1 A section 106 legal agreement can secure the affordable housing units as well as management of the public open space. It can also secure a Travel Plan and require the developer to enter into a section 278 Highway Agreement with the Council to deliver off-site highway works and visibility splays to all junctions within the development site.

10.2 In terms of financial contributions, the site requires an education contribution to provide capacity in local schools to meet the needs of the new development. This is in line with Local Plan policy IN1 'Infrastructure and Developer Contributions' and the 'Contributions towards education provision – a guide for developers (2017)' information note. A financial contribution of £2,700 per dwelling at 2024/25 prices is required giving a total requirement of £199,800 which can be secured through the legal agreement.

10.3 The financial contribution of £5,624 to mitigate recreational pressure on the Sefton Coast, set out in section 6 above, can also be secured in the legal agreement.

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10.4 The legal agreement will be subject to a monitoring fee equivalent to 15% of the planning application fee. The monitoring fee for this application will be £4,008.45.

11. Energy Efficient and Low Carbon Design

11.1 Local Plan policy EQ7 'Energy Efficient and Low Carbon Design' states that major development should incorporate measures to reduce greenhouse gas emissions where practicable. The proposed development will be required to provide electric vehicle charging points for the new dwellings as part of the Building Regulations process. The proposal satisfies Local Plan policy EQ7.

12. Other Issues

12.1 The previous recommendation in March 2023 included a condition for full fibre optic broadband. This is no longer referred to in the Council's guidance ('New Build Homes' Supplementary Planning Document May 2023) so the condition is not considered necessary or reasonable.

12.2 Merseyside Environmental Advisory Service (MEAS) has recommended conditions to secure suitable treatment of invasive plant species on the site and a programme of archaeological work due to the potential for archaeological remains to be present from the medieval pond. A waste audit is also recommended due to the scale and nature of the proposal.

12.3 The site lies within a Minerals Safeguarding Area and an assessment has been submitted as required by Local Plan policy NH8 'Minerals'. The assessment has been reviewed by MEAS and accepted that sand extraction is unlikely to be economically feasible thereby complying with policy NH8.

12.4 Objections raised on planning grounds by local residents have been addressed elsewhere in this report. There is no policy requirement or justification for spending money on replacing trees in green spaces elsewhere.

13. Equality Act Consideration

13.1 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.

13.2 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. Whilst the proposal specifically affects older people due to the loss of two care homes on the site these have or will be replaced by new facilities at the Parkhaven Trust's site in Liverpool Road South.

14. Conclusion and Planning Balance

14.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for Sefton comprises the Local Plan, Neighbourhood Plan and the Minerals and Waste Local Plan.

14.2 Whilst the proposal does not fully comply with Local Plan policy HC7 at present, it is capable of complying provided the houses are not built before both care homes become vacant. This can be controlled by condition.

14.3 The scheme's design is in character with the local area and residents' living conditions are protected both within the site and in the surrounding area. Consultees have not raised objection in respect of issues relating to highway safety, ecology, trees and flood risk. Policies relating to affordable housing and housing mix are satisfied.

14.4 Overall, the proposal complies with adopted development plan policy and, in the absence of any other material planning considerations, the application is recommended for approval subject to conditions and a section 106 legal agreement.

Recommendation: Approve with conditions subject to the completion of a Section 106 legal agreement and delegated authority to address the concerns raised by the Environment Agency

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).

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Approved Plans

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

Drawing No. DLM-SLP.01 rev A	Location Plan
Drawing No. DLM-SP-01 rev I	Proposed Site Plan
Drawing No. DLM-MCL.01 rev A	M4(2) Compliant Layout
Drawing No. DLM-AHL.01 rev A	Affordable Housing Layout
Drawing No. DLM-MP.01 rev A	Materials Plan
Drawing No. WCL-CCP.01 rev A	Waste Collection Layout
Drawing No. DLM-CCP.01 rev A	Car Charging Point Plan
Drawing No. 7385.01 rev D	Landscape Proposals Sheet 1 of 2
Drawing No. 7385.02 rev E	Landscape Proposals Sheet 2 of 2
Drawing No. 7385.04 rev C	Landscape Proposals Hard Landscape Sheet 1 of 2
Drawing No. 7385.05 rev C	Landscape Proposals Hard Landscape Sheet 2 of 2
Drawing No. 7385.06 rev A	Tree Protection Plan
Drawing No. SCP-240210-S104-0500-001 rev C	S104 Drainage Layout
Buckingham House Type Floor Plans and Elevations	
Cambridge House Type Floor Plans and Elevations	
Drawing No. EAT.E.TF.1-PD-00	Planning Floor Plans
Drawing No. EAT.E.TF.1-PD-01	Elevations (Brick)
Drawing No. EAT.E.TF.1-PD-02	Elevations (Render)
Drawing No. EAT.M.TF.1-PD-00	Planning Floor Plans
Drawing No. EAT.M.TF.1-PD-01	Elevations (Brick)
Drawing No. EAT.M.TF.1-PD-02	Elevations (Render)
Drawing No. EVE.TF.1.PD-00	Floor Plans
Drawing No. EVE.TF.1.PD-01	Elevations (Brick)
Drawing No. EVE.TF.1.PD-02	Elevations Render
Drawing No. CHA.TF.1-00	Floor Plan
Drawing No. CHA.TF.1-01	Elevations Brick
Drawing No. HEA.TF.1.PD-00	Floor Plans
Drawing No. HEA.TF.1.PD-01	Elevations (Brick)
Drawing No. HEA.TF.1.PD-02	Elevations (Render)
Drawing No. HEN.TF.1.PD-00 rev A	Floor Plans
Drawing No. HEN.TF.1.PD-01	Elevations (Brick)
Drawing No. HEN.TF.1.PD-02	Elevations (Render)
Drawing No. OAK.E.A.TF.1.PD-01	Floor Plans
Drawing No. OAK.E.A.TF.1-02	Elevations (Brick Hipped)
Drawing No. OAK.E.A.TF.1-03	Elevations (Render Hipped)
Drawing No. OAK.E.A.TF.1-04	Elevations (Brick Gable)
Drawing No. OAK.E.A.TF.1-05	Elevations (Render Gable)

Drawing No. WIL.TF.1.PD-00 rev B	Floor Plans
Drawing No. WIL.TF.1.PD-01	Elevations (Brick)
Drawing No. WIL.TF.1.PD-02	Elevations (Render)
Drawing No. WIN.TF.1.PD-00 rev A	Floor Plans
Drawing No. WIN.TF.1.PD-1	Elevations – Brick
Drawing No. WIN.TF.1.PD-2	Elevations – Render
Drawing No. SinGar-01 rev A and SinGar-02 rev A	Single Garage Plans
Drawing No. SD-700	Screen Fencing 1.8m Standard Effect
Drawing No. SD-701	Gate Within Screen Fence 1.8m High
Report No. MG/7385/AIA&AMS/REV A/MAY24	Arboricultural Impact Assessment and Method Statement (Revision A)

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) 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 include the following:
- The proposed construction hours
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - Arrangements for liaison with the Council's Pollution Control Team
 - Measures to control the emission of dust and dirt during construction
 - Measures to control the emission of noise during construction
 - A scheme of piling methodology which provides justification for the methods chosen and details proposed noise and vibration suppression methods.
 - Details of external lighting to be used during construction
 - Reasonable avoidance measures to protect water vole, otter, badger and hedgehog and their habitats
 - Pollution prevention measures for watercourse and bank habitats during construction
 - A method statement for tree felling in relation to bats
 - A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

- 4) No development shall commence, including any works of demolition, until a Construction Traffic 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 include the following:

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- The proposed construction hours
- Details of temporary construction access
- The parking of vehicles of site operatives and visitors
- The loading, unloading and storage of plant and materials
- The location of the site compound
- A construction traffic routeing plan
- The times of the movement of heavy goods vehicles from the site
- Wheel washing facilities

Reason: To ensure the safety of highway users.

- 5) No development or site clearance shall commence until a written scheme of investigation for archaeological work has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

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

- 6) No development shall commence until a method statement showing the extent of Himalayan Balsam, wall cotoneaster and field horsetail and a scheme for their 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,
 - iii. What methods of control will be used including details of post-control monitoring, and
 - iv. What methods will be used to dispose of the plants after treatment/removal.

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

Reason: The details are required prior to commencement to ensure that Himalayan Balsam, wall cotoneaster and field horsetail are eradicated from the development site and to prevent the spread of the plant through development works.

- 7) No development shall commence until a detailed biodiversity enhancement plan, which shall include a programme for the implementation of the works and long-term management, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans and programme and the management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

Reason: The details are required prior to the commencement of development to safeguard conservation of species/habitats both during the construction period and following the development's completion and to provide biodiversity enhancements on the site.

8) No development shall commence, other than site clearance and demolition of Kyffin Taylor House, prior to the vacant possession of James Page House.

Reason: To protect the recreational space on the site until such time that the remaining care home becomes vacant.

During Building Works

9) 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 unless checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

Reason: To protect birds during their breeding season.

10) Prior to the erection of any lighting on the site a light mitigation strategy, including measures to reduce light spillage onto foraging habitats for bats, shall be submitted to and approved in writing by the local planning authority. The approved mitigation strategy shall be implemented prior to the erection of any lighting on the site and thereafter retained in perpetuity.

Reason: To safeguard conservation of species/habitats.

Before the Development is Occupied

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

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

12) No dwelling shall be occupied until facilities for the secure storage of cycles have been provided for that dwelling in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained in perpetuity thereafter.

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

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- 13) No dwelling shall be occupied until the access road shown on drawing no. DLM-SP-01 rev I has been constructed to the base course level to enable access to the dwellings.

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

- 14) No dwelling shall be occupied until a colour copy of the information leaflet 'Respecting Nature in Sefton: A voluntary code for responsible recreation' which sets out information about the Sefton Coast has been provided by the developer to the first-time occupiers of that dwelling.

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

- 15) No dwelling shall be occupied until a gap of 13cm by 13cm has been provided within the base of each length of boundary fencing serving the respective plot in order to maintain connectivity for hedgehog. The gap shall be maintained free of obstruction at all times.

Reason: To secure biodiversity enhancement.

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

Reason: To safeguard conservation of species/habitats.

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

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

- 18) Prior to the occupation of the development hereby approved, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens or areas to be adopted by the Local Highway Authority, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management shall be carried out in accordance with the approved plan over the period specified.

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

- 19) No dwelling shall be occupied until the drainage scheme for the development has been completed in accordance with Drawing No. SCP-240210-S104-0500-001 rev C. For the avoidance of doubt, surface water shall drain no greater than the restricted rate of 8.9 litres per second and no surface water shall drain into the public sewer. The approved drainage infrastructure shall be permanently retained thereafter.

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

- 20) No dwelling shall be occupied until visibility splays of 2.0 metres x 2.0 metres measured down each side of the driveway to that property have been provided clear of obstruction to visibility at or above a height of 1.0 metres above the footway level of the new development. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

Informatives

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.
- 3) There will be a requirement for the applicant to enter into a s278 Highways Act 1980 Legal Agreement to facilitate the works on the adopted public highway and a s38 Highways Act 1980 Legal Agreement to have the proposed new carriageways and footways within the development adopted by the Council. Please contact Sefton's Highway Development and Design team in this respect - email: HDD.Enquiries@sefton.gov.uk
- 4) Traffic Regulation Orders (TROs) will be required for a 20mph speed limit on the proposed access roads within the development site and to introduce waiting restrictions on the new access road and amend and introduce waiting restrictions along Deyes Lane.
- 5) The applicant is advised to contact the Environment Agency for advice on carrying out works close to a 'main river'.
- 6) This permission is subject to a Section 106 legal agreement.

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Annex 1 – Appropriate Assessment

Appendix 2: Appropriate Assessment – Sefton ref. DC/2021/00015, Land To The South Of Deyes Lane, Maghull. L31 6DJ

Introduction

36. Appropriate Assessment determines if the proposals will have an adverse effect on the integrity of European sites. A clear distinction has been made between embedded mitigation measures, which are essential features and characteristics of the proposals and additional avoidance and mitigation measures that are solely designed to avoid significant effects on European sites.

Assessment of Effects carried through to Appropriate Assessment:

Operational phase - noise and visual disturbance effects

Habitat degradation, noise and visual disturbance through increased recreational pressure

37. Sefton Council has adopted an Information Note on mitigating the impact of recreational pressure within Sefton. Proceeds will be used on enhancing existing visitor management measures and in creating new provisions such as signage, education and increased ranger presence.

Additional mitigation

38. Respecting Nature in Sefton Information Leaflet to be provided by the applicant to all first-time occupiers of new homes. The leaflet has been produced by MEAS and has been approved by Natural England. Applicants may also make this leaflet available in digital form to all first-time occupiers.

Receptor	Likely significant effect	Proposed Mitigation Measures	Adverse effect on site integrity with mitigation?
Qualifying features of: <ul style="list-style-type: none"> Sefton Coast SAC (dune habitat and European protected species); Ribble & Alt Estuaries SPA (non-breeding birds); and 	Increased in-combination recreational pressure causing habitat degradation and increased disturbance to qualifying species. This is a significant threat to the conservation status of Internationally protected species and nationally and internationally important bird species. This medium-sized project for 74 additional dwellings is one of a	Sefton Council has adopted an Information Note on mitigating the impact of recreational pressure within Sefton ²² . In order to ensure that recreational pressure effects are adequately mitigated, the applicant can opt-in to both of the following mitigation measures: <ul style="list-style-type: none"> Commuted sum contribution for each new home 	Provided the commuted sum of £5,624 is secured via <u>Section 106 legal agreement</u> and that the Sefton Information Leaflet is implemented in full and is <u>secured by planning condition</u> there will be no adverse effect on the integrity of the European sites.

²² <https://www.sefton.gov.uk/media/4485/202112-recpressureinonote-draft.pdf>

<ul style="list-style-type: none"> Ribble & Alt Estuaries Ramsar site. 	<p>number of developments in the Maghull area, as well as larger allocated site residential developments, such as Land East of Maghull (Poverty Lane), as included in the Local Plan. Therefore, the development will contribute to recreational pressure in combination with these developments.</p> <p>The town of Maghull is resourced in terms of public open space, with Leeds to Liverpool canal providing a significant draw for daily recreation such as walking and dog walking.</p>	<p>A commuted sum contribution will be required for each new home (net new home) of:</p> <ul style="list-style-type: none"> £76 per new home in the core zone (outer zone as shown on map 1 of the Information Note). This includes Maghull, in which the proposal lies. In this instance a commuted sum of £5,624 is required for the 74 dwelling proposal. Leaflets for new householders <p>A colour copy of the leaflet²³ setting out information about the Sefton Coast should be provided by the applicant to all first-time occupiers of new homes. The leaflet has been produced by MEAS and has been approved by Natural England. Applicants may also make this leaflet available in digital form to all first-time occupiers.</p> <p>The applicant has agreed to progress via this mitigation package, as confirmed in the document S106 Heads of Terms, which lists payment of £5,624 for recreational pressure impacts prior to first occupation.</p>	
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Table 2: Summary of Appropriate Assessment

²³ http://www.meas.org.uk/media/11047/lcr_leaflet_sefton.pdf

Integrity Test

39. On the basis of the above information, it is Sefton Council's opinion that the proposed project to which this screening opinion relates:
 - a. is not directly connected with or necessary to the management of the sites; and
 - b. will not lead to an adverse effect upon the integrity of each of the following European sites:
 - Sefton Coast SAC;
 - Ribble & Alt Estuaries SPA; and
 - Ribble & Alt Estuaries Ramsar site.
40. **Accordingly, no assessment of alternatives to the project or consideration of IROPI is required to be made under Regulations 64 of the Habitats Regulations before the Council decides to undertake, or give any consent, permission or other authorisation for this plan.**
41. This HRA report has assessed the project as submitted for planning permission. If there are changes to the project e.g. type of build, location, timing, that may affect the conclusions then the project will require further assessment. This is part of the iterative process of undertaking HRA.

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Annex 2 – Natural England Response

Date: 19 August 2024
Our ref: 483964
Your ref: DC/2021/00015



Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

planning.department@sefton.gov.uk

BY EMAIL ONLY

Dear Sir or Madam,

Planning consultation: DC/2021/00015

Location: Erection of 74 homes with access, parking, landscaping and associated works following demolition of buildings. Land To The South Of Deyes Lane, Maghull, L31 6DJ

Thank you for your consultation on the above dated 31 July 2024 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated sites,

- Sefton Coast SAC;
- Ribble and Alt Estuaries SPA;
- Ribble and Alt Estuaries Ramsar site

It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those

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European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of [its conservation objectives](#)) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

M. Clements

Martin Clements
Consultations Team

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 18th September 2024

Subject: [DC/2023/01962](#)
[Land Bounded by School Lane to The North, A Railway Line to The West and Whinny Brook to The South, Maghull](#)

Proposal: Application for approval of reserved matters relating to Parcels R1 and R2 of the submitted Development Strategy Document (pursuant to hybrid planning permission DC/2017/01528 approved 12/10/2021) for the appearance, landscaping, layout and scale of 249 dwellings including details to address conditions 4, 39 and 44 and part of condition 40 on permission DC/2017/01528

Applicant: Anwyl Homes (Lancashire) **Agent:** Mr Daniel Connolly
Connollys

Ward: Sudell Ward **Type:** Approval of reserved matters - major

Reason for Committee Determination: Discretion of Chief Planning Officer

Summary

This reserved matters application seeks detailed approval for a development of 249 homes on part of the site subject to application DC/2017/01528 which gave outline planning permission for up to 855 homes.

The principle of development has already been established so the main issues to consider relate to the details submitted for the named conditions, the design and layout of the proposal, affordable housing and housing mix considerations, and the proposal's impacts on living conditions, highway safety, drainage, landscaping and ecology.

The report concludes that the proposal is acceptable and, on balance, it is recommended that the reserved matters can be approved subject to conditions.

Recommendation: Approve with conditions

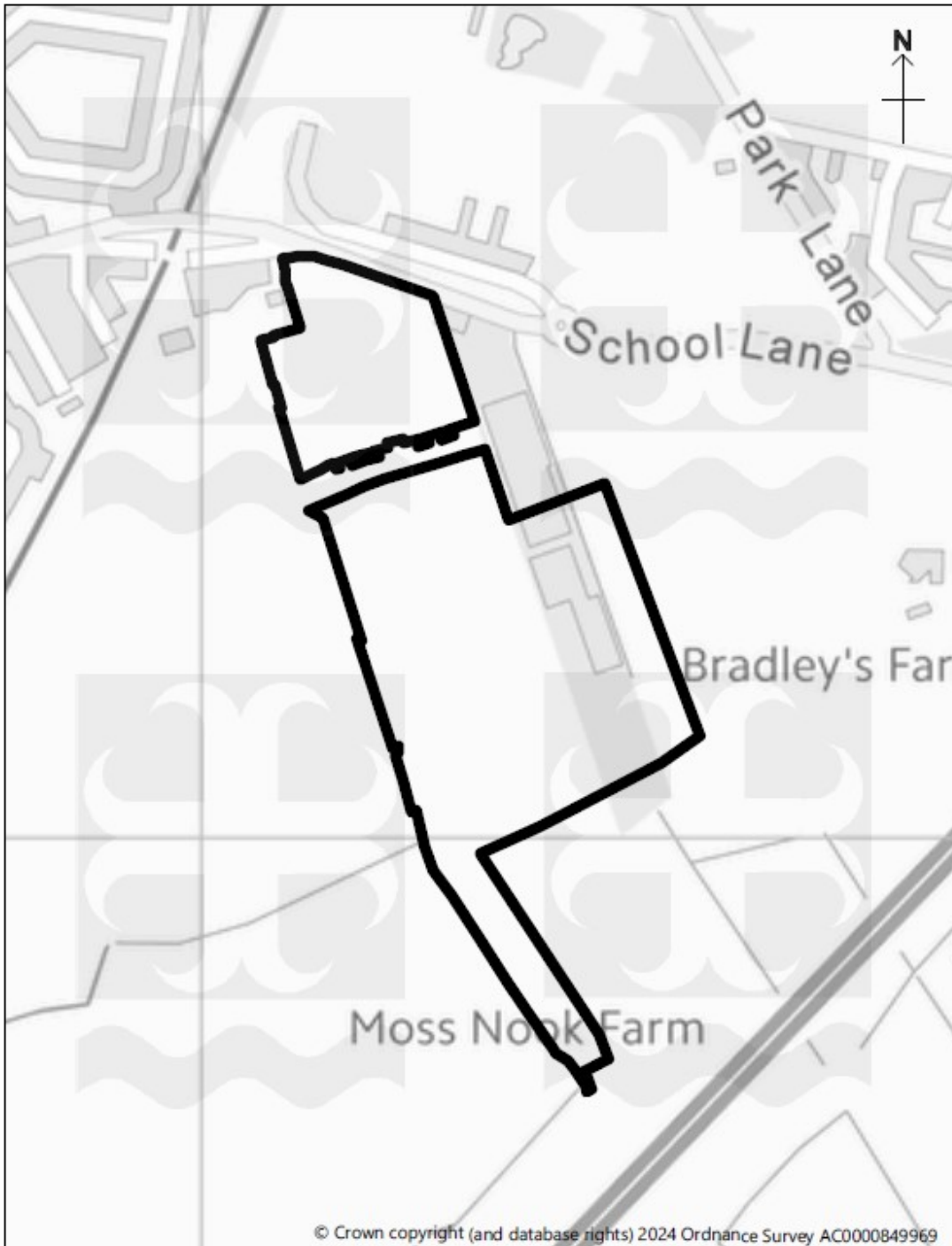
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Case Officer Diane Humphreys
Email planning.department@sefton.gov.uk
Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S42TU9NWIO100>

Site Location Plan



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The Site

The application site lies to the south of School Lane, Maghull and is part of the largest single allocation in the Sefton Local Plan known as 'Land east of Maghull'.

History

Application Site

The application site forms part of a larger site granted outline planning permission on 12 October 2021 (DC/2017/01528) for a residential development of up to 855 homes, an older persons' housing scheme and a mixed-use local centre. The decision also gave full planning permission for a new vehicular access from School Lane, a distributor road through the site and a flood relief channel. This mix of outline and full permissions is known as a 'hybrid' permission.

Since that time there have been several applications submitted to approve the details reserved by planning conditions.

A recent application (DC/2023/02194) requested an Environmental Impact Assessment (EIA) Screening Opinion for the development of 249 dwellings subject to the current reserved matters application. The decision confirmed that the proposal is not EIA development. The original hybrid application DC/2017/01528 was, however, considered to constitute EIA development and assessed as such under the EIA Regulations.

Neighbouring Site south of Whinny Brook

Planning permission was allowed on appeal on 22 February 2021 (DC/2017/01532) for a residential development of 841 homes plus outline planning permission for an older persons' housing scheme on land to the south of the application site and also within the larger 'Land east of Maghull' allocation.

An application to vary condition 2 of the above permission was approved on 26 July 2024 (DC/2023/00065) allowing more dwellings to be occupied on the site before completion of the distributor road connecting Poverty Lane to School Lane.

Consultations

Local Plans Manager

No objection although comments made in respect of affordable housing, housing mix, open space and phasing

Maghull Town Council

Generally supportive of the proposals with some improvements suggested; main concern relates to delivery of the entire spine road

Environmental Health Manager

No objection

Highways Manager

Comments will be reported as late representations

Active Travel England

Suggest revisions to the proposal

Flooding and Drainage Manager

Conditions 39 and 40 are partially satisfied

United Utilities

No objection to the approval of conditions 39 and 40

Tree Officer

No objection

Merseyside Environmental Advisory Service

No objection

Natural England

No objection

Building Control

No objection

Fire and Rescue Service

No objection

Network Rail

The applicant should liaise with Network Rail

Neighbour Representations

Individual written objections have been received from 3 Maghull addresses, the main points of which are summarised below:

- Significant traffic problems in Maghull
- No further housebuilding should be permitted on this site until the spine road is complete

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- Improvements needed to School Lane roundabout
- Lack of infrastructure
- Flood risk
- Object to loss of trees along School Lane

Policy Context

The application site lies within an area designated as a Strategic Mixed-Use Allocation 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

1. Introduction

- 1.1 The application site forms part of a larger site with outline planning permission to build up to 855 homes.
- 1.2 The current 'reserved matters' application seeks approval for the appearance, landscaping, layout and scale of 249 dwellings. It also seeks approval of the details to address conditions 4, 39, 40 and 44 of the hybrid permission. ('Reserved matters' are the details required following the grant of 'outline' planning permission).
- 1.3 The main issues to consider relate to the details submitted for the named conditions, the design and layout of the proposal, affordable housing and housing mix considerations, and the proposal's impacts on living conditions, highway safety, drainage, landscaping and ecology.
- 1.4 The report deals with the conditions in section 2 below, and with the other matters in the sections following that.

2. Conditions

- 2.1 The application includes details to address four of the conditions imposed on the hybrid planning permission, namely conditions 4, 39, 40 and 44.

Condition 4 states:

- 2.2 *With or prior to the first submission of reserved matters applications for built development within a phase, a more detailed phasing plan identifying sub-phases for that phase and prepared in accordance with Section 9 of the Land East of Maghull Masterplan, shall be*

submitted to and approved in writing by the Local Planning Authority. The development shall be built out in accordance with the approved Phasing Plan.

Reason: These details are required prior to the commencement of development in order to ensure that the phases of development are managed properly, to ensure that utility infrastructure is delivered in a coordinated and planned way and in order to safeguard the living conditions of the surrounding occupiers.

- 2.3 The current application is the first reserved matters application submitted on the wider site and includes details to address condition 4 as described in the applicant's Development Strategy Document (DSD). The DSD has been updated during the course of the application with the latest version referenced DSD_01528_C4_v3.0. This document describes how different phases of development parcels will be designed and delivered through a series of reserved matters applications following the hybrid permission.
- 2.4 The development of 249 homes proposed in the current application is shown to fall within the first phases of development, sub-divided into R1 (73 homes to the north of the spine road and fronting School Lane in Phase 1) and R2 (176 homes to the south of the spine road in Phase 2). Public open space to the west, east and south of these parcels would be provided alongside the delivery of these first and second phase homes.
- 2.5 Of the 249 homes in the first phase, 74 are to be affordable, equating to 29.7% of the scheme. Whilst this is marginally below the required 30%, it is considered acceptable provided the shortfall is addressed in future phases.
- 2.6 The DSD places the delivery of the spine road from the School Lane roundabout through to the wider site's southern boundary at Whinny Brook in Phase 1. It shows that the landscaping within Whinny Park on the hybrid application site, and the section of spine road within this, have already been completed as part of the works for the entire flood relief channel shared with the development site to the south.
- 2.7 The application does not specify timescales for delivery of each phase or the elements within those phases although it does state that development will be provided in accordance with the relevant phasing conditions set out in the hybrid permission DC/2017/01528. These include a requirement for no more than 250 dwellings to be occupied on the hybrid site until completion of the spine road through from Poverty Lane to School Lane (condition 14); no more than 499 dwellings to be occupied on the Land east of Maghull allocation before the access and servicing into the business park, and the landscaping between the business park and residential areas are implemented (condition 6); and no more than 749 dwellings to be occupied on the Land east of Maghull allocation before construction of the local shopping provision (condition 5).
- 2.8 The DSD places the spine road, landscaping adjacent to the business park and local shopping provision in the first phases of the development in compliance with the above conditions.

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2.9 Overall, it is considered that the Development Strategy Development reference DSD_01528_C4_v3.0 provides acceptable phasing for the wider site subject to the hybrid permission DC/2017/01528, therefore the details reserved by condition 4 may be accepted.

Condition 39 states:

2.10 *No development shall take place (other than demolition, site clearance or remediation) until an updated drainage strategy for foul and surface water based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority.*

The updated foul and surface water drainage strategy shall include the following details:

- a) The proposed foul connection points to the existing public sewerage infrastructure for the site.*
- b) No surface water, highway drainage or land drainage to discharge directly or indirectly into the existing public sewerage system.*
- c) Any drainage infrastructure connections (foul and surface water) including the volume of flows between the different phases and sub-phases of the development.*
- d) Identification of any parts of the site where foul pumping is necessary. The number of pumping stations throughout the site should be minimised.*
- e) Updated storage volume calculations.*
- f) Micro drainage simulations for each system with an outfall which must be surcharged to the actual calculated top water level of the receiving watercourse for the 1 in 2 year storm, 1 in 20 year storm, 1 in 30 year storm, 1 in 100 year storm, 1 in 100+40% climate change storm and the 1 in 100+ 70% storm events. If flooding is encountered in the simulations a flood routing plan must be provided to confirm where any excess flood water will be stored until the system recovers.*

In the event that the updated storage volume calculations demonstrate that additional flood storage is required this will need to be accommodated on site.

Reason: To ensure satisfactory drainage of the site and reduce flood risk.

2.11 The Flooding and Drainage Manager has advised no objection to the approval of the details reserved by condition 39 in respect of parts (b) to (f) and states that the applicant is presently discussing part (a) with United Utilities. United Utilities have confirmed that they have no objections to the approval of the details reserved by condition 39. The details provided for condition 39 are therefore considered acceptable.

Condition 40 states:

2.12 *No development shall take place within a phase or sub-phase (other than demolition, site clearance or remediation) until detailed schemes (including ground and finished floor levels*

above ordnance datum) for the disposal of foul and surface water for that phase or subphase have been submitted to and approved in writing by the Local Planning Authority. The schemes shall be in accordance with the Proposed Development Land South of School Lane, Maghull Flood Risk and Drainage Assessment by WYG Engineering Ltd of July 2017 (ref: A102170 rev A), Addendum No 1 of October 2018 (ref: A083347), Addendum No 2 of June 2019 (ref: A083347), the updated Foul and Surface Water Drainage Strategy required by Condition No 39, and the non-statutory technical standards for sustainable drainage systems (or any subsequent replacement).

Foul and surface water shall drain on separate systems and no surface water shall discharge to the public sewer either directly or indirectly.

The schemes shall include a construction phase drainage management plan to show how surface water and pollution prevention will be managed during the construction period.

The development shall be carried out in accordance with the approved schemes for the disposal of foul and surface water.

Reason: To ensure satisfactory drainage of the site.

2.13 United Utilities have confirmed they have no objections to the approval of the details reserved by condition 40. The Flooding and Drainage team advise that the details reserved by this condition are acceptable except that the applicant has not provided a construction phase drainage management plan to show how surface water and pollution prevention will be managed during the construction period.

2.14 The details reserved by condition 40 are considered acceptable subject to the submission and approval of a construction phase drainage management plan prior to construction works taking place. An informative can be added to the decision notice to confirm that this will be required.

Condition 44 states:

2.15 *No development shall take place within a phase or sub-phase until full details of the existing and proposed ground levels within and around that phase or sub-phase and on land around that phase or sub-phase, by means of spot heights, cross sections, and finished floor levels, have been submitted to and approved in writing by the Local Planning Authority. The development of that phase or sub-phase shall be carried out in accordance with the approved level details.*

Reason: To safeguard the character and appearance of the area and to reduce flood risk.

2.16 The applicant has submitted drawing number 30601/102 rev D 'R1 & R2 Existing and Proposed Levels'. This demonstrates that the site is relatively flat sloping gently down from

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School Lane in the north towards Whinny Brook in the south. In accordance with the approved Flood Risk and Drainage Assessment for application DC/2017/01528, finished floor levels for all the proposed homes are shown a minimum of 21.50m Above Ordnance Datum and at a higher level than the existing ground levels in order to minimise the risk of flooding whilst maintaining levels of privacy across the site and at the boundaries with future development parcels.

Conclusion on Conditions 4, 39, 40 and 44

2.17 For the reasons set out above, it is recommended that the details reserved by conditions 4, 39, 40 and 44 can be approved. The construction phase drainage management plan for condition 40 can be submitted at a later date before any construction works take place.

3. Design and Layout

- 3.1 Local Plan policy MN3 'Land east of Maghull' states in part 1 that "the development of this site will create a comprehensive high quality, well-designed sustainable urban extension containing integrated, distinctive, safe and secure residential neighbourhoods, a Business Park and improvements to local infrastructure". The 'Land East of Maghull' Supplementary Planning Document (SPD) sets out development principles and design criteria to be taken on board in the masterplan required by policy MN3. The 'Land East of Maghull' Masterplan provides an analysis of residential character in the surrounding areas and advises that there are opportunities to provide a range of house types that respect their surroundings in respect of size, scale, materials and built form. It sets out guidance on architectural principles and appearance and on a series of 'character areas' to be developed within the allocated site. For the present application site these range from development on the School Lane frontage, along the central boulevard and adjacent to the proposed Whinny Park with the remaining areas formed from streets and squares. More detailed guidance is then provided for each character area.
- 3.2 The Maghull Neighbourhood Plan policy MAG4 'Residential character areas' places the application site in the Hall Lane character area. The proposal should respond to the character of that area which the plan states "is one of the oldest parts of Maghull with a mixture of established and imposing Victorian buildings. The building materials used are also a mixture which is dependent on the age of the building but include red and sandstone coloured bricks, stone, tiles and slate. The roads are narrow and tree lined with the boundary treatments being mostly high sandstone walls."
- 3.3 The 'Design Justification Statement' submitted with the application explains how the proposed character areas respond to the guidance set out in the SPD, the Masterplan and the physical aspects of the site and its surroundings.
- 3.4 The Whinny Park character area is the main interface between the linear parks and the residential development and includes larger family homes with active frontages to the open

space and more natural landscaping suitable for the parkland setting. The homes tend to be served by small drives rather than large roads and have a unified window and door style and colour which is different to other character areas.

- 3.5 The Central Boulevard character area comprises those homes fronting onto the spine road and includes 2 and 2.5 storey dwellings to respond to the scale of the boulevard. Homes in this area have a relatively modern style with more use of render to transition between the commercial buildings in the local centre to the more traditional homes within the core of the site. Access to the homes will be via drives that run parallel to the spine road and are separated from it by avenue street trees and hedges.
- 3.6 The Streets and Squares character area makes up the bulk of the site and contains estate roads and minor residential streets resulting in a combination of formal and informal development. A variety of building materials will be used to add interest with additional detailing given to gateway or focal buildings. This character area contains a greater range of homes from first homes to larger family homes.
- 3.7 There are approximately 22 different house types within the scheme with a variety of themes on many of the house types including the use of different materials to add interest to the development. The majority of the new homes are two storeys in height although some also have room(s) in the roofspace and roof styles include both hipped and gabled. It is considered the proposal will provide a high quality, well-designed and sustainable urban extension containing integrated, distinct, safe and secure residential neighbourhoods and will thereby contribute to fulfilling the overall objective of Local Plan policy MN3 part 1 and Maghull Neighbourhood Plan policy MAG 4.

4. Affordable Housing and Housing Mix

Affordable Housing

- 4.1 The hybrid planning permission DC/2017/01528 is subject to a Section 106 legal agreement which includes a requirement for a minimum of 30% of the new dwellings to be provided as affordable homes in line with Local Plan policy HC1 'Affordable and Special Needs Housing'. The affordable units shall be split on the basis of 67% for affordable rent and 33% for affordable home ownership.
- 4.2 The current application for 249 dwellings provides 74 affordable units. This equates to 29.7% of the scheme which is marginally below the 30% requirement but is considered acceptable provided the shortfall is addressed on subsequent phases so that a minimum of 30% affordable housing is delivered across the wider site. (This is also referred to in paragraph 2.5 above).
- 4.3 The affordable units are provided across a range of two storey 2 and 3 bed homes comprising houses and apartments. There is a reasonable spread of affordable housing

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throughout this phase of the development although there are some clusters of more than 6 affordable homes (there are 3 groups of 8) which is contrary to policy HC1 part 8b. However, given that the current development is providing a range of 74 affordable units and most of these are provided in clusters no greater than 6, it is considered, on balance, that the proposed affordable housing provision is acceptable.

Housing Mix

- 4.4 Condition 13 of the hybrid permission DC/2017/01528 requires a minimum of 25% of market dwellings to be one or two bedroom properties and 40% of market dwellings to be 3 bedroom properties. It also requires at least 20% of the market properties to be designed to meet Building Regulation Requirement M4(2) 'accessible and adaptable dwellings'.
- 4.5 The current application shows 44 of the 175 market homes as two bedroom (25%) and 70 as three bedroom (40%) which complies with condition 13.
- 4.6 Three of the house types (Coxley, Cowley and Calder) will comply with Requirement M4(2) equating to 22.8% of the scheme as there are 40 of these units.
- 4.7 Based on the above assessment, the proposed housing mix is acceptable.

5. Living Conditions

- 5.1 The proposed houses are not directly adjacent to existing properties and wider impacts on nearby residents have already been assessed as part of the hybrid application DC/2017/01528. A condition is imposed on the hybrid permission requiring the submission and approval of a construction environmental management plan (CEMP) before any works take place within a particular phase. This will control matters such as noise, dust and vibration during the demolition and construction phases.
- 5.2 In respect of future residents on the application site, the application has been assessed against the guidance contained in the 'New Build Homes' Supplementary Planning Document in respect of interface distances and garden sizes and all relevance guidance is met.

6. Highway Safety

- 6.1 The vehicular access from the roundabout on School Lane and the spine road through the wider site have full planning permission under the hybrid application DC/2017/01528. The current application seeks approval for 'reserved matters' including the proposed layout of the residential development comprising 249 homes. An assessment is needed of the impact of the proposed layout on highway safety.
- 6.2 The Highways Manager has raised a number of concerns during the application process and the applicant's latest submissions have attempted to address these areas of concern. Final

comments from the Highways Manager will be reported as late representations.

- 6.3 The Highways Manager has raised concerns that the lack of vehicular access through the proposed local centre to the car park serving the multi-use games areas (MUGAs) will cause traffic and parking problems in the nearby residential areas. The applicant has advised that the MUGAs will not be used for organised sport and will serve the wider development as part of the overall areas of public open space. The MUGAs and the local centre both fall within the Phase 2 works identified on the Development Strategy Document so it is anticipated that direct access to the car park serving the MUGAs will be available through the local centre soon after they are brought into use thereby minimising any impacts on the nearby residential areas.
- 6.4 The amended drawings show that a 1.2 metre high post and rail fence will be provided along the School Lane frontage to prevent vehicular access from the internal turning head onto School Lane.
- 6.5 Condition 16(a)(iii) of the DC/2017/01528 hybrid permission requires the provision of a 3 metre wide shared pedestrian/cycle path along the School Lane frontage. The Highways Manager has advised that design standards have changed requiring a 5 metre wide cycle/footpath (2m footway and 3m cycleway). The applicant has agreed to this change.
- 6.6 In response to comments made by the Highways Manager, the latest drawings include changes to details such as visibility splays, shared driveways, pedestrian connections and vehicle manoeuvring.
- 6.7 The proposal is considered to comply with Local Plan policy EQ3 'Accessibility' subject to the detailed views of the Highways Manager.

7. Drainage

- 7.1 The proposals include a new foul water pumping station with underground storage tanks and a substation to be sited close to the eastern boundary of the application site just to the south of the proposed local centre. The pumping station and storage tanks will be sited within an area of public open space to the west of the proposed multi-use games areas (MUGAs). The facilities will be screened by landscaping including trees and hedgerow planting.
- 7.2 United Utilities and the Council's Flooding and Drainage Manager have been consulted on the application.
- 7.3 United Utilities raise no objections to the proposal and request that the submitted drainage details are listed as approved documents should the application be approved.
- 7.4 The Flooding and Drainage Manager also raises no objections and points out that the two proposed 'swales' (drainage basins) within areas of open space will need to be managed and

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maintained by a private company. Details of management and maintenance arrangements for the areas of open space are subject to the terms of the Section 106 legal agreement.

7.5 The proposed scheme complies with Local Plan policy EQ8 'Flood risk and surface water'.

8. Landscaping

8.1 The application includes detailed landscaping proposals for the application site as required by condition 1 of the hybrid permission DC/2017/01528. The landscape drawings show the planting of a variety of trees (770 in total), hedgerows, shrubs and grassed areas across the application site.

8.2 The Council's Tree Officer has reviewed the proposals and raises no objections to the landscaping scheme including the number, size and species of proposed tree planting.

8.3 The submitted drawings also show how the areas of public open space, including the play areas, will be developed. The main areas of public open space are shown around the eastern and southern portions of the application site as well as either side of the public right of way in the western portion of the site.

8.4 The two more formal play areas are shown in the south-west corner of the site within Whinny Park and to the west of a separate play area comprising two multi-use games areas (MUGAs). The two formal play areas include items for natural play only and do not include traditional equipment such as swings, slides, roundabouts etc. It would be preferable for at least one of the play areas within the wider site subject to application DC/2017/01528 to include traditional play equipment. This would be in line with the guidance contained in the Council's adopted 'Open Space' Supplementary Planning Document for equipped play areas and is considered particularly important given the number of new homes. The phasing plan in the Development Strategy Document shows that there will be small areas of public open space within each housing phase capable of providing at least one play area with traditional equipment.

8.5 The proposed landscaping and areas of public open space, including the play areas, are considered acceptable.

9. Ecology

9.1 Merseyside Environmental Advisory Service (MEAS) has been consulted on the application and advises that all matters relating to protected species have been addressed by conditions applied to the hybrid permission DC/2017/01528. They advise that the landscaping proposals for the current reserved matters application are acceptable from an ecological perspective and point out that condition 38 of the hybrid permission requires the submission and approval of a landscape and ecological management plan before development starts on this phase.

10. Other Issues

10.1 Local Plan policy EQ7 'Energy Efficient and Low Carbon Design' states that major development should incorporate measures to reduce greenhouse gas emissions where practicable. The proposed development will be required to provide electric vehicle charging points for the new dwellings in compliance with condition 22 of the hybrid permission DC/2017/01528. The proposal satisfies Local Plan policy EQ7.

11. Equality Act Consideration

11.1 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.

11.2 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.

12. Conclusion and Planning Balance

12.1 For the reasons outlined in the report above, the reserved matters proposal and details to address the named conditions comply with the hybrid permission DC/2017/01528, the policies in the Sefton Local Plan and Maghull Neighbourhood Plan and the guidance in the relevant Supplementary Planning Documents and Masterplan.

12.2 In the absence of any other material considerations, the application is recommended for approval subject to conditions.

Recommendation - Approve with conditions

Approved Plans

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

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Drawing No. 1437_LP_01 rev A	Location Plan – Context of Wider Area
Drawing No. 1437_LP_02 rev A	Location Plan – Context of Wider Area
Drawing No. 1437_PL_10 rev F	Planning Layout Parcels 1 and 2
Drawing No. 1437_OPS_01 rev C	Overall Phasing Strategy Plan
Drawing No. 1437_AH_01 rev E	Affordable Housing Parcels 1 and 2
Drawing No. 1437_BT-01 rev E	Boundary Treatment Parcels 1 and 2
Drawing No. 1437_EV_01 rev E	EV Charging Strategy Parcels 1 and 2
Drawing No. 1437_MT_01 rev E	Materials Layout Parcels 1 and 2
Drawing No. 1437_HT_01 rev B	Housetype Planning Pack
Drawing No. 1437_HT_02	Garage Planning Pack
Drawing No. 30601/102 rev D	R1 + R2 Existing and Proposed Levels Layout
Drawing No. 30601/103 rev D	R1 + R2 Preliminary Drainage Layout
Drawing No. 3588-01 rev H	Site Layout Visibility
Drawing No. UG_1092_LAN_LSN_DRW_18 rev P01	Landscape Supporting Notes
Drawing No. UG_2092_LAN_GA_DRW_002 rev P19	General Arrangement Sheet (R1)
Drawing No. UG_2092_LAN_GA_DRW_003 rev P19	General Arrangement Sheet (R2) 1 of 3
Drawing No. UG_2092_LAN_GA_DRW_004 rev P15	General Arrangement Sheet (R2) 2 of 3
Drawing No. UG_2092_LAN_GA_DRW_005 rev P13	General Arrangement Sheet (R1) 3 of 3
Drawing No. UG_2092_LAN_GA_DRW_015 rev P03	General Arrangement Entrance Space
Drawing No. UG_2092_LAN_GA_DRW_016 rev P08	General Arrangement Eastern Play Area
Drawing No. UG_2092_LAN_GA_DRW_017 rev P03	General Arrangement Southern Play Trail
Drawing No. UG_2092_LAN_HL_DRW_006 rev P17	Hard Landscape Sheet (R1)
Drawing No. UG_2092_LAN_HL_DRW_007 rev P17	Hard Landscape Sheet (R2) 1 of 3
Drawing No. UG_2092_LAN_HL_DRW_008 rev P08	Hard Landscape Sheet (R2) 2 of 3
Drawing No. UG_2092_LAN_HL_DRW_009 rev P08	Hard Landscape Sheet (R2) 3 of 3
Drawing No. UG_2092_LAN_MP_DRW_001 rev P17	Landscape Masterplan
Drawing No. UG_2092_LAN_SL_DRW_010 rev P16	Soft Landscape Sheet 1 of 5
Drawing No. UG_2092_LAN_SL_DRW_011 rev P16	Soft Landscape Sheet 2 of 5
Drawing No. UG_2092_LAN_SL_DRW_012 rev P15	Soft Landscape Sheet 3 of 5
Drawing No. UG_2092_LAN_SL_DRW_013 rev P16	Soft Landscape Sheet 4 of 5
Drawing No. UG_2092_LAN_SL_DRW_014 rev P11	Soft Landscape Sheet 5 of 5
Drawing No. 900350-028 rev 1	Construction Details for Indoor Unit Substation
Report Ref. 1437-BT02 July 2023 (Version 1)	Boundary Treatments Booklet Parcels 1 + 2
Report Ref. 30601/DS2/RDE March 2024	Drainage Statement
Report Ref. DSD_01528_C4_v3.0	Development Strategy Document

Reason: For the avoidance of doubt.

Informative

1. The details reserved by condition 40 are only partly agreed and a construction phase drainage management plan is required to be submitted to and approved in writing by the Local Planning Authority to fully satisfy condition 40.

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 18th September 2024

Subject: [DC/2024/01248](#)
[1 Harris Drive Bootle L20 6LD](#)

Proposal: Layout of an outside seating area with vehicle bollards and barrier system

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

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

Reason for Committee Determination: Discretion of Chief Planning Officer

Summary

The proposal seeks permission to the introduce an outside seating area to the front of 1 Harris Drive, Bootle which is currently used as a drinking establishment. The main issues to consider are the acceptability of the use in principle and any impact on neighbouring residents and the general environment and matters relating to parking and highway safety.

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

Recommendation: Approve with conditions

Case Officer John Kerr

Email planning.department@sefton.gov.uk

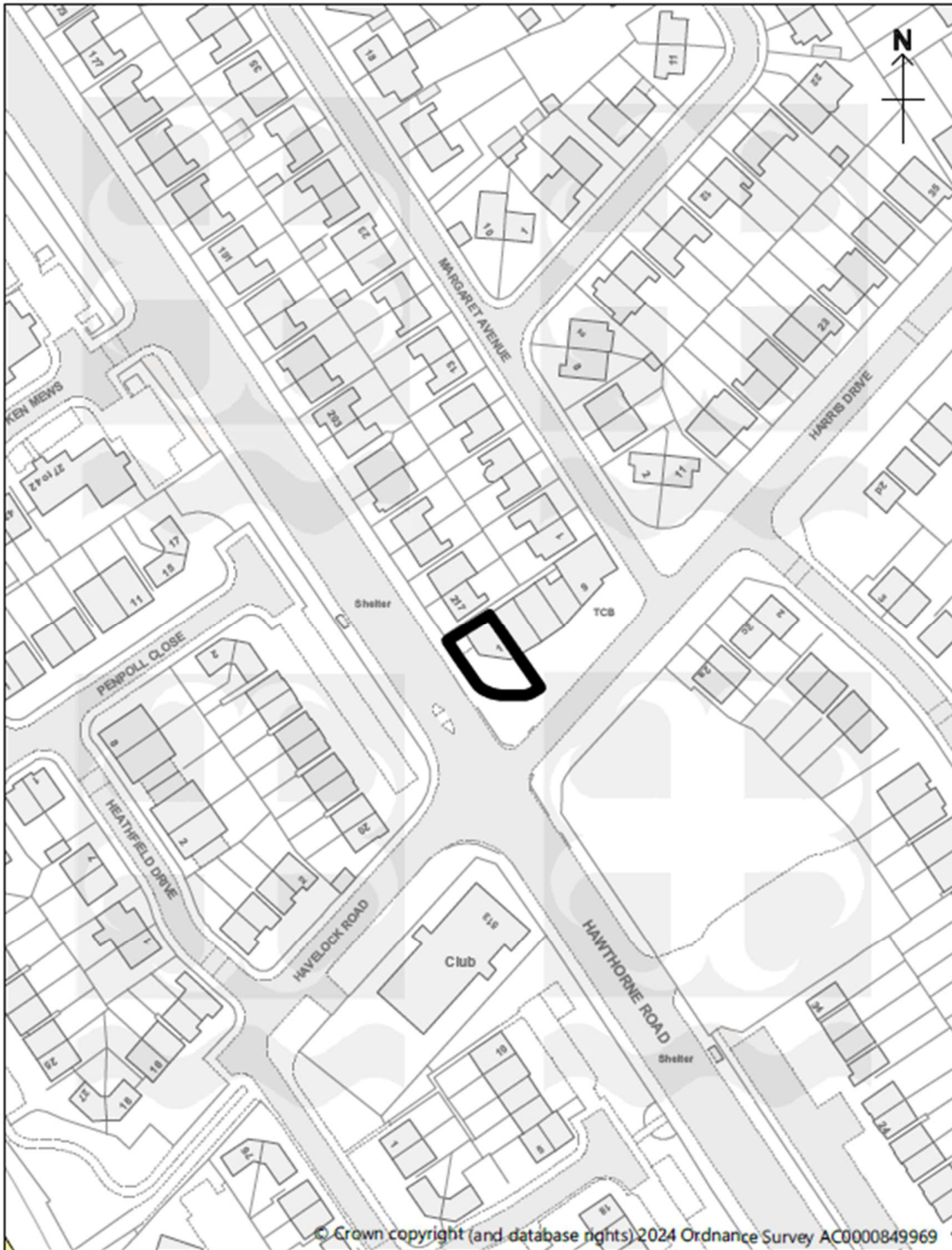
Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SFXVQ0NWKP00>

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Site Location Plan



The Site

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

History

DC/2024/00230 – Advertisement consent for the display of 2 No. illuminated signs. Approved.

DC/2024/00229 – Change of use from Class E to a drinking establishment (Sui Generis) with the provision of live music. Approved April 2024.
(The outside seating area was removed from the scheme).

DC/2024/01553 - Approval of details reserved by conditions 3 and 4 attached to planning permission DC/2024/00229. Pending decision.

Consultations

Highways Manager

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

Environmental Health Manager

No objections to the proposal subject to conditions.

Neighbour Representations

One representation has been received supporting the application.

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.

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Assessment of the Proposal

1. Introduction

1.1 The proposal seeks to introduce an outside seating area to the front of 1 Harris Drive which is currently used as a drinking establishment, having been granted planning permission 19th April 2024. The main issues to consider are the principle of development, impacts on neighbouring residents and matters relating to parking and highway safety.

2. Background

2.1 The initial application for a drinking establishment with an outside seating area was considered by Planning Committee in March 2024. The application was deferred to allow further discussions with the applicant with regard to how the proposal could be made safer both for customers using the outdoor space and pedestrians using the shopping parade. The application was determined at the next Planning Committee in April 2024 where Members continued to express concerns. Following confirmation from the applicant at the meeting, the seating area was withdrawn from the proposal and the amended scheme was approved.

2.2 An application for approval of details reserved by conditions 3 and 4 has been submitted which is currently under consideration. The details submitted are a waste management plan and also an acoustic assessment.

2.3 This proposal is an isolated application seeking permission solely for the outside forecourt to be used as a seating area to serve the approved drinking establishment.

3. Principle of Development

3.1 The application site is situated within a Primarily Residential Area subject to Local Plan policy HC3 (Primarily Residential Areas), which only permits non-residential development when it can be demonstrated that an unacceptable impact will not be had on the living conditions of neighbouring properties and that the character of the area will not be harmed.

3.2 The proposal would serve the approved use which is a non-retail development within a local shopping parade diversifying what the parade has to offer. Subject to conditions, it is considered that the principle of the proposal is acceptable.

4. Impact on Neighbouring Residents

4.1 The application site occupies a corner plot where Harris Drive meets Hawthorne Road. The nearest property to the site is no. 21 Hawthorne Road and its flank wall is 2.7m from the rear of the application site across the entrance to the rear alleyway. There are also two properties located on Willard Drive which face towards the site at a distance of approximately 30m.

- 4.2 The premises are small-scale with a seating capacity of approximately 16 people internally and 14 people externally. A key consideration is noise and disturbance associated with both internal and external activities.
- 4.3 The Mell Inn Social Club is the only use near to the local shopping parade which operates outside of standard business hours. There could be concern regarding noise and antisocial behaviour associated with the use. However, conditions are available to manage such concerns, therefore these issues are not in themselves considered reasonable grounds to refuse the application, particularly where there is not an over concentration of such uses. Outside of planning, the licensing regime has the ability to alter opening hours and require management to address issues should they arise.
- 4.4 Due to the proximity to residential neighbours, it is considered important to ensure that noise levels are suitably controlled. It would therefore be necessary to restrict live and amplified music and live entertainment from taking place in the outside area to reduce any potential or unwanted noise to nearby residents. Following advice from the Environmental Health Manager, it is considered that hours of use from 09:00 – 21:00 are reasonable. There are relatively high levels of road traffic noise as noted by the Environmental Health Manager, so it is not considered that the proposal would lead to any unacceptable impacts on the living conditions of neighbours.
- 4.5 Hours of use and the restriction of live and amplified music and live entertainment outside can be satisfactorily managed by condition. The management of customers attending the premises and using the seating area would be covered by licensing. The Licensing Act 2003 requires consideration of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. If these requirements and any other conditions of a licence aren't followed, a licence can be reviewed with the possibility of it being revoked or restricted, such as a reduction of opening hours.
- 4.6 Overall, it is considered that the outside seating area would not have an unacceptable impact on neighbouring properties through noise and disturbance and accords with policy HC3 (Primarily Residential Areas).

5. Parking and Highway Safety

- 5.1 The Council's Highways Manager has raised no objection to the proposal. Information has been received in relation to the proposed chairs and tables which would be put away each evening and the barriers to demarcate the seating area within the private forecourt. The indicative seating in the forecourt is for 14 people and it is similar in size to the internal bar area. The layout shows how the seating area would be set away from the main entrance. This would mean pedestrians would not be forced to walk around the seating area closer to the junction and would instead allow them to freely move between the outside seating space and the main entrance. It is considered that this arrangement would help to improve the safety of pedestrians using the shopping parade.

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- 5.2 Vehicle bollards are also proposed around the edge of the outdoor seating area towards the northeast and northwest of the site. It is considered that the bollards would help to prevent vehicles driving over the pedestrian walkway which would improve the safety of customers using the outdoor seating area.
- 5.3 The applicant has confirmed that Tensator's Café Barriers will be used which will provide a rigid structure to the seating area. The barrier system consists of a weighted base plate and vertical posts connected with horizontal rods. The bar has also previously stated that a management policy to monitor customers/public will be implemented to ensure the barriers are not tampered with. This too would help improve the safety of customers using the seating area.
- 5.4 There are double yellow lines which encompass the junction at Harris Drive and Hawthorne Road to prevent dangerous parking. It is acknowledged that parking in front of units within the parade still takes place and does not appear to be managed. There are bollards which prevent the pedestrian crossing on Harris Drive from being used as a vehicular access to the forecourts. There is also fencing around the junction protecting pedestrians and encouraging the use of the formalised crossing points.
- 5.5 There is no concern in highway safety terms over the lawful use of the forecourts in relation to the commercial units. The Highways Manager does not envisage that the loss of the parking arrangements in front of the unit would have a significant impact on the wider area, as parking is available on the east side of Hawthorne Road to the north within 100m walking distance of the site. There would be less demand for parking later into the evening with the majority of uses on the parade closing by 18:00.
- 5.6 Concerns were originally raised by Planning Committee over vehicles crashing into the barriers located at the junction of Hawthorne Road with Harris Drive along the edge of this forecourt. Only one incident in the last three years has been recorded which relates to the replacement of 2 panels of guardrail, in September 2022.
- 5.7 Overall, it is considered that the layout of the outside seating area would not have an unacceptable impact on pedestrians or customers with regard to parking and highway safety and accords with policy EQ2 (Design).

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

Recommendation – Approve with conditions

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

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

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

1865 / 03 – Proposed Site Plan
1865 / 03 – Proposed Ground Floor Plan
1865 / 04 – Proposed Harris Drive Elevation
1865 / 5 – Location Map & Site Plan

Reason: For the avoidance of doubt.

- 3) The outdoor seating plan shall be carried out in accordance with the Proposed Site Plan ref. 1865/03.

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

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- 4) The outdoor seating area shall not be open for business and shall be removed from the external pavement outside the hours of 09:00 to 21:00

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

- 5) No live music, amplified music, or live entertainment shall take place in the outside seating area.

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

Informative

- 1) A licence is required from the Highway Authority for the pavement cafe and the number of tables and chairs would be agreed under the terms of the licence. Please contact Sefton Council Network Management on telephone number 0151 934 4321.

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 18th September 2024

Subject: [DC/2024/00751](#)
[The Salesian Academy Of St John Bosco Netherton Way Bootle L30 2NA](#)

Proposal: Erection of a new two storey secondary school building alongside supporting sports facilities, car parking, landscaping and site infrastructure, following the demolition of existing school buildings

Applicant: BAM Construction Ltd **Agent:** Mr Peter Campbell
Tetra Tech

Ward: Netherton and Orrell Ward **Type:** Public Infrastructure Project

Reason for Committee Determination: Chief Planning Officer's discretion

Summary

The application seeks permission for the erection of a replacement two-story school building, and the demolition of the existing buildings. The development would incorporate replacement supporting sports facilities, plus enhanced car parking and landscaping.

The site lies within an area subject to Policy HC7 'Education and Care Institutions' in the Sefton Local Plan.

The main planning issues for consideration include the principle of development, the highways requirements, design and potential impact on the surrounding area and environmental matters, such as ecological requirements including Biodiversity Net Gain, contaminated land, and drainage.

Subject to conditions, the development is considered acceptable and in accordance with the relevant policies of the Local Plan.

Recommendation: Approve with Conditions subject to a Section 106 legal agreement to secure Biodiversity Net Gain and its ongoing monitoring, plus a Travel Plan

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Case Officer Louise Everard

Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SCRGGGNWK6200>

Site Location Plan



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The Site

The application relates to the existing Salesian Academy secondary school, located in Netherton and Orrell ward. The site comprises an area of approximately 5.5 hectares, positioned by the junction of Netherton Way and Dunnings Bridge Road, with the access into the school grounds taken from Netherton Way, in the south west corner of the site.

The school comprises a collection of interconnected buildings, located in the southern part of the site. The existing buildings range from single storey up to four storeys. The northern portion of the site is occupied by a series of grass sports pitches. Mature trees line the boundaries to the north, east and west of the site, as well as part of the southern boundary. The existing school is a 4-form entry, with an existing capacity of 600 pupils.

History

There is no relevant history for the site.

Consultations

Sport England

No objection subject to conditions

United Utilities

Object to the proposal until such times as the applicants have provided further detail regarding the proximity of the proposed development to United Utilities' assets. If the council deem the application suitable for approval a condition would be required to afford appropriate protective measures.

Local Plans

The loss of outdoor sports facilities would be replaced by equivalent or better provision. The proposal is therefore acceptable in principle within the existing Education and Care Institution designation.

Merseyside Environmental Advisory Service

Satisfied the BNG requirements can be achieved within the site.

Flooding & Drainage

No objection subject to conditions

Environmental Health Manager

No objection subject to conditions

Highways Manager

No objection subject to condition

Contaminated Land Team

No objection subject to conditions

Active Travel England

No objection subject to conditions

National Highways

No objections

Tree Officer

No objection subject to conditions

Neighbour Representations

One comment from a nearby neighbour was received enquiring if a cleaning bill would be paid to cover cleaning of cars and windows during the demolition works.

This is not something that could be required through the planning application, however conditions would be attached to ensure environmental conditions of the surrounding area are adequately protected during the demolition and construction phases, by way of a Construction Environment Management Plan.

Other representation

Representation was initially received from Merseyside & West Lancashire Bat Group (MWLBG) placing a holding objection as they considered insufficient information had been submitted to determine the application in relation to protected species.

Following additional surveys, an updated bat survey was submitted which has been fully reviewed by Merseyside Environmental Advisory Service. The updated report was also forwarded to Merseyside and West Lancashire Bat Group but no further comments have been received.

Policy Context

The application site lies within an area designated as an Education and Care Institution in the Sefton Local Plan which was adopted by the Council in April 2017.

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Assessment of the Proposal

1. The proposal

- 1.1 The application seeks permission to demolish the existing school buildings and to erect a new secondary school building, alongside supporting sports facilities, car parking and landscaping. The new school building would be constructed as a two-storey T-shaped building located in the south western part of the site, fronting onto Netherton Way. The replacement school would retain the existing capacity and would not seek to increase pupil numbers.
- 1.2 At present four grass sports pitches are marked out on the school's field on the northern part of the site. The two most northerly pitches are unaffected by the proposed development. The two grass pitches affected by the development will be re-provided as part of the new scheme in the south-eastern part of the site. A three court multi-use games area (MUGA) is also proposed to replace the school's existing hardstanding MUGA.
- 1.3 The proposal would be carried out in two phases to ensure the continued operation of the school during construction.
- 1.4 Phase 1 would include the demolition of the four storey block which fronts Netherton Way and the link bridge. This building is no longer in active use and the demolition would make way for the proposed new school building. The replacement school building would be constructed within this phase, along with the provision of the MUGA and part of the parking provision. The operational school would then move into the new building upon completion of phase 1.
- 1.5 Phase 2 would then involve the demolition of the remainder of the school buildings, once they have been vacated, to allow the completion of the landscaping, new grass sports pitches and the other outdoor spaces, including the remainder of the car park.
- 1.6 The main planning issues for consideration include the principle of development, the highways requirements, design and potential impact on the surrounding area and environmental matters, such as ecological requirements including Biodiversity Net Gain, contaminated land, and drainage.

2. Principle of Development

- 2.1 The site is designated as an education and care institution in the Sefton Local Plan as set out in Policy HC7 . The proposal to replace the school retains the existing education use within the site and so is acceptable in principle, subject to complying with other relevant policies.

- 2.2 Local Plan Policy NH5 'Protection of Open Space and Countryside Recreation Areas', is also relevant. Part 1b of Local Plan Policy NH5 'Protection of Open Space and Countryside Recreation Areas' indicates that development proposals affecting outdoor sports facilities are acceptable in principle where they meet certain criteria including section (ii) – where the loss of outdoor sports facilities would be replaced by equivalent or better provision. Given the impact on existing playing fields, the proposal would also need to demonstrate compliance with Sports England's Policy, which lists 5 exceptions as to when developments affecting playing pitches will be considered acceptable.
- 2.3 The proposed development will result in the loss of existing playing fields that currently accommodate 2 junior sized football pitches, training grid and long jump facility. The plans demonstrate that a new area of playing field would be provided on that land that is currently occupied by existing school buildings and car park. The new area will result in a gain of approximately 400m² of natural turf playing field and will comprise two 7-a-side football pitches and 2 rounders' diamonds.
- 2.4 Sport England have confirmed that there would be an increase in playing field land and the site is capable of accommodating sports pitches of an appropriate size to replace the existing. Measures would need to be taken with regards to the drainage of the new pitches to ensure the replacement provision is of an equivalent or better quality than that being lost, this could be secured by condition. The development will also see the loss of the existing hard surfaced MUGA areas which contain three courts. This is to be replaced by a new 1845m², three court MUGA, together with perimeter fencing and line marking for basketball and netball, which would provide appropriate mitigation.
- 2.5 The development would also offer the sports facilities for use to the community, outside of the schools operating hours. This would be secured by a Community Use Agreement.
- 2.6 The proposal meets Policy HC7 'Education and Care Institution' and so is acceptable in principle. As shown above, the site is capable of accommodating appropriate replacement sport provision which, subject to conditions, would be of an equivalent or better provision. This would accord with Local Plan Policy NH5 and also exception 4 within Sport England's Playing Field Policy.
- 2.7 The site is also located in a Mineral Safeguarding Area, subject to Local Plan Policy NH8 'Mineral Safeguarding Area'. An assessment has been submitted and while some Shirdley Hill sand has been found on site, it is interspersed with clay and would be unviable to extract. In addition, the site is small and in an urban area, and so it would be impractical to extract minerals.

3. Highways Safety

Construction considerations

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- 3.1 It is proposed that the construction of the new school would take place whilst the school remains fully operational. This will mean that there will be construction traffic using Netherton Way whilst the school is open. In order to reduce the likelihood of conflict, a temporary access would be created from the bus layby in Netherton Way that will serve the construction site. It is intended that the temporary access will enable a one way system for construction vehicle deliveries, with the existing vehicle access used for delivery vehicles to leave the site. The temporary access point would then be closed once the works are complete.
- 3.2 The applicants have submitted a Construction Phase Health & Safety Plan and a Traffic Management Plan that briefly detail how the works will be managed to reduce any possible conflict between the school and construction/demolition operations. A full detailed Construction Traffic Management Plan would be required before work starts to ensure appropriate safety arrangements are in place, and this could be secured by condition. The temporary access will also require a section 184 licence from the Highways Authority and no works to create the access or alter the existing access could take place until the licence has been granted.

Parking provisions and accessibility

- 3.3 The site currently has off street parking provision of 43 spaces. The proposed development would increase this level to 83 off street parking spaces, including 4 disabled spaces and space for a mini bus and service bay. In addition, there will be 40 cycle parking bays, with scope to increase this to 80 spaces. This would fall slightly short of the standards set out in Appendix C of the Sustainable Travel and Development SPD, which would require 93 car parking spaces and 45 cycle parking spaces.
- 3.4 However, the replacement school would retain the same capacity and would not increase the number of pupils or staff members. The Academy is intending to enter into a Community Use Agreement (CUA) to offer the school facilities for community use. The CUA will restrict the community use to evenings, weekends and school holidays and therefore there would be no overlap between the school and the community use. The overall traffic generation of the site from the school is not expected to increase and the community use will be restricted to outside school hours. The proposed redevelopment of the school would therefore not result in any additional peak period traffic to and from the site. Given the level of car parking provision proposed is also significantly higher than the existing provision, the proposed parking facilities are considered acceptable.
- 3.5 A Travel Plan would be required to secure measures and targets aimed at reducing the number of car trips to the school. A Car Park Management Plan would also be required prior to the opening of the new school, which would link into the Travel Plan and the Community Use Agreement. These details could be secured by condition.

3.6 In conclusion, as the school would essentially be like for like in terms of scale and there would be improved access and parking provision, it is expected that, subject to conditions, there would be no adverse highway safety impacts. The proposal therefore would comply with Local Plan Policy EQ3 'Accessibility'.

4. Design and Landscaping

4.1 The proposal would involve the demolition of the collection of existing school buildings of varying heights within the site. The replacement would involve a single school block, with a uniform 2-storey height. The design has been considered to ensure it sits comfortably within the existing site and the extent of the building footprint across the site would be reduced significantly. The placement of the built form will remain in the southern end of the site, although the orientation will provide a greater street frontage along Netherton Way.

4.2 The two-storey building would have a flat roof and the elevations would principally use a combination of dark and light red brick, reflective of the building character within the area. Complementary cladding would be used for the sports hall block. Curtain wall glazing would be used for the building's entrance area, offering a design focus. This, along with vertical brick detailing, will help to highlight the main entrance point on Netherton Way.

4.3 In terms of landscaping, the vast majority of the existing trees would be retained within the site with a large number of additional trees to be planted along the north, east and western boundaries. A habitat area with a pond is also proposed along the eastern boundary to enhance the landscaping of the site. Additional areas of amenity grass and trees would be located around the school building to soften its appearance.

4.4 Overall, the design of the proposed school is considered acceptable and would meet the aims of Part 1a of Policy EQ2 'Design' of the Local Plan which seeks to ensure that proposals respond positively to the character, local distinctiveness and form of their surroundings.

5. Impact on Surrounding Area

5.1 The location of the replacement school building will retain the built form to the southern end of the site. The two-storey height would not be inconsistent with the surrounding built form and it is not considered that the development would significantly affect the visual amenity.

5.2 The nearest residential dwellings are those located on the opposite site of Netherton way, which at the closest point would be approximately 80m from the new school building. The proposed development therefore would not be likely to have any significant impact in terms of outlook or light.

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5.3 The capacity of the school is not set to increase and therefore there would be no additional impact from the continued use of the school site. However, the application seeks to introduce the community use of the sports facilities outside of the school opening times. The use of the outdoor sports fields and multi-games area (MUGA) are proposed to be limited to 09.00-21.00 Monday to Friday, 09.00-17.00 on Saturdays and Sundays. The Environmental Health Manager has advised that the proposed hours are considered appropriate, and these hours could be controlled by condition. There is currently no proposed lighting to serve the outdoor sports provision which will further limit the use of these facilities within the winter months. Any additional proposed lighting would require a separate planning consent.

5.4 With regards to the demolition and construction phases, the Environmental Health Manager is satisfied that appropriate measures could be put in place to limit any impact upon living conditions, including a Construction Environment Management Plan, and wheel wash facilities. It is therefore concluded that the development would comply with Local Plan Policy EQ2 'Design' in terms of protecting the amenity of those adjacent to the site.

6. Environmental Matters

Ecology, trees and Landscaping

6.1 To address Biodiversity Net Gain (BNG) the application has been accompanied by a Biodiversity Statement and Metric Assessment, plus proposed landscaping plans. Initially it was considered that off-site mitigation would be required to achieve the required 10% increase in biodiversity levels. However, amendments have been made to the proposed landscaping and the updated assessment demonstrates that the proposed development will be capable of achieving the required 10% Biodiversity Net Gain within the site, this is supported by Merseyside Environmental Advisory Service. A section 106 legal agreement will be required to secure the 10% BNG in accordance with the submitted details and to secure the ongoing monitoring of the habitats for 30 years.

6.2 The development will require the removal of 10 individual trees, 1 group and the partial removal of two groups. The trees being removed are B and C categories, which are moderate and low value trees and their removal would not affect the characteristics of the area. As part of the biodiversity enhancements, a large number of new trees is proposed within the site, which mitigate this loss. This could be secured via condition.

Bats

- 6.3 The application has been supported by a Bat Surveys and Mitigation Strategy Report (Middlemarch Environmental, August 2024, Rev B). The surveys identified four bat roosts within building 1,2 and 3 due to be demolished. Bats are considered likely to be absent from building 4. Development affecting European protected species must be assessed against the three tests set out in the Habitats Regulations. Merseyside Environmental Advisory Service have assessed the proposal against the three tests and advise that as long as the mitigation and compensation measures detailed within Section 6 within the Bat Surveys and Mitigation Strategy report are implemented, then the tests would be satisfied. The mitigation and compensation measures could be secured by condition.
- 6.4 As the proposal would involve the destruction of bat roosts the applicant will require a Natural England European Protected Species licence prior to any works commencing. Given the proposed mitigation and compensation measures proposed MEAS have advised that a licence is likely to be granted. A condition could be attached to ensure a copy of the relevant license is provided prior to commencement.
- 6.6 Only one tree to be affected by the development has been identified as having potential roosting features. To ensure no harm is caused a condition would be required for the submission of an acceptable precautionary working method statement prior to the removal of this tree. A condition is also recommended to ensure the lighting for the development is designed to ensure that it does not result in excess light spill into the habitats on and adjacent to the site.
- 6.7 Subject to conditions to secure appropriate mitigation and compensation, it is considered that the development would not cause undue harm to protected species or habitats and accords with Local Plan Policy NH2 'Nature'.

Contaminated Land

- 6.8A Phase 1 Ground Investigation Desk Study and Phase 2 Ground Investigation Report has been submitted for consideration with the application, providing details of site investigations carried out. Based on the information provided the Council's Contaminated Land Officer has advised further site investigation works are required and therefore a number of standards conditions are recommended to ensure that risks from land contamination are appropriately minimised and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Drainage

- 6.9 The application has been accompanied by a Sustainable Drainage Strategy (Technical Note) 25th April and a Sustainable Drainage Pro-forma. The Flood and Drainage Manager has raised

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no objections to the proposed strategy. United Utilities have advised that the principle is acceptable. However they note there are elements which may not be acceptable and therefore recommend a pre-commencement condition for the submission of a sustainable surface water drainage scheme and foul water drainage scheme to address these issues.

6.10 United Utilities have raised an objection based on insufficient information to assess the impact of the development on their assets. However, if the development is to be approved, they suggest a condition which would require details to be submitted to ensure the combined sewer within the site is protected from damage as a result of the development.

6.11 As the matters could adequately be addressed by condition, it is considered that the proposal would comply with Local Plan Policy EQ8, 'Flood Risk and Surface Water'.

7. Conclusion/Planning Balance

7.1 The principle of the replacement school is considered acceptable within the existing education site. Appropriate replacement sports provision would be provided as part of the redevelopment, as well as introducing a community use, which would be beneficial to the surrounding community.

7.2 The redevelopment proposal would help to sustain the viability of the site for continued educational use. It would provide better-quality facilities for the school, with much-improved energy efficiency, enhancing the environmental performance of the buildings.

7.3 Matters relating to highway safety, contamination and drainage can be adequately dealt with by condition and the development offers the opportunity to enhance biodiversity within the site.

7.4 Subject to conditions, the development is considered acceptable and in accordance with the relevant policies of the Local Plan.

8 Equality Act Consideration

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

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

- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

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

Recommendation - Approve with Conditions subject to a Section 106 legal agreement to secure Biodiversity Net Gain and its ongoing monitoring, plus a Travel Plan

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:

SRP1145-DHL-ZZ-ZZ-D-L-0001 P01 - LOCATION PLAN
SRP1145-DHL-ZZ-ZZ-D-L-9000 P02 - EXISTING SITE PLAN
SRP1145-DHL-ZZ-ZZ-D-L-9001 P08 - SITE MASTERPLAN AND HAZARD IDENTIFICATION
SRP1145-POZ-01-00-D-A-1030 P03 - PLANNING GROUND FLOOR GA LAYOUT
SRP1145-POZ-01-01-D-A-1031 P02 - PLANNING FIRST FLOOR GA LAYOUT
SRP1145-POZ-01-RP-D-A-1032 P02 - PLANNING ROOF PLAN GA LAYOUT
SRP1145-POZ-01-00-D-A-1033 P01 - PLANNING SPORTS HALL MARKINGS PLAN
SRP1145-POZ-01-ZZ-D-A-1040 P01 - GA SECTIONS - SHEET 1
SRP1145-POZ-01-ZZ-D-A-1041 P02 - GA SECTIONS SHEET 2
SRP1145-POZ-01-ZZ-D-A-1020 P04 - PLANNING GA ELEVATIONS
SRP1145-DHL-ZZ-ZZ-D-L-9002 REV P06 - AREAS OF DEMOLITION
SRP1145-DHL-ZZ-ZZ-D-L-9003 REV P06 - ACCESS STRATEGY
SRP1145-DHL-ZZ-ZZ-D-L-9004 REV P08 - SECURE LINE STRATEGY
SRP1145-DHL-ZZ-ZZ-D-L-9005 REV P05 - SITE SECTIONS
SRP1145-DHL-ZZ-ZZ-D-L-9006 REV P06 - LEVELS STRATEGY
SRP1145-DHL-ZZ-ZZ-D-L-9007 REV P11 - LANDSCAPE WORKS - WEST AREA

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SRP1145-DHL-ZZ-ZZ-D-L-9008 REV P09 - PROPOSED LANDSCAPE WORKS - EAST AREA
SRP1145-DHL-ZZ-ZZ-D-L-9009 REV P06 - PROPOSED LANDSCAPE WORKS - NORTH AREA
SRP1145-DHL-ZZ-ZZ-D-L-9011 REV P06 - EXTERNAL SPORTS PROVISION
SRP1145-DHL-ZZ-ZZ-D-L-9013 REV P05 - GREEN INFRASTRUCTURE STRATEGY
SRP1145-DHL-ZZ-ZZ-D-L-9016 REV P04 - TEMPORARY TREE PROTECTIVE FENCING
SRP1145-DHL-ZZ-ZZ-D-L-9030 REV P05 - PLANTING PLAN - WEST AREA
SRP1145-DHL-ZZ-ZZ-D-L-9031 REV P04 - PLANTING PLAN - EAST AREA
SRP1145-DHL-ZZ-ZZ-D-L-9032 REV P03 - PLANTING PLAN - NORTH AREA
SRP1145-DHL-ZZ-ZZ-D-L-9033 REV P03 PLANTING SCHEDULE AND NOTES

RT-MME-161198-02-REVB - ARBORICULTURAL IMPACT ASSESSMENT
RT-MME-161198-02-REVB - ARBORICULTURAL METHOD STATEMENT
Bat Surveys and Mitigation Strategy Report (*Middlemarch Environmental, August 2024, Rev C*)

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) No development shall commence until a method statement showing the extent of *Cotoneaster* sp. and a scheme for its eradication from the site has been submitted to and approved in writing by the local planning authority. The method statement shall include:-
 - i. A plan showing the extent of the plant/s;
 - ii. The methods that will be used to prevent the plant/s spreading further, including demarcation;
 - iii. The methods of control that will be used, including details of post-control monitoring; and
 - iv. How the plants will be disposed of after treatment/removal.

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

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

- 4) 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.

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

- 5) Prior to commencement, a scheme of piling methodology, which provides justification for the method chosen and details noise and vibration suppression methods proposed, shall be submitted and agreed in writing with the Local Planning Authority. The agreed scheme should then be implemented throughout the development. Further advice in relation to this requirement can be found in the attached informative.

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

- 6) No development shall commence, including any works of demolition, until a Highways Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period.

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

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

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

- 8) No development shall commence until the approved scope of works for the investigation and assessment in relation to contaminated land, which must be undertaken by competent persons and a written report of the findings has been 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.

- 9) 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

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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.

- 10) No construction shall commence until details of the means of ensuring the 750/900mm combined sewer that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the 750/900mm combined sewer that crosses the site and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and safety and to ensure protection of essential services.

- 11) Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public combined sewer, the rate of discharge shall be restricted to 6.7 l/s;
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;
 - (v) Measures to ensure that no land drainage, groundwater or overland flow shall be allowed to discharge to the public sewer either directly or indirectly; and
 - (vi) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage

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

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

- 12) Prior to the commencement of the development, 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 shall be provided to the Local Planning Authority.

Reason: Reason: To safeguard conservation of species/habitats.

During Building Works

- 13) 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. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: To protect birds during their breeding season.

- 14) (a) Within 6 months of completion of all the demolition works for the school buildings, (with demolition works to be completed at phase 2 of the development), the following documents shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the new playing field which identifies constraints which could adversely affect playing field quality; and

(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme with pitch specification to address any such constraints. The scheme shall include a written specification and plans of the proposed soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation and maintenance.

(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

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Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy NH5 'Protection of open space and Countryside Recreation Areas' and paragraph 103(b) of the NPPF.

- 15) a) A suitable scheme of noise control for all mechanical plant shall be submitted and agreed in writing with the Local Planning Authority prior to the installation of the plant equipment, to ensure that the cumulative plant noise, including any acoustic feature correction, does not exceed the existing background L90 at residential dwellings when assessed in accordance with current guidance such as BS4142.
- b) A noise validation report must be submitted showing compliance with (A) within 3 months of the plant becoming operational.
- c) If validation testing (B) does not show compliance with (A) a new scheme of noise control must be agreed in writing and installed within 3 months
- d) The noise control measures must be retained thereafter.

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

- 16) The following Reasonable Avoidance Measures (RAMs) shall be adhered to at all times during the construction phase:
 - o A pre-commencement check for badger and hedgehog terrestrial mammals
 - o Existing vegetation on the site will be gradually cut and removed under to encourage any amphibians / reptiles / hedgehog present to move away from the affected areas;
 - o The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians / reptiles /terrestrial mammals from seeking shelter or protection within them; and
 - o Any open excavations (e.g. foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent amphibians / reptiles from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians / reptiles / terrestrial mammals; and
 - o Any exposed open pipe systems should be capped to prevent mammals gaining access.

Reason: To protect common amphibian and reptile species and terrestrial mammals.

- 17) 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.

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

- 18) The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in Section 6 Mitigation Strategy within the submitted Bats Surveys and Mitigation Strategy report (Middlemarch Environmental, August 2024 Rev C) which details the methods for maintaining the conservation status of bats, 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.

- 19) Prior to the removal of the tree labelled T1 within the Bat Surveys and Mitigation Strategy Report, a Precautionary Working Method Statement in relation to bats, shall be submitted to and approved in writing by the local planning authority. The measures within the agreed statement shall be adhered during the removal the tree.

Reason: To safeguard the conservation of species/habitats.

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

Reason: To safeguard conservation of species/habitats.

Before the Development is Occupied

- 21) 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.

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- 22) The development shall not be occupied until temporary provision for secure storage of cycles has been provided in accordance with details to be submitted to and approved in writing by the local planning authority.

Within 6 months of completion of all demolition works, the permanent facilities for the secure storage of cycles shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained in perpetuity thereafter.

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

- 23) No development shall be occupied until space has been laid out within the site in accordance with drawing no SRP1145-DHL-ZZ-ZZ-D-L-9001- Site Masterplan for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The spaces shall thereafter be kept available for such purposes in perpetuity thereafter.

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

- 24) The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan, together with a timetable for implementation has been submitted to and approved in writing by the local planning authority. The approved scheme of nesting boxes shall be installed in accordance with the approved details and timetable.

Reason: To safeguard conservation of species/habitats.

- 25) The development shall not be occupied or brought into use until a full Car Park Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Car Park Management Plan shall then be implemented, monitored and reviewed in accordance with the agreed Plans measures.

Reason: To ensure appropriate use of the car park and to ensure the safety of highway users.

- 26) The development shall not be occupied or brought into use until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

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

- 27) Prior to first occupation of Phase 1 of the development a scheme for the reinstatement of the playing field affected by construction accommodation, vehicle parking and hardstanding must be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must be in accordance with Sport England guidance "Natural Turf for Sport" (2011) to ensure a uniform surface across the playing field and provide a timetable for implementation.

In the first planting season following the removal of the construction accommodation, vehicle parking and hardstanding, the affected playing field must be reinstated in accordance with the approved scheme.

Reason: To ensure the site is restored to a condition fit for purpose and to accord with Development Plan Policy NH5 'Protection of open space and Countryside Recreation Areas' and paragraph 103(b) of the NPPF.

- 28) Use of the development shall not commence until a Community Use Agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to all sports facilities managed by the school, or their management company, and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement for the duration of the development.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy NH5 'Protection of open space and Countryside Recreation Areas' and paragraph 103(b) of the NPPF.

Ongoing Conditions

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

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

- 30) The outdoor sports fields and multi-use games area (MUGA) shall not be used outside the hours of 09.00-21.00 Monday to Friday, 09.00-17.00 on Saturdays and Sundays.

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

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Informatives

- 1) There are a variety of piling methods available, some of which cause considerably greater noise and vibration than others. It is common for the prevailing ground conditions to influence the chosen method of piling. Where the prevailing ground conditions would permit more than one piling method, the Council would expect the contractor to choose the method which causes the least amount of noise and vibration, in accordance with the following hierarchy.
 - Pressed-in methods, e.g., Hydraulic jacking.
 - Auger / bored piling
 - Diaphragm Walling
 - Vibratory piling or vibro-replacement
 - Driven piling or dynamic consolidation

Should the contractor propose to use a method which is not the preferred lower impact option, then satisfactory justification will need to be provided to demonstrate the piling method that is utilised meets Best Practicable Means (BPM). 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.

Please note: The Environmental Health remit relates to the human response and not the prevention of damage to structures; therefore, we would look for a limit as close to 1mm.s⁻¹ as possible at residential/sensitive receptors. Vibration target levels must be fully justified and referenced against suitable standards such as those found in BS5228:2009+A1:2014 Part 2 (Vibration). It is common for trigger values to be used on site boundaries which provoke review of the levels and methods to ensure BPM is being achieved.

- 2) The applicant is advised to engage a sports turf specialist to carry out the assessment and prepare the scheme and pitch specification. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).
- 3) It is recommended that a restoration scheme for playing field land is undertaken by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled "Natural Turf for Sport" (2011). There should be no ruts or drops in level between the reinstated playing field and the existing playing field that could cause a trip or slip hazard to the pitch users.
- 4) The applicant is advised that the design and layout of the sports hall should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport.
- 5) 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.

- Education, health and community facilities.
- Secondary schools, colleges, large health and community facilities - Should have a water supply capable of delivering a minimum flow of 35 litres per second through any single hydrant on the development or within a vehicular distance of 70 metres from the complex.

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

6) Any additional artificial lighting of the sports provisions would require a separate planning consent.

7) Biodiversity Net Gain (BNG) standard informative.

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Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 18th September 2024

Subject: **DC/2023/02182**
Land To The Rear Of 19 College Avenue Formby Liverpool L37 3JL

Proposal: Erection of a three storey dwellinghouse with detached single storey garage

Applicant: Ms Danielle Brighthouse **Agent:** Mrs Ruth Martinez
Revival Architecture Ltd.

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

Reason for Committee Determination: Called-in by Councillor Richards

Summary

This application seeks approval for the erection of a detached dwelling on a plot severed from the rear of Number 19 College Avenue within a Primarily Residential Area of Formby. The site benefits from an extant approval for a similar development, reference DC/2022/01189 granted 8th June 2023, which carries significant weight as a realistic fallback position.

The main issues to be considered are the differences between the scheme as approved and as now proposed. It is considered that the changes do not give rise to any unacceptable impacts on the living conditions of neighbouring properties, over and above those previously found to be acceptable, and is acceptable in all other regards.

The proposal is therefore recommended for approval with conditions.

Recommendation: Approve with Conditions

Case Officer Neil Mackie

Email planning.department@sefton.gov.uk

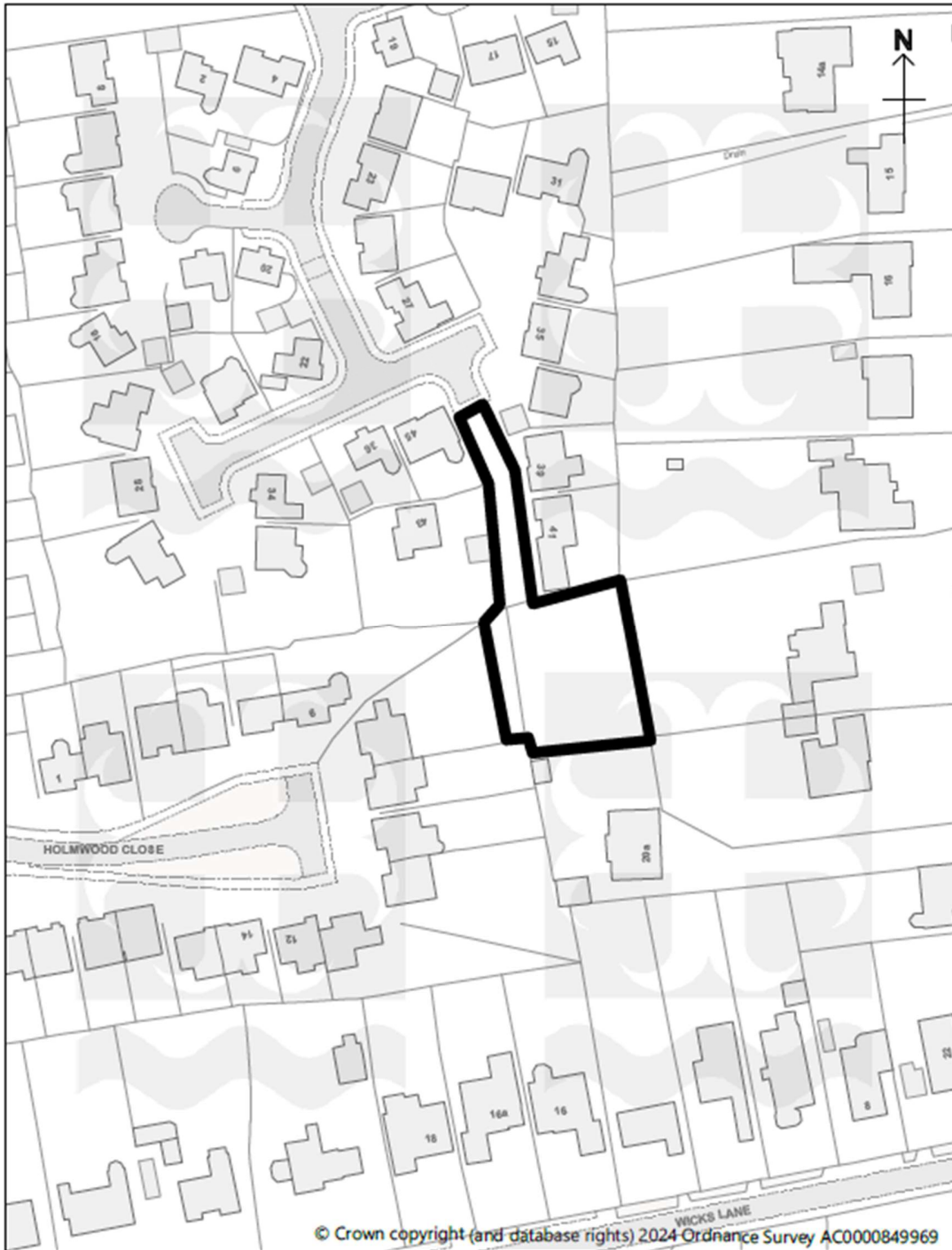
Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S5XIGMNWJ0Z00>

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Site Location Plan



The Site

The site comprises a plot of land that has been severed from the rear of Number 19 College Avenue within a Primarily Residential Area of Formby. To the north and west of the site are two-storey residential properties on Holmwood Close and The Evergreens, with a two-storey property to the south (Number 20a College Avenue). To the southeast of the site is a recently protected tree.

History

DC/2022/01189 - Erection of a detached two storey (plus attic floor) dwellinghouse. Approved 8th June 2023.

N/1998/0222 - Erection of 1 detached two-storey dwellinghouse to form part of the former Holmwood School residential development site at Barkfield Lane. Approved 4th June 1998.

Consultations

Highways Manager

No objection

Environmental Health Manager

No objection

Tree Officer

No objection

Flooding and Drainage

No objection

United Utilities

No objection

Merseyside Fire and Rescue

A representation has been received from the Merseyside Fire and Rescue Service that does not object to the proposal.

Formby Parish Council

Object to the proposal. Considers that the density of the property will have a very dominating aspect to the surrounding properties of a smaller height and will be less than the minimum distance required from neighbouring properties contrary to density and design policies within the Neighbourhood and Local Plans. Also raises concerns about the impacts of the use of the access

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road, the disturbance arising from the construction of the dwelling, mitigation for loss of ecology on the site as well as seeking replacement tree planting.

Neighbour Representations

Councillors

The application has been called-in by Councillor Richards who, in the call-in proforma, stated her request for this application to be refused as the proposal is harmful to residential amenity, harmful to highway safety, harmful to ecology, is of a poor design quality and will have an impact on the quality of life of future occupants.

Neighbours

Objections received from properties on College Avenue and The Evergreens, Formby that raise the following matter:

Procedure

- Not all properties with interests within the red line have received the appropriate notice.
- No permission will be given by land owners for access or for any works associated with the development.
- Incorrect to describe the site as being the rear of 19 College Avenue.

Living Conditions

- Proposal is too close to neighbouring habitable room windows
- Proposal will overlook neighbouring windows and gardens
- Movement of vehicles, delivery vehicles, other traffic to the property will cause harm through disturbance
- Proposal will result in a loss of light to neighbouring habitable room windows

Character

- Scale of development incongruous to the prevailing form of development to The Evergreens

Trees and Ecology

- Insufficient regard shown to all protected trees within the area
- Tree Protection areas will be impacted by siting of construction buildings
- Application form states there are no trees on the development site
- Detrimental impact on red squirrels who use/live on the site
- Detrimental impact on hedgehogs, bats and a variety of wild birds

Vehicle Access & Parking

- Insufficient access to the site for construction and future occupation
- Access from The Evergreens will damage gardens and boundaries along the route
- Insufficient onsite parking, which will add pressure to The Evergreens

Other Matters

- No electricity, gas or water is available to the site as a covenant to the site, granted when The Evergreens was built, has lapsed

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

Assessment of the Proposal

1. Introduction

- 1.1 This application is seeking approval for the erection of a three-storey dwellinghouse with a detached single-storey garage and associated landscaping and car parking areas on a parcel of land severed from 19 College Avenue, with vehicle access to be gained from The Evergreens, within a Primarily Residential Area of Formby.
- 1.2 Of particular importance to this application, is an earlier extant permission granted on 8th June 2023 for a similar scheme (reference DC/2022/01189) that provides for a significant and likely fallback position. The report to 7th June 2023 Planning Committee is attached to this report.
- 1.3 In having regard to the significant weight attached to the extant permission it is therefore considered that the assessment for this application shall be focused on the material differences and subsequent impacts between the dwelling as approved and the dwelling as proposed as well as considering any material changes in policy or other considerations since that decision was made.
- 1.4 The proposed dwelling differs most notably from that as approved in respect of the location of the detached garage as well as the treatment of the front elevation. For clarity excerpts of the approved and now proposed site plans and elevations are set out below.

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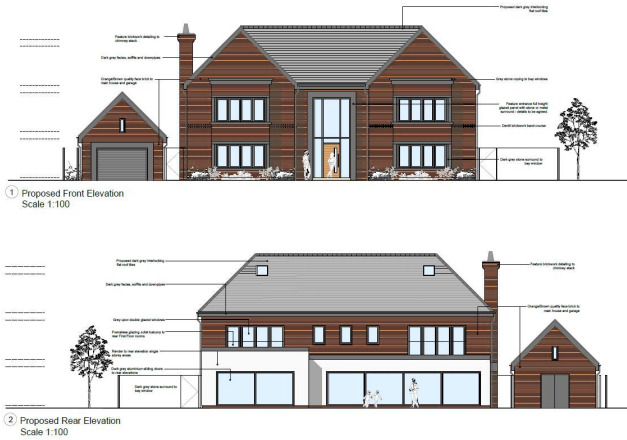
Approved Site Plan



Proposed Site Plan



Approved Elevations



Proposed Elevations



2. Impact on Neighbouring Living Conditions

- 2.1 The proposal will position the main bulk of the dwelling closer to the eastern boundary with the rear garden of Number 19 College Avenue than as previously approved and as a consequence will move it further away from the boundary with the rear garden of Number 7 Holmwood Close.
- 2.2 The repositioning of the dwelling is likely to increase the overshadowing of the rear garden to Number 19 College Avenue, particularly to the rearmost part of this neighbour's garden.

However, this neighbouring property has a garden depth of over 30m with aerial photography showing formally laid out areas being positioned close to that dwelling. As such it is not considered that the overshadowing will result in unacceptable impacts to the living conditions of current or future occupiers of this dwellinghouse. Similarly, while the proposed dwelling will be visible from Number 19 it is considered that the depth of their garden plus the separation distance from habitable room windows, over 25m, would ensure that the proposal would not cause unacceptable impacts through introducing an overbearing or over dominant development.

- 2.3 The impact to Number 20a College Avenue, an existing backland dwellinghouse to the south, will not be materially different than that as approved given the maintained distances from habitable room windows and gardens.
- 2.4 To Number 41 The Evergreens the impact will be slightly different than that as approved given the positioning of the dwelling further to the east with more direct views from the eastern wing of the dwelling towards the rear garden of this neighbouring property (as seen in the excerpts of the site plans above). While the separation distance from the bay windows to the garden will meet the Council's guidelines, thereby not resulting in unacceptable impacts on privacy and overlooking, the building itself will be more apparent and obvious to current and future occupiers of Number 41. However, such a change will not be so great as to result in unacceptable impacts to the living conditions of Number 41.
- 2.5 As Members may note from the previous Committee Report there is a rooflight window to the side elevation of Number 41 that is set low within the roof slope and provides light and outlook to a habitable room. The impact on that window was found to be acceptable for the extant approval and for this amended proposed the direct interface distance between first-floor windows will now slightly increase as a result of the amended siting of the dwelling, as the eastern bay window with first-floor windows serving a cinema room will be moved away from any direct line from this rooflight window. It is therefore considered that the impact of the proposed dwelling on this neighbouring window remains acceptable.
- 2.6 Objectors have raised concerns as to the detrimental impacts arising from construction of the dwelling but it is evident that the applicant has had regard to this and the submitted Construction and Environmental Management Plan (CEMP) contains a number of measures to mitigate disturbance during the construction of the dwelling. For example, it is stated that no construction work, including demolition and deliveries to and from the site except between the hours:
 - 08:00 to 18:00 Weekdays
 - 08:30 to 13:00 Saturdays
 - No work shall take place on Sundays or on Public Holidays

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- 2.7 The applicant, within the CEMP, also states that should the circumstances dictate that the contractor needs to work outside the above hours, they will seek written approval from the Council prior to doing so.
- 2.8 In addition to the above that same document then specifies that deliveries via rigid vehicles will be limited to between 10:00 – 14:00 as well as stating that a letter will be given to neighbours prior to work commencing giving anticipated start and finish dates of the work and details for contacts if any issues arise.

3. Impact on the Character of the Area

- 3.1 The description of development differs from that as approved, three-storey versus two-storey with accommodation in the attic. The Formby & Little Altcar Neighbourhood Plan seeks to prevent development above two and a half storeys, unless it can be justified. While the description states three storeys it is evident that it is, in effect, two and a half storeys with similar massing and proportions to that previously found to be acceptable. The 'third storey' is the use of the loft space, which is similar to that proposed under the original permission.
- 3.2 The amendments to the site layout and the alterations to the elevations will not give rise to a materially different form of development than that previously considered to be acceptable. The main alteration, removing the central glazed gable and replacing with separate windows to the ground and first-floor, echoes traditional fenestration seen to neighbouring properties and as such is appropriate in this context.

4. Other Matters

Trees

- 4.1 As evident from the proposed site plan, the dwelling will be closer to a protected tree, marked as T9 on the plan, than that as previously approved. The Council's Tree Officer sought further information to allow the impacts of constructing the dwelling on that particular tree to be considered in full. The amended arboricultural method statement has been reviewed by the Tree Officer who considers that the use of pile beam foundations within the root protection area of T9 will prevent/reduce the amount of damage to the roots of that tree and it will not cause any lasting harm.
- 4.2 While not objecting to the application the tree officer did highlight his concern over future pressures for pruning of T9 as the canopy of the tree will be over part of the dwelling and will cover a large part of the garden. Since the application as submitted will not cause unacceptable impacts particularly to the protected tree then it is considered the proposal is acceptable on this point.

Ecology

- 4.3 On matters of ecology, the applicant has had regard to ecology conditions attached to the extant approval and as such has submitted an “Ecological Conditions Report” dated July 2023 to provide details as to how pre-commencement checks for red squirrels, reasonable avoidance measures to reduce the risk of construction to small mammals and enhanced biodiversity (through bat boxes, bird boxes, bee bricks and hedgehog highways) will be undertaken and/or provided. The measures are considered to be acceptable and conditions could be attached to any approval securing this.

Highways

- 4.4 The Council's Highways Manager has raised no objection to the proposal, subject to conditions in respect of securing access prior to occupation and the reconstruction of the footway at the turning head of The Evergreens.
- 4.5 In respect of the use of the access from The Evergreens to the site, for construction and subsequent use by occupiers of the proposed dwelling, a site access plan has been shown from The Evergreens to the application site. As seen this involves land outside of the control of the applicant, including landscaped areas to neighbours, which is why notice has been served on other interested parties and Certificate B signed on the application form. No objection to this route has been raised by the Highway's Manager and whether owners grant access over this land is a civil matter.

Procedure

- 4.6 The matter of land ownership and serving of notices was raised with the agent who provided copies of notices served via post to neighbouring properties and a Management Company. In the absence of any further competing information it is held that all parties that hold an interest in the land within the red line have been served appropriate notices.

5. Conclusion

- 5.1 In view of the above it is considered that this application complies with the aims and objectives of the Formby & Little Altcar Neighbourhood Plan, the Local Plan and all other material considerations. The proposal is therefore recommended for approval with the conditions that follow.

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;

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- 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 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 and documents:

Plans

1719-RA-XX-XX-DR-A-0000 Rev P01 'Location Plan'

1719-RA-XX-XX-DR-A-0001 Rev P01 'Construction and Environmental Management Plan (CEMP)'

1719-RA-XX-XX-DR-A-0002 'Proposed Site Access'

1719-RA-XX-XX-DR-A-0100 Rev P03 'Existing and Proposed Site Plans'

1719-RA-XX-XX-DR-A-0110 Rev P01 'Proposed Plans'

1719-RA-XX-XX-DR-A-0200 Rev P01 'Proposed Elevations'

C2C-XX-XX-DR-C 500 Rev P02 'Proposed Drainage Layout'

C2C-XX-XX-DR-C 501 Rev P01 'Typical Drainage Details (Sheet 1 of 2)'

C2C-XX-XX-DR-C 501 Rev P01 'Typical Drainage Details (Sheet 2 of 2)'

Documents

Tree Survey Assessment, ref 220653_22/A1, June 2022, Indigo Surveys Ltd

Arboricultural Method Statement, ref 220653_23/A4_AMS Rev B, July 2024, Indigo Surveys Ltd

Preliminary Ecological Appraisal, October 2022, Tyrer Ecological Consultants Ltd

Ecological Conditions Report, July 2023, Tyrer Ecological Consultants Ltd

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) a) Given the known presence of red squirrel within this area, as a precaution a pre-commencement check of any trees or shrubs must be undertaken prior to their removal.
- b) A report confirming the absence of dreys must be submitted to and approved by the Local Planning Authority prior to any shrub or tree removal.

Reason: In the interests of ecology.

During Building Works

- 4) The approved Reasonable Avoidance Measures (RAMs) for Hedgehogs and Small Mammal method statement, contained within the approved Ecological Conditions Report, must be adhered to during construction of the dwelling.

Reason: In the interests of ecology.

- 5) Construction of the dwelling and associated works shall be undertaken in accordance with the approved Construction and Environmental Management Plan, reference 1719-RA-XX-XX-DR-A-0001.

Reason: To protect the living conditions of neighbouring properties and to ensure the safety of highway users during the construction of the development.

Before the Development is Occupied

- 6) The dwelling shall not be occupied until a detailed scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include replacement planting for those trees to be lost at least at a 1:1 basis (minimum heavy standard as planted) and any trees must be small seed-bearing species which encourage red squirrels and discourage grey squirrels.

Reason: To ensure sufficient living conditions for future occupiers and to enhance biodiversity.

- 7) a) The dwelling shall not be occupied until all planting, seeding or turfing comprised in the approved details of the scheme of landscaping shall be carried out for that particular property.

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

Reason: To ensure sufficient living conditions for future occupiers and to enhance biodiversity.

8) a) The dwelling hereby approved shall not be occupied until the Biodiversity Enhancement Plan, contained within the approved Ecological Conditions Report, is implemented in full

b) The installed biodiversity enhancement measures shall then be retained and maintained as such thereafter.

Reason: In the interests of biodiversity.

9) The development hereby permitted shall be carried out only in accordance with the approved drainage scheme, which must be installed prior to the first occupation of the dwellinghouse.

Reason: To ensure satisfactory drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework, policy F1 of the Formby and Little Altcar Neighbourhood Plan and Policy EQ8 of the Sefton Local Plan.

10) a) The development shall not be occupied until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the reconstruction of the footway at the turning head of The Evergreens to strengthen it to sustain vehicular impacts and connecting the adopted highway to the proposed private site access.

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

Reason: To ensure the safety of highway users.

Ongoing Condition

11) a) No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive.

b) If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

c) If present, details of how they will be protected are required to be submitted for approval.

d) If necessary the details approved under (c) above shall be implemented.

Reason: In the interests of ecology.

Informatives

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.
- 3) An agreement under section 278 of the Highways Act 1980 will be required for all highway works to ensure the works are satisfactorily completed. All costs associated with the highway works/alterations under the s278 agreement will be borne by the applicant. The applicant must therefore contact the Sefton Highways Maintenance Team regarding the highway works via email: highway.enquiries@sefton.gov.uk following the grant of planning permission.

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[Appendix - Previous Committee report for DC/2022/01189](#)

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 7th June 2023

Subject: [DC/2022/01189 – Land to the rear of 19 College Avenue, Formby, Liverpool, L37 3JL](#)

Proposal: Erection of a detached two storey (plus attic floor) dwellinghouse

Applicant: Mr. Ian Morris **Agent:** Mr. David Bennet, Keith David Partnership Architects

Ward: Harington **Type:** Full Application

Reason for Committee Determination: Deferred from 15th March 2023 due to insufficient information to establish impact on neighbouring window.

Summary

This application seeks approval for the erection of a detached dwelling on a plot that has been severed from the rear of Number 19 College Avenue within a Primarily Residential Area of Formby. It is considered that the principle of development and the impact on the character of the area is acceptable, that there will be no unacceptable impacts on the living conditions of neighbouring properties or on future occupiers of the proposal and that sufficient access can be provided. The proposal is therefore recommended for approval with conditions.

Recommendation: Approval with Conditions

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

Application documents and plans are available at:

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

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Site Location Plan



Sefton Council



Reference: DC/2022/01189

Date: 05/12/2022

Scale: 1:1250

Created by: MB

DC/2022/01189

Land to the rear of 19 College Avenue

Formby L37 3JL

Assessment of the Proposal

This application was originally deferred from 15th March 2023 Planning Committee for the following reason: 'That consideration of the application be deferred to enable the Chief Planning Officer to investigate and clarify the position regarding a facing study window on the adjoining property and distance between that window and the front of proposed dwelling.' The full report to 15th March 2023 Planning Committee is attached as an appendix.

As was made clear at the Planning Committee meeting, an assessment was made against a window to the side of the main dwelling at Number 41 The Evergreens that was **not** the window that objectors had raised issues against. The window in question is a rooflight to the side slope above the garage. This had been subject of a conversion under permitted development rights that resulted in roofspace accommodation.

This room has been laid out with a desk at the base of this rooflight with views out towards the application site, along with a bed positioned further within the room. This arrangement clearly demonstrates that this is a habitable room but this was not apparent when the application was originally assessed. The rooflight in question is also positioned relatively low in respect of the height of the room, with the lower sill being just above the height of the desk. Such a position ensures that this provides for a direct outlook over the application site and as a result would also be directly visible from any new residential development to this site.

The distance between this rooflight and facing habitable room windows to the new dwelling will be 11.7m, as objectors asserted, which is below the 21m distance (measured from window to window) recommended within the Council's guidance. The objectors argue that this shortfall would result in unacceptable impacts on their living conditions.

However, in this case this arrangement is not considered to give rise to unacceptable impacts to the living conditions of this neighbouring property as a whole for the following reasons:

- The overall living conditions of Number 41 will not be significantly harmed by virtue of the impacts on loss of privacy to this single room, given other habitable rooms within the dwelling will not suffer from unacceptable impacts from overlooking and subsequent loss of privacy.
- The occupiers of Number 41 have chosen to direct views over land which they do not control. If this window were to be proposed under the current permitted development rules, it would be required to be obscurely glazed and non-opening. The fact that it already exists as 'permitted development' does not mean it should constrain the development of the neighbouring plot of land.
- There is a degree of screening to/from this window from existing planting, which is to remain, which therefore lessens the potential impacts arising from overlooking/loss of privacy.

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- There is a second rooflight to the rear (east facing) elevation of this roofspace accommodation that has clear views over the rear garden of Number 41 and is free from any overlooking. The current occupiers of No 41 could install blinds or other material to the rooflight in question in order to protect their privacy and they would still have a room with an acceptable outlook from at least one window.

To conclude, the distance between the window of the adjoining property and the habitable room windows of the proposed dwelling is not considered to give rise to unacceptable impacts to the living conditions of the neighbouring property at No 41, The Evergreens. The previous recommendation to approve the application subject to conditions still stands.

Appendix 1 – Report to 15th March 2023 Planning Committee

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 15th March 2023

Subject: [DC/2022/01189 – Land to the rear of 19 College Avenue, Formby, Liverpool, L37 3JL](#)

Proposal: Erection of a detached two storey (plus attic floor) dwellinghouse

Applicant: Mr. Ian Morris **Agent:** Mr. David Bennet, Keith David Partnership Architects

Ward: Harington **Type:** Full Application

Reason for Committee Determination: Petition objecting to the application endorsed by Councillor Irving (who also called-in the application)

Summary

This application seeks approval for the erection of a detached dwelling on a plot that has been severed from the rear of Number 19 College Avenue within a Primarily Residential Area of Formby. It is considered that the principle of development and the impact on the character of the area is acceptable, that there will be no unacceptable impacts on the living conditions of neighbouring properties or on future occupiers of the proposal and that sufficient access can be provided. The proposal is therefore recommended for approval with conditions.

Recommendation: Approval with Conditions

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

Application documents and plans are available at:

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

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The Site

The site comprises a plot of land that has been severed from the rear of Number 19 College Avenue within a Primarily Residential Area of Formby. To the north and west of the site are two-storey residential properties on Holmwood Close and The Evergreens, with a two-storey property to the south (Number 20a College Avenue). Bordering the site to the north is a sycamore protected by Tree Preservation Order 109.

History

N/1998/0222 - Erection of 1 detached two-storey dwellinghouse to form part of the former Holmwood School residential development site at Barkfield Lane. Approved 4th June 1998.

Consultations

Highways Manager - No objection as there are no adverse highway safety implications. Note that the access to The Evergreens is over a private access road and that it has not been indicated that the applicant has right of access over this or that consent of the owner(s) has been granted for its use.

Environmental Health Manager - No objection subject to conditions securing a Construction Environmental Management Plan (due to the proximity of neighbouring properties) and seeking details for any piling or ground-compaction.

Flooding & Drainage Manager - No objection.

Network Rail - No objection.

Formby Parish Council - No comments made.

Little Altcar Parish Council - No comments made.

Merseyside Fire & Rescue Service - Reference made for need to comply with Approved Document B5 of the Building Regulations and s55 of the County of Merseyside Act 1980.

Neighbour Representations

A petition objecting to the proposal with 25 signatories has been endorsed by Councillor Irving. The petition objects to the application for the following reasons:

- The proposal is inconsistent with the Local Plan in respect of backland development and infringes on the Neighbourhood Plan
- The density of the development will have a very dominating aspect on the surrounding properties, contrary to policy
- The proposal will be a three-storey house contrary to policy

- The dwelling will cause significant detriment to the landscape and change the visual character and street pattern of the area, as it would not represent the character and distinctiveness of its surroundings nor add to the overall quality of the area
- The proposal will have a severe impact on the privacy of neighbouring homes, particularly to a side window serving a habitable room window at No 41 The Evergreens
- The building size is excessive for the plot
- The proposed access is shown to be wider on the plans than it is in reality, running across third party properties
- Construction traffic will lead to problems due to the site location and access
- The proposal will result in a loss of trees, and interfere with those to neighbouring properties
- Query the findings of the preliminary ecological appraisal as based on anecdotal evidence the site has been well used by red squirrel, hedgehogs and birds for over 25 years.

Individual objections have been received from properties in The Evergreens and College Avenue. Issues raised by objectors relate to:

- The proposal by virtue of its size and proximity to boundaries, along with associated traffic and vehicle related noise will have a severe impact on the privacy and enjoyment of neighbouring homes
- The building size is excessive for the plot, being in excess of 30% of the plot size
- The building will be too large in relation to existing properties on The Evergreens, the road from which the proposal will gain its access
- The proposal is for a three-storey dwelling and not two-storey as described
- The proposal will overlook neighbouring rear gardens (9.3m distance to garden of No 41 The Evergreens) and no more than 12m from a habitable room window to the side of No 41
- The permissive access driveway has been incorrectly interpreted within the application documents and is narrower than shown
- There is insufficient space for visitor parking within the site
- There will be insufficient access for construction traffic without trespass or disruption to Nos 37-45 The Evergreens
- Concerns regarding access by emergency vehicles, particularly fire appliances
- There is no access to the shared sewers and stated that previous agreements may have lapsed
- Concerns about impacts on trees
- The use of piling to protect trees would not be appropriate in this residential location.
- Concerns about impact on ecology
- Concerns regarding future use of building as flats

Queries were also made regarding the given address of the site, but the absence of any separate address for this plot of land within the Local Land Property Gazetteer meant that 'Land to the rear of 19 College Avenue' was as accurate as could be.

Councillor Irving has called this application in to be determined by Planning Committee.

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Councillor Irving also submitted objections to the proposal on the basis that even with amendments the proposal represents a three-storey dwelling, which is contrary to Neighbourhood Plan policy H5. He also considers that the sheer size of the property, the density, scale and massing would result in a very dominant feature in this area of two-storey dwellings contrary to Neighbourhood Plan policy H1 and Local Plan policy EQ2. He is also concerned as to how drainage is to be dealt with and queries the true extent of the permissive access to the site from The Evergreens. Cllr Irving also queried the absence of tree and ecological surveys, which were then provided by the applicant.

Following the receipt of additional information after this application was withdrawn from consideration for the 14th December 2022 Planning Committee the following comments have been received:

An addendum to the endorsed petition has been received raising similar objections as those outlined above while also critiquing the content of the committee report for the 14th December 2022 Planning Committee. Further objections have also been received from properties in The Evergreens.

Policy Context

The application site lies within an area designated as a Primarily Residential Area in the Sefton Local Plan (LP), adopted by the Council in April 2017. The National Planning Policy Framework, the New Housing (2018) Supplementary Planning Document and Sustainable Travel and Development (2018) Supplementary Planning Document are also material considerations.

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

Assessment of the Proposal

This application seeks approval for the erection of a detached two-storey dwelling, with accommodation in the roofspace, and associated ground-works and landscaping.

The main issues to consider in respect of this application are the principle of development, the impact on the character of the area, the impact on the living conditions of neighbouring properties, the living conditions to be provided to future occupiers and the access to the property.

Principle of Development

As this site lies within a designated Primarily Residential Area, Local Plan policy HC3 'Residential Development and Primarily Residential Areas' is of direct relevance. This allows for new residential development where it is consistent with other Local Plan policies.

The Formby & Little Altcar Neighbourhood Plan, in Policy GP1 'Spatial Strategy', promotes the infilling of the settlement boundary (which this proposal falls within) for future housing, economic and community related development. Policy H2 'New Housing' requires new housing to be well connected within the site and within the wider town.

Subject to the assessment of the other matters that follow, the principle of development can be accepted.

Character of the Area

Local Plan policy EQ2 'Design' only permits development where it responds positively to the character, local distinctiveness and form of its surrounding. This approach is also taken within Neighbourhood Plan policy ESD2 'High Quality Design'.

Backland development is commonplace to the immediate area, as seen to the neighbouring Number 20a College Avenue, and as such the provision of a further dwelling here would be appropriate to the overall character of the area. This was a view also taken in granting the 1998 approval for a dwelling on this same site.

The general appearance of the proposal (in regard to the roof pitches, the fenestration and variation to elevations) and the finishing materials are acceptable and draw from those seen in the immediate area.

The scale of the dwelling has been reduced since the original submission so it better responds to the height of neighbouring properties and to respond to the requirements of Policy H5 of the Neighbourhood Plan (presumption against development of more than 2.5 storeys unless it can be demonstrated that such development is appropriate).

Objectors and Councillor Irving contend that the scheme as amended remains a three-storey dwelling but based on the elevations and the position of windows, limited to two-floors with rooflights to the roof this is not agreed. The proposal presents as a two-storey dwelling and as such does not fall foul of Neighbourhood Plan policy H5, which does not specify a maximum height for a dwelling merely that there will be a presumption against anything greater than 2.5 storeys.

Objectors reference the dwelling being too large for the plot, with the built footprint being too great. This is not agreed with. It is considered that the proposal represents a largely standard form of development as seen to this residential area, with a deeper rear garden than front and separation to the side elevations. Other 'as built' or extended properties in the immediate area also run close to shared side boundaries and this forms part of the prevailing character of the area.

Further, the application site (excluding the access) occupies an area of 0.1ha and so would represent a density of 10 dwellings per hectare. While this is below the density target within the Council's guidance as well as below the recommended target of 25-30 dwellings per hectare within H1 'Density' of the Neighbourhood Plan it is considered that this density reflects the prevailing character and is acceptable.

In respect of the garden size, this is commensurate with that seen to neighbouring properties and within the area.

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On this matter the proposal is considered to be compliant with the aims and objectives of the Local and Neighbourhood Plans.

Living Conditions

Neighbouring Properties

As scaled from the submitted plans there will be sufficient interface distances from habitable room windows, particularly upper-floor windows, to the rear gardens and habitable room windows of neighbours on The Evergreens to comply with the Council's guidance, save for the interface between windows of the proposal and those to the side elevation of Number 41 The Evergreens.

The amended proposed site plan shows a distance of at least 10.6m (as scaled from the drawing) from the first-floor front elevation of the proposed dwelling to the side boundary with the garden of Number 41. The Council's guidance recommends a minimum distance of 10.5m between habitable room windows and boundaries with gardens and as such the proposal is compliant with this guidance and will not unduly affect the neighbours' enjoyment of their garden.

The distance between the side window in Number 41 The Evergreens and the nearest window to the proposal will be around 20.8m (less than the recommended guidance of 21m). However, it is considered that this will not result in unacceptable impacts given this very minor shortfall from the guidance.

The distance of the proposed dwelling from Number 41 will also not cause unacceptable impacts through overshadowing of the garden or of any habitable room windows.

As taken from Ordnance Survey mapping the north-facing elevation of No 20a is at least 15m from the shared boundary with the proposal, and then the first-floor windows and juliet balconies to the proposal are 12.2m from this boundary, comfortably exceeding the 21m minimum distance between habitable room windows as recommended within the guidance. The ground-floor windows of the single-storey elements to the rear of the proposal are closer to the boundary, 9.7m, but the total distance will still exceed the 21m guidance to lessen any potential impacts through loss of privacy to windows to Number 20a.

In respect of the distance of windows to the rear garden of Number 20a, the ground-floor windows are positioned 9.7m from the boundary, which is below the recommended 10.5m distance within the guidance. However, as they are ground-floor windows they are unlikely to give rise to unacceptable impacts through overlooking and subsequent loss of privacy due to the height of the boundary between the two properties.

The position of the dwelling from boundaries allied with the orientation and/or depths of neighbouring gardens ensures that the proposal will not contribute to unacceptable impacts through overshadowing gardens or habitable room windows. Further, the siting will ensure that while visible the proposal will not result in an overbearing or overly dominant building that would have an unacceptable impact on the enjoyment of rear gardens or otherwise lessen the living conditions of neighbouring properties.

Post-construction, the comings and goings from this single dwelling to The Evergreens are unlikely to be so great as to result in unacceptable impacts through noise and/or general disturbance.

In view of the above it is therefore considered that the proposal will not give rise to unacceptable impacts to the living conditions of current or future occupiers of neighbouring properties

Future Occupiers

The garden size comfortably exceeds the minimum required within the Council's guidance and all the habitable rooms to the ground and first-floors will have good outlook. The two bedrooms within the roofspace will only be served by rooflights but this will be apparent to any future occupier. Given the floorspace of the proposal it is unlikely that this shortfall would result in unacceptable living conditions for future occupiers and furthermore if this was to be an issue for future occupiers then the building is capable of being adapted to meet future needs (for example subsequent approval would not be required for the use of the first-floor cinema/games room as a bedroom(s) in the future).

Taking a balanced view it is therefore considered that the proposal will provide for acceptable living conditions for future occupiers.

Access

The property having sufficient pedestrian and vehicle access from the highway is a key issue as to whether the proposal as a whole is acceptable or not. If it relied upon the agreement of third parties to secure or otherwise implement, then a condition securing access prior to occupation would be insufficient (as it would fail to meet the relevant tests) but instead a planning obligation, to be entered into by all parties, would be required.

A key point of contention from objectors is that access to this property will be through an existing private driveway serving several properties on The Evergreens. No information was originally submitted with the application to demonstrate that there was a right of way or other secured access from the application site across unadopted land to The Evergreens highway.

The agent for the application has submitted documentation to demonstrate that there is a right of access from this plot to The Evergreens highway, and he considers that sufficient vehicular and pedestrian access can be secured through a condition attached to any approval.

While objectors make reference to a permissive right of way they highlight that the extent of the red-line application site is much larger than the right of way, as physically shown within the existing private access serving properties, and query whether such an access is suitable (plus querying highway impacts arising from construction activities).

It is agreed that the red-line boundary for the site does encompass land outside of the control of the applicant but that this has been addressed through the serving of notice on other interested parties and the completion of the Certificate B ownership field within the application form. Further, this

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boundary itself doesn't imply that the entirety of that red edged site would constitute a vehicular access to serve the proposed dwelling.

In respect of the position of the access, a further revised drawing was received that has moved the vehicle access gates further to the west.

In view of the above it is considered reasonable to secure the details of and provision for access from The Evergreens highway by way of a condition attached to any approval.

Other Matters

Trees

The proposal seeks the removal of all trees present on site. As set out in the submitted Tree Survey Assessment, all but one of those trees are considered to be 'C' class in terms of quality (the other is 'B' class) and as such their removal is justified.

The proposed site plan indicates new tree planting but does not specify their size or species. So as to ensure compliance with the Local Plan such details will be required, which can be secured by a condition attached to approval (as will the implementation of an approved landscaping scheme.)

In respect of the impact on trees adjoining the application site, the assessment provides for marked root protection areas and advises methods of development such as piling and the use of porous surfaces retaining the existing ground levels (e.g. geoweb or similar, with all works done by hand) on areas of hard surfacing. Further, the assessment also recommends crown pruning to three trees (marked as T1, T3 and T9 in the assessment) whose crowns overhang the site.

As such it is considered that subject to adhering to arboricultural standards that the proposal is unlikely to cause harm to off-site trees, whilst the loss of on-site trees would be acceptable subject to replacement tree planting.

Ecology

The application is supported by a Preliminary Ecological Appraisal undertaken by Tyrer Ecological Consultants Ltd with surveying carried out on 20th September 2022.

The appraisal considers that the sole building on site, a small timber shed, provides negligible bat roost suitability and that the trees on site are absent of any "extensive rot holes, cracks, woodpecker holes, peeling bark, splits or other crevices typically used by bats" and as such also have negligible bat roost suitability.

No physical evidence of red squirrel activity was found in the site nor was any evidence of bird nesting. Further there were no field signs to indicate the presence of badgers within the site, with the absence of suitable habitat for sett building indicating that their presence is highly unlikely.

The appraisal considers that the site is unsuitable for great crested newts, common toad, common frog and reptiles, and that the site has few features that would likely provide habitat for invertebrates.

The appraisal does consider that the nature of the site may provide some suitability for shelter and hibernation for hedgehogs and so their presence throughout the year is considered to be possible.

In respect of flora no botanical species of conservation were identified within the site.

Although objectors have made anecdotal statements regarding the presence of protected species on the site no evidence has been provided to counter that provided by suitably qualified and experienced ecologists within the Assessment.

The appraisal recommends that the removal of trees, shrubs and vegetation is limited to being outside of the bird nesting season, which can be secured by a condition attached to any approval. Reasonable Avoidance Measures are recommended, to be set out within a working method statement, to reduce the risk of harming small mammals or other “terrestrial fauna”. The method statement can be secured by a condition.

Notwithstanding the absence of evidence of red squirrel use within the site it is considered reasonable to attach a condition to any approval requiring all trees and shrubs to be checked for dreys prior to their removal, with a report confirming this to be submitted to the Council.

Moving beyond matters of protection, a number of options to enhance biodiversity are recommended within Appendix III of the appraisal. As such a condition will be attached to any approval seeking the details of the number and location of bat boxes, bird boxes, bee bricks and hedgehog ‘highways’ to be provided within the site, along with a timetable for their implementation.

Drainage

As the proposal will result in a net increase in the impermeable surface of the site it is considered reasonable and necessary to secure the submission, approval and subsequent implementation of a full sustainable drainage scheme by a condition. This is necessary to ensure that flood risk isn’t increased on this site or, importantly, to neighbouring sites, which is a requirement within Neighbourhood Plan policy F1 and Local Plan policy EQ8. Given the current nature of the site any drainage scheme must achieve a greenfield runoff rate.

Subject to the condition being met this aspect of the proposal is considered acceptable.

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;

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- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

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

Conclusion

In view of the above it is considered that this application complies with the aims and objectives of the Formby & Little Altcar Neighbourhood Plan, the Local Plan and all other material considerations. The proposal is therefore recommended for approval with the conditions that follow.

Recommendation – Approval 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:

00 Rev A 'Location Plan'

05 Rev H 'Existing and Proposed Site Plans'

10 Rev F 'Proposed Plans'

15 Rev H 'Proposed Elevations'

Preliminary Ecological Appraisal, October 2022, Tyrer Ecological Consultants Ltd

BS5837 Tree Survey Assessment, ref 220653_22/A1, June 2022, Indigo Surveys Ltd

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) No development shall commence, including any works of demolition, until a Highways Construction Management Plan has been submitted to, and approved in writing by, the local planning authority.

This shall include but not be limited to such matters as the number of trips and type of vehicles to be used, the delivery hours, the location and extent of a site compound for parking of vehicles and the location and extent of wheel washing facilities (or other measures to limit the potential spreading mud on the carriageway).

The approved statement shall be adhered to throughout the implementation of this permission.

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

- 4) a) No development shall commence until a detailed scheme showing vehicle access from The Evergreens adopted highway through to the vehicle access gates of the dwelling hereby approved has been submitted to and approved in writing by the Local Planning Authority.
- b) The approved scheme shall then be implemented and completed prior to the first occupation of the dwelling.

Reason: To ensure that the proposal can be safely accessed.

- 5) 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 include details regarding noise, dust and vibration suppression along with details of any piling/ground compaction measures to be used and measures to mitigate impacts arising from such works.

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

- 6) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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Reason: To ensure satisfactory drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework, policy F1 of the Formby and Little Altcar Neighbourhood Plan and Policy EQ8 of the Sefton Local Plan.

- 7) a) Given the known presence of red squirrel within this area, as a precaution a pre-commencement check of any trees or shrubs must be undertaken prior to their removal.
- b) A report confirming the absence of dreys must be submitted to and approved by the Local Planning Authority prior to any shrub or tree removal.

Reason: In the interests of ecology.

- 8) Prior to the commencement of development site specific information must be submitted to and approved by the Local Planning Authority in respect of the measures to be used to protect trees bordering the development site.

The approved measures must then be adhered to throughout construction.

Reason: To ensure trees are protected.

- 9) a) Prior to the commencement of development a working method statement setting out reasonable avoidance measures to reduce the risk of harm to small mammals and terrestrial fauna (such as hedgehogs) shall be submitted to and approved in writing by the Local Planning Authority.
- b) The approved method statement shall then be adhered to at all times until the development is completed.

Reason: In the interests of ecology.

Before the Development is Occupied

- 10) The dwelling shall not be occupied until a detailed scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include replacement planting for those trees to be lost at least at a 1:1 basis (minimum heavy standard as planted) and any trees must be small seed-bearing species which encourage red squirrels and discourage grey squirrels.

Reason: To ensure sufficient living conditions for future occupiers and to enhance biodiversity.

- 11) a) The dwelling shall not be occupied until all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out for that particular property.
- b) any trees or plants which within a period of 5 years from the completion of the development

die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure sufficient living conditions for future occupiers and to enhance biodiversity.

- 12) a) The dwelling hereby approved shall not be occupied until details of bat boxes, bird boxes, bee bricks and hedgehog 'highways' to be installed to the dwelling/within the site (to include number, type and location on an appropriately scaled plan as well as timing of installation) has been submitted to and approved by the Local Planning Authority.

b) The details approved under (a) above must be implemented in accordance with those details prior to the first occupation of that particular dwelling and maintained as such thereafter.

Reason: In the interests of biodiversity.

Ongoing Condition

- 13) a) No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive.

b) If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

c) If present, details of how they will be protected are required to be submitted for approval.

d) If necessary the details approved under (c) above shall be implemented.

Reason: In the interests of ecology.

Informatives

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.
- 2) 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

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Diaphragm Walling

Vibratory piling or vibro-replacement

Driven piling or dynamic consolidation

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

Report Title: Planning Appeals Report

Date of meeting:	Wednesday 18 th September 2024		
Report to:	Planning Committee		
Report of:	Chief Planning Officer		
Portfolio:	Housing and Highways		
Wards affected:	All Wards		
Is this a key decision:	No	Included in Forward Plan:	No
Exempt/confidential report:	No		

Summary:

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

Recommendation(s):

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

1. The Rationale and Evidence for the Recommendations

This report is for information only.

2. Financial Implications

There are no financial implications

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3. Legal Implications

There are no legal implications

4. Corporate Risk Implications

There are no Corporate Risk implications

5 Staffing HR Implications

There are no Staffing HR implications

6 Conclusion

This report is to update members on planning and enforcement appeals

Alternative Options Considered and Rejected

N/A

Equality Implications:
There are no equality implications.
Impact on Children and Young People:
There is no impact on Children and Young People
Climate Emergency Implications:
The recommendations within this report will have a Neutral impact.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Services and Commercial (FD.7772/24) and the Chief Legal and Democratic Officer (LD.5872/24) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Not applicable

Implementation Date for the Decision :

No decision required, for information only.

Contact Officer:	Tina Berry
Telephone Number:	0345 140 0845
Email Address:	Planning.department@sefton.gov.uk

Appendices:

The following appendices are attached to this report:

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

Background Papers:

The following background papers, which are not available anywhere else on the internet can be accessed on the Council's website <https://www.sefton.gov.uk/planning-building-control/search-and-view-planning-applications-and-appeals/>

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Appeals Received and Decisions Made

Email: planning.department@sefton.gov.uk

Contact Officer: Mr Steve Matthews 0345 140 0845

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

Appeals received and decisions made between 05 July 2024 and 29 August 2024

Appeal Decisions

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: Allowed

Decision Date: 30/07/2024

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: Allowed

Decision Date: 19/07/2024

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: Dismissed

Decision Date: 17/07/2024

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: Dismissed

Decision Date: 17/07/2024

66 Elm Road Seaforth L21 1BL

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

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

Procedure: Written Representations

Start Date: 21/02/2024

Decision: Dismissed

Decision Date: 16/07/2024

National Trust Car Park Victoria Road Formby

Reference: DC/2022/02146 (APP/M4320/W/23/3331280)

Procedure: Written Representations

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Appeals received and decisions made between 05 July 2024 and 29 August 2024

Relocation of the existing car park and restoration of frontal dune habitat.

Start Date: 08/01/2024
Decision: Allowed
Decision Date: 08/07/2024

New Appeals

66 Eshe Road North Crosby L23 8UF

Reference: DC/2024/00577 (APP/M4320/D/24/3347563)

Erection of part two storey/part single storey extensions to the side/rear, first floor extensions and balcony with glass balustrade, and dormer extension to the rear of the dwellinghouse and French doors to the side of the existing two storey rear extension following demolition of the existing detached garage to the side.

Procedure: Householder Appeal
Start Date: 13/08/2024
Decision:
Decision Date:

41 Durham Road Seaforth L21 1EF

Reference: DC/2024/00442 (APP/M4320/W/24/3345419)

Change of use from retail unit and maisonette to 2 flats

Procedure: Written Representations
Start Date: 18/07/2024
Decision:
Decision Date:

101 South Road Waterloo L22 0LT

Reference: DC/2024/00288 (APP/M4320/W/24/3346410)

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

Procedure: Written Representations
Start Date: 01/08/2024
Decision:
Decision Date:

Appeal Decision

Site visit made on 3 July 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/M4320/W/23/3335572

8 Glenpark Drive, Southport, Sefton PR9 9FA

- 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 Mrs Joanne Cowens against the decision of Sefton Council.
 - The application Ref is DC/2023/01683.
 - The development proposed is the change of use of the property from residential (Use Class C3) to residential care (Use Class C2).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of the property from residential (Use Class C3) to residential care (Use Class C2) at 8 Glenpark Drive, Southport, Sefton PR9 9FA in accordance with the terms of the application, Ref DC/2023/01683, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the proposed development in the banner above is taken from the application form. However, in the interest of brevity I have removed sections of the description which do not refer to development.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupants of 6 and 10 Glenpark Drive (Nos 6 and 10) and 2 Merepark Drive (No 2), with particular regard to noise and disturbance.

Reasons

4. The appeal property is one of several semi-detached properties along Glenpark Drive. It is attached to No 10 and it is next to No 6. The rear gardens of these properties are perpendicular to the rear garden of No 2. As such, the appeal property shares boundaries with Nos 6 and 10, and No 2. All of the properties have moderately-sized gardens.
5. The appeal property is a 3-bedroom dwellinghouse. Given the size of the appeal property, its use could generate a modest amount of activity. This may include occupants travelling to and from work or school, servicing of the property such as refuse collection, and the delivery of goods. The appeal property is also in proximity to Preston New Road (A565), which has the appearance of an arterial route. During my site visit, I observed that traffic on Preston New Road is the main source of background sound in the area.

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Appeal Decision APP/M4320/W/23/3335572

6. The appeal proposal would lead to the change of use of the property to residential care accommodation for up to 2 people. The proposed occupants of the property would be supported, 24-hours a day, by care providers. The property would also be accessed by support workers and outside agencies.
7. An indicative rota for the care providers has been provided which indicates there would be three handover periods a week. However, as the rota is only indicative, there could be more handovers, which would generate more activity at the appeal property. It is reasonable to conclude that there could be multiple handovers a day, and there could be daily activity relating to the occupants travelling to and from the site, and/or by support workers and outside agencies accessing the property. During handover periods there would be a more intense period of activity, where multiple people enter and leave the appeal property in a short period of time.
8. Whilst the activity associated with the appeal property would increase following the change of use, the occupation of the appeal property could be restricted to two occupants by condition. Therefore, the increase in activity would be modest when compared to the existing use of the appeal property.
9. There would be more activity in external areas associated with increased vehicle movements. However, there is no substantive evidence that the rear garden area would be used more intensively than it currently is. Given the existing background sound, I do not consider that the modest increase in vehicle movements would materially alter the amount of noise experienced in external areas of neighbouring properties.
10. I acknowledge the personal circumstances of neighbouring occupants who regularly use their gardens. One of the neighbours has identified themselves and their wife as elderly and as having medical problems. Therefore, the protected characteristics of age and potentially disability are relevant. When reaching my conclusion, I have had due regard to the Public Sector Equality Duty (PSED) set out under Section 149 of the Equality Act 2010; in particular the need to eliminate discrimination against persons with protected characteristics, advancing equality of opportunity for those persons and fostering good relations between them and others. In this instance, whilst the amount of noise experienced may increase in external areas, it would not be to a harmful extent. Therefore, I am satisfied that people with protected characteristics would not be discriminated against, it would not affect their equality of opportunity, and it would not alter the ability to foster good relations between them and others.
11. Although there would only be a limited increase in activity, the amount of noise experience inside No 10 could be harmful to the living conditions of its occupants due to its close relationship with the appeal property. However, the effect of the change of use could be mitigated with a sound insulation scheme. A condition requiring details of a sound insulation scheme to be submitted to and approved by the Council could be attached to the planning permission.
12. Two appeal decisions¹ at 106 Cambridge Road have been put before me. Those proposals are materially different to the appeal proposal as they included the change of use of a property to accommodate 5 mothers and their new-born babies. Moreover, occupants were only expected to live at that property for 12

¹ Appeal Refs. APP/M4320/W/18/3202427 and APP/M4320/W/19/3239836

weeks, as such it would attract a more transient population than the appeal proposal which is expected to accommodate longer term occupants. Also, the most pertinent details of the appeal proposal² at 1 Bridge Street, including the proposed maximum occupation, are not before me. As such, it is not possible to compare that proposal with the appeal proposal. Therefore, the dismissal of those appeals does not set a precedent for the appeal proposal.

13. Overall, I conclude that the proposal would not have a harmful effect on the living conditions of occupants of Nos 6 and 10 and No 2, with particular regard to noise and disturbance. It would comply with Policy HC3 of A Local Plan for Sefton, April 2017 (LP), which indicates that non-residential development will be permitted in primarily residential areas provided that it will not have an unacceptable impact on the living conditions of neighbouring occupants.
14. The reason for refusal on the decision notice indicates that the proposal would be contrary to LP Policy HC4. However, this policy is not strictly relevant to the proposal as it concerns extensions and alterations to dwellinghouses and the conversion of buildings into Houses in Multiple Occupation (HMOs). Nonetheless, the proposal would comply with one of the broad aims of this policy, which is that a conversion of a building will be permitted where it will not cause significant harm to the living conditions of neighbouring occupants.

Other Matters

15. The proposal would lead to additional demand for parking which may not be able to be accommodated on the appeal property's driveway. There are no restrictions for on-street parking in proximity to the appeal property and there is no substantive evidence that the increased demand could not be safely accommodated within the road network. Moreover, the Council did not object to the proposal on highway safety grounds and I agree with this conclusion.
16. In considering this appeal, I have had due regard to the PSED. In this instance, both the proposed occupants and interested parties are persons with the protected characteristics of age and/or disability. With regard to the PSED, I am satisfied that the outcome of my decision would eliminate discrimination against persons with protected characteristics, advance equality of opportunity for those persons and foster good relations between them and others.

Conditions

17. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the guidance contained within the PPG and the Framework.
18. Conditions specifying a time limit to implement the permission and approved plans are required in the interest of certainty. Given the appellant's personal circumstances it is necessary and reasonable to provide an extended commencement period to minimise disruption.
19. A condition requiring details of cycle storage to be submitted to and approved by the Council is necessary to encourage the use of alternatives to private motor vehicles.

² Appeal Ref. APP/M4320/W/19/3231962

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Appeal Decision APP/M4320/W/23/3335572

20. Conditions requiring improved sound insulation in the party wall to be installed and a restriction on the level of occupancy is necessary to ensure that the proposal does not have a harmful effect on the living conditions of neighbouring occupants.

Conclusion

21. For the reasons given above the appeal should be allowed and planning permission should be granted.

J Hobbs

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with Location Plan, dated 26 September 2023; and Floor Plan, with the Smart Move watermark.
- 3) Prior to the commencement of the hereby approved use, a scheme of enhanced sound insulation to the party wall with 10 Glenpark Drive, shall be submitted to and approved in writing by the Local Planning Authority.
The approved scheme shall be implemented in full, prior to the commencement of the hereby approved use and shall be retained thereafter.
- 4) Prior to the commencement of the hereby approved use, details of secure storage for bicycles shall be submitted to and approved in writing by the Local Planning Authority.
The approved storage shall be installed prior to the commencement of the hereby approved use and shall be retained thereafter.
- 5) The property shall be used solely as residential care accommodation (Use Class C2) by a maximum of two occupants, at any one time.

Appeal Decision

Site visit 28 June 2024

by Mike Worden BA (Hons), Dip TP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

APP/M4320/W/24/3338768

Land to the rear of 1-3 Aughton Road, Southport, Merseyside, PR8 3AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Kel Holding Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2023/01679.
 - The application sought planning permission for the erection of a two storey block of 4 no. self-contained apartments with external alterations and associated car parking without complying with a condition attached to planning permission Ref DC/2019/1901, dated 21 May 2020.
 - The condition in dispute is No 7 which states that: 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 removal of an existing highway tree and the removal of the existing 'H' sign to the highway. No part of the development shall be brought into use until the required highway works have been constructed in accordance with the approved details.
 - The reason given for the condition is: 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.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey block of 4 no self-contained apartments with external alterations and associated car parking at land to the rear of 1-3 Aughton Road, Southport, Merseyside PR8 3AF in accordance with the application Ref DC/2023/01679 without compliance with condition numbers 1,2 and 7 previously imposed on planning permission Ref DC/2019/01901 dated 21 May 2020 and subject to the conditions on the attached schedule.

Preliminary Matters

2. The development to which the permission relates has commenced and appears to be either complete or substantially complete.
3. In my decision I have used the description of development as set out on the decision notice.
4. Condition 7 of the permission requires the submission of a detailed scheme of highway works and programme of completion prior to development. That

programme of works was required to include detail relating to the removal of a street tree and an existing sign. The application sought to delete condition 7 and replace it with a revised layout for access to the site.

5. It is not possible for condition 7 to be deleted and replaced with a revised layout. A revised layout can only be considered in relation to condition 2, which lists the plans to which the permission relates.

Main Issue

6. The main issue is the effect of removing the condition on highway safety.

Reasons

7. The appeal site lies in a residential road just to the south of Southport town centre. The development to which the condition in dispute relates, was to construct a block of four flats to the rear of no 1 Aughton Road, a large semi-detached house. Access would be via the side of the house down the existing drive. The approved plans showed two parking spaces to be located directly in front of no 1 Aughton Road to be accessed directly off the street. This would have required the removal of an existing street tree and wall.
8. I consider that the tree makes an important contribution to the street scene. It is one of a number of established street trees along Aughton Road and collectively these trees form part of the attractive character and appearance of the street.
9. The appellant proposes a revised layout with car parking spaces provided further into the site, adjacent to the new flats. This would mean that the existing street tree directly in front of 1 Aughton Road would not have to be removed and neither would the brick wall. I consider that this uniform wall, which is topped with coping stones and runs the full length of the frontage of 1 and 3 Aughton Road also makes an important contribution to the street scene. Removing part of it would make the semi-detached pair of houses look unbalanced and would appear incongruous in the street scene.
10. I have considered the views of the Council's highways officers in respect of their concerns about the revised scheme. However, having observed the now constructed parking spaces and turning arrangements on site, I do not consider that there would be any demonstrable evidence of any harmful impact on highway safety by the removal of the condition. In any event the revised scheme presents clear benefits in terms of its impact on the character and appearance of the area than the permitted scheme.

Conditions

11. The disputed condition, condition 7 of the original permission is not necessary. I will substitute the plans condition, condition 2, with a new condition including the revised access layout plan. I have not referenced the landscape masterplan or the arboricultural impact assessment as I have not been provided with a copy of either. In any case, tree planting details have already been agreed by the Council meaning that such references are not necessary.
12. Condition 1 is not necessary now that the development has commenced and neither are the conditions relating to construction management details. I have amended the wording of the other pre-commencement conditions. The details

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Appeal Decision APP/M4320/W/24/3338768

required by conditions 5, 6 and 8 have now been submitted and approved by the Council and I have amended the wording of those and other remaining conditions as necessary. I have combined the tree conditions into one for clarity and effectiveness.

13. I have renumbered the conditions.

Conclusion

14. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition, substituting the plans condition for a new condition, and restating, as amended for the reasons set out above, those undisputed conditions that are still subsisting and capable of taking effect.

Mike Worden

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with drawing nos : AR/ADA/01/A Revision I, AR/ADA/02/A Revision D, ARA/ADA/03/A Revision E.
- 2) The surface water drainage scheme must be implemented out in accordance with the approved details and retained in perpetuity.
- 3) The materials used in the development must accord with the approved details.
- 4) The scheme of tree planting on the site must accord with the approved details and must be undertaken within the first planting/seeding season following completion of the development. Any trees or plants which, within a period of 5 years from completion of the development, die, are removed or become damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 5) The development shall not be occupied until a minimum of 1 electric vehicle charging points have been installed and are made available for use within the development as permitted. The approved infrastructure shall be permanently retained thereafter.
- 6) No part of the development shall be occupied until space has been laid out within the curtilage for cars to be parked and those spaces shall thereafter be kept available for the parking of vehicles in perpetuity.
- 7) No dwelling shall be occupied until the access road has been constructed to the base course level to enable access to the dwellings.
- 8) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with the details shown on the approved plans and they shall be retained in perpetuity thereafter.
- 9) Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate, which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Appeal Decision

Site visit made on 17 June 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/P4320/W/24/3338031
26 Stanly Park, Liverpool L21 9JT

- 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 Sean Coulton against the decision of Sefton Council.
 - The application Ref: DC/2023/01611 dated 27 September 2023 was refused by notice dated 22 November 2023.
 - The application is for erection of a dwelling with additional parking following the demolition of existing garage and wall within the curtilage of 26 Stanley Park.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in December 2023. I have therefore determined this appeal in accordance with the revised provisions within the Framework.
3. The Appellant's Statement of Case has gone into some great detail with regards the use of the proposed building as an annexe for elderly relatives. The original application however was concerned with seeking approval for the erection of a new dwelling and no supporting evidence was provided with regards any associated use such as the proposed building being a Granny Flat. As such, I am obliged to assess this appeal with regards the description used within the original application form.

Main Issues

4. The main issue is the effect of the proposal upon the character and appearance of the area and upon the living conditions of neighbours.

Reasons

5. The appeal property is a two storey semi detached house that I consider would date to around the later part of the 19th century. The building, although seemingly having been extended, exhibits high quality architectural features typical of a building of this age. These include a protruding partial bay window, quoined corners and attractive arched architraves around windows. To the rear the building diminishes in size as an outshut extension extends into a decent sized rear garden.

6. The building is one of a collection of more historic properties within this part of Stanley Park that are set back from the road's edge within fairly sizeable plots, more often than not with front gardens and attractive boundary treatments that both soften and enhance the quality of the streetscene here. In the case of the appeal site this manifests itself as a low wall and railings with stone conical gateposts and lawn to the front. Existing on site and street trees also have a highly positive effect upon the character and appearance of the area here.
7. I consider that, because of the quality of the original building and its associated boundary treatment and landscape, that the property and its site makes a generally positive contribution to the locality as a whole.
8. To the side of the main house is a driveway and more landscape trees that terminate at a white coloured wall and single garage that effectively divide the plot from front to rear garden. The proposal intends to remove this single garage and construct a single storey dwellinghouse in this location that would extend somewhat further into the rear garden area.
9. Notwithstanding any proposed particular use, the proposed building would consist of two bedrooms and living kitchen area to the rear. Access to the main entrance would be from the side elevation alongside the parent property. The building would be a simple brick pitched roof bungalow with an asymmetrical and horizontal window to the front elevation and bi-fold doors to the rear. To the side two further horizontal windows would face onto number 26 itself.
10. To the front of the main house the existing lawned garden would be changed to hardstanding so as to accommodate up to five vehicles. It is not clear what would happen to existing vegetation and trees although presumably most would be felled to make way for the bungalow and parking.
11. Policy EQ2 Part 1 of the Council's Local Plan reflects The Framework in its approach to ensuring development proposals are of a high quality design, and that responds positively to local character and distinctiveness. Part 2 of this policy also reflects these aspirations for the way new development functions in its role in protecting the living conditions of neighbours.
12. Although the scheme before me would replace an existing garage, this structure is visibly ancillary to the main dwellinghouse and is generally unassuming in the streetscene. However the proposed bungalow would introduce a form of development that would be much larger than this existing garage and would not reflect the local character nor the quality and distinctive architectural qualities such as there are both to the rear of the appeal site and within the wider streetscene.
13. The asymmetrical horizontal window and generic design for instance would fail to take the opportunities to reflect this distinctive and high quality character that is formed by the both the appeal property and many of its neighbours. This impact would be made much worse through the proposed paving over of the front lawn area to be replaced by parking. This would result in vehicles being highly visible within the streetscene and would significantly undermine the positive qualities of the area as I have identified above. As a result the design of the proposed bungalow would introduce a poor architectural response that would cause significant harm to the character and appearance of the area.

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Appeal Decision Appeal Ref: APP/P4320/W/24/3338031

14. In terms of the effect of the proposal upon the living conditions of neighbours, were this to be a separate dwelling then there would be a significant impact with regards overlooking and the access requirements to that of the proposed dwelling and the main house. Were the building to be interlinked in use (such as a granny annexe) then such issues may not be relevant, however in assessing this appeal as that originally applied for, I conclude that there would be harm to the living conditions of both residents at number 26 as well as those prospective occupants of the proposed bungalow.
15. As such the main harm caused through this proposal would be to the character and appearance of the streetscene caused through both the poor design of the proposed bungalow and the harm caused through the parking and dominance of vehicles to the frontage of the appeal property. Such harm would be compounded by the effect of the proposal upon the living conditions of neighbours were this proposal to be a separate dwelling as originally applied for and as assessed by the Council.
16. As such the proposal would not meet the overriding policy requirements of Parts 1a and Part 2b of Policy EQ2 of the Sefton Local Plan nor would it be in conformity with the Framework and its continued emphasis upon the importance of good design. As such the appeal must fail.

Conclusion

17. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR



Appeal Decision

Site visit made on 17 June 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/P4320/D/24/3341511
8 Hastings Road, Birkdale PR8 2LS

- 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 David Vidheon against the decision of Sefton Council.
 - The application Ref: DC/2023/02023 dated 20 November 2023 was refused by notice dated 17 January 2024.
 - The application is for proposed alterations to safety balustrade at first floor balcony and extension to balcony.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposal upon the living conditions of neighbours.

Reasons

3. The appeal property is a two storey detached house that has seen significant modification over recent years from its origins as a Mock Tudor, Arts and Crafts inspired property to that of a more modern looking off white rendered house. The property is set back from the road where the front garden is almost wholly hardstanding for vehicles and to the rear there is a generous garden that is partially terraced as it extends away from the property.
4. The property has previously been extended with a two storey extension to the side and rear and a single storey extension also to the rear that has seemingly been constructed along the back length of the house¹. As part of this application there was access to part of the central area of the flat roof rear extension from first floor rooms. This accessible area appears to have been originally intended to halt around the start of the first floor projecting wing adjacent to the neighbouring house at number 6. The balcony rail effectively now divides this space in two but work has since been undertaken to rail off the area in front of this projection in order to make the area safe should emergency access be required to the first floor bedroom here. It is this area of balustrade, and its associated potential use as a balcony, that is the main subject of this appeal.

¹ Application approved 2020 reference number DC/2020/00757

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5. In assessing this scheme, although I understand that the bedroom here requires a means of escape, I am at pains to find a way that such means of escape could reasonably and fully exclude those occupying this part of the property from using the roof space as an informal amenity area. This is especially true in light of the need to maintain this access open at all times. As such I am obliged to assess this scheme based upon what I consider is the high likelihood of this space being used as a balcony which people could occupy.
6. I saw on my site visit that the appeal property is located due south to that of number 6 next door over who's garden the balcony currently overlooks. Number 6 has a single storey extension to the nearest part of the ground floor here and another room at first floor level. As a result of the extensions to the appeal site, this room appears to be set back considerably from the rear façade of the single storey ground floor projection at the appeal site.
7. Through wishing to maintain this area of roof as a balcony, whether formal or informal, there are two issues at stake. Firstly, there would be a considerable impact upon the living conditions of neighbours at number 6 through overlooking that could very easily occur by anyone who was to stand at such a height, so close to the common boundary. Secondly, were there to be erected a 1.7m obscure glazed screen here, as proposed to protect this amenity, the addition of a further projection would potentially result in further issues through over dominance and perhaps some over shadowing due to the height and extent of the proposed railings.
8. In assessing these issues I concur with the Council that considerable overlooking would occur over the neighbours garden were the scheme to be left as it is. As such some form of shielding would be required to be effective in mitigating such an impact. However, the added protrusion of a further obscure screen here would, although lightweight and partially transparent, lead to a sense of further enclosure from this elevation which would also be harmful and would result in an over dominant impact upon those occupying number 6.
9. As mentioned above, although this area would, with the best of intentions, only be used as emergency escape, in reality there would be no way to enforce or ensure such use was only for emergency purposes. As a result I find that the scheme before me would, on balance, constitute a harmful impact upon the living conditions of neighbours and that, as a result, this proposal would be in conflict with Policy HC4 of the Sefton Local Plan and the Council's own Supplementary Planning Document on House Extensions. As such the appeal must fail.

Conclusion

10. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR

Appeal Decision

Site visit made on 3 July 2024

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 16th July 2024

**Appeals ref: APP/M4320/C/23/3335692; APP/M4320/C/23/3335693;
APP/M4320/C/23/3335694**

66 Elm Road, Seaforth, Liverpool L21 1BL

- The appeals were made by Mr Vivek Srivastava on behalf of THE CARE ADVANTAGE LTD, (APP/M4320/C/23/3335692), by Company Secretary xxx xxx, (APP/M4320/C/23/3335693) and by Company Secretary DREAMPOSTCODE LIMITED, XXX, (APP/M4320/C/23/3335694), under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Sefton Metropolitan Borough Council.
- The notice was issued on 23 November 2023; reference EN/2023/00628.
- The breach of planning control was: Without planning permission, the material change of use of the land from use for a house in multiple occupation (HMO) to a Childrens residential home.
- The requirement of the notice is: You must cease using the property (as shown cross hatched on the plan attached to the notice) as a Childrens residential home (C2).
- The time for compliance with the requirement of the notice is two months.
- The CARE ADVANTAGE LTD, the Company Secretary xxx xxx and Company Secretary DREAMPOSTCODE Ltd appealed against the enforcement notice on grounds (a), (f) and (g) as set out in the amended Act.

Summary of decision: the enforcement notice is upheld. Planning permission is not granted on the applications deemed to have been made

Enforcement notice appeals

The appeals on ground (a)

1. The appeals concern the use of the 2 storey end of terrace dwelling, No. 66 Elm Road, Seaforth as a children's residential home, (Use Class C2 (residential institutions) (The Town and Country Planning (Use Classes) Order 1987). The internal layout is that of a normal family home, with the exception of the provision of accommodation for carers and the numbering and securing of rooms. There is a small and narrow hard surfaced yard to the side and rear.
2. Planning permission was granted on 30 June 2021 for the change of use of No. 66 from dwellinghouse (C3) into a house in multiple occupation (HMO) (sui generis) (3 units) (ref: DC/2021/00690). A planning application made by Mr Vivek Srivastava for the change of use of No. 66 Elm Road from an HMO (Sui Generis) to a Children's residential home (C2) ref: DC/2023/01266, was refused planning permission on 16 October 2023. No appeal was made against that decision. Nevertheless, the appeals made on ground (a) against the enforcement notice that planning permission should be granted to retain the use of No. 66 as a children's residential home fall to be considered.

3. The Council's 2 reasons for issuing the enforcement notice were the same as those given for refusing the DC/2023/01266 application. The first reason said the children's residential use would result in an intensification of activity at the site, having regard in particular to the frequency and pattern of visits by staff and the number of children. It would result in an unacceptable impact on neighbouring amenity. Associated additional noise and disturbance from the use would be to the detriment of the amenity of neighbouring residents and the character of the area, contrary to the National Planning Policy Framework, (NPPF), and Policy HC3 Part 2a and b of the Sefton Local Plan.
4. An extract from the Government statement - Planning for accommodation for looked after children, 23 May 2023 – said: "*The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love.*". That statement by the Minister of State for Housing and Planning was supported by the Secretary of State for Education. It is significant that the statement looks to the provision of homes for vulnerable children in the "... right homes in the right places ...".
5. The Appellants said there was no evidence that the children's home use would produce any intensification of activity at No. 66. The shift pattern as indicated in the Management Statement would be little different to shift workers coming and going living in the house used as a normal domestic dwelling. Similarly, if No. 66 was occupied for its lawful use as an HMO, the activity generated would be no less, probably more, than if occupied as a children's home.
6. I understand that at the time of my site inspection, there were 2 children living at No. 66. Two care workers were to be there at all times, with a daily change over for day and night shifts. The Appellants were content that a permission for that use be conditioned to limit the number of children living at No. 66 to a maximum of 4. I accept it may be that for much of the time an HMO occupation of No. 66 would generate a similar level of activity, or disturbance to immediate neighbours as its use as a children's home. There would be different patterns of living at a children's home, however. The comings and goings of carers working a 24 hour caring regime could disturb close neighbours. The possible disruptive behaviour of the most vulnerable child occupants of No. 66 at any time of the day or night could also be disruptive to those living close by. There is also a lack of usable private outdoor space at No. 66 which suggests the children could have to be locked inside for much of the time, as perhaps indicated by the locks to each room. Additionally, the close proximity of the curtilage of No. 66 to the rear private amenity areas of Nos. 38 to 42 Rawson Road to the south-west and to Nos. 33 and 35 Cecil Road as well as the attached house at No. 64 Elm Road suggest to me that the appeal dwelling used to accommodate vulnerable children is not well placed in this locality.
7. I am less persuaded by the Council's second reason for issuing the enforcement notice which said there would be an increase in the level of crime and antisocial behaviour in an already high crime area. The Police seemed to take an opposing view, worried about possible adverse social influences on the

child occupants of No. 66. I consider that with the level of care and supervision of vulnerable children expected at No. 66, it would seem unlikely that the children in care would be harmfully influenced by those living around them. Equally, I would not expect the occupants of No. 66 to have any adverse effect on the behaviour of neighbours.

8. Probable harmful effect on neighbour amenity leads me to conclude that planning permission for the use of the dwelling at No. 66 Elm Road as a children's residential home for up to 4 children should be withheld. The appeals on ground (a) fail.

The appeals on ground (f)

9. No representations were made with respect to the appeals made on ground (f). I consider that the main purpose of the enforcement notice is "to remedy any injury to amenity caused by the breach", (s.174(2)(f) of the Act). The only cogent remedy, where the unlawful use is unacceptably harmful to local amenity, is to require that use to cease. That is what the requirement of the notice appropriately purports to do. The appeals on ground (f) fail.

The appeals on ground (g)

10. The appeals on ground (g) ask that more time is granted to comply with the requirement of the enforcement notice. The notice requires the children's residential home use of No. 66 to cease within 2 months of the issue of this decision. The Appellants asked that at least 12 months be allowed. The children were reliant upon the service. They were settled. Any enforced removals could have an adverse and long-lasting effect upon them.
11. I agree that a 2 month period for compliance with the requirement of the notice could cause an unnecessarily hurried disruption to those at No. 66. To allow the requested period of 12 months would be tantamount to an unwarranted temporary planning permission. However, I increase the period for compliance to 6 months to allow more time for suitable changes to be made. Subject to that limitation, the appeals on ground (g) succeed.

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12. The appeals are dismissed. The enforcement notice is varied by the deletion of the words "Two months" in line 3 of para. 6. on page 2 of the notice and the substitution therefor of the words "Six months". Subject to that, the varied enforcement notice is upheld. Planning permission is not granted on the applications deemed to have been made for the retention of the use of No. 66 Elm Road, Seaforth, Liverpool L21 1BL as a Children's residential home, (Use C2).

John Whalley

INSPECTOR

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Appeal Decision

Site visit made on 2 April 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2024

Appeal Ref: APP/M4320/W/23/3331280

**National Trust Car Park, Victoria Road, Formby Easting (x) 327456
Northing (y) 408235**

- 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 Richard Pearse (National Trust) against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2022/02146, dated 9 November 2022, was refused by notice dated 6 July 2023.
 - The development proposed is Coastal Adaptation Works Comprising Dune Restoration & Car Park Relocation.
-

Decision

1. The appeal is allowed. Planning permission is granted for Coastal Adaptation Works Comprising Dune Restoration & Car Park Relocation at National Trust Car Park, Victoria Road, Formby, Easting (x) 327456 Northing (y) 408235 in accordance with the terms of the application Ref DC/2022/02146 dated 9 November 2022 subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Richard Pearse (National Trust) against Sefton Metropolitan Borough Council. This application is the subject of a separate decision.

Main Issues

3. The first main issue is whether the proposal would be inappropriate development in the Green Belt including the effect of the proposal on the openness of the Green Belt having regard to the Framework¹. The second main issue is the effect of the proposal on the character and appearance of the area with regard to tree loss.

Reasons

Green Belt

4. The appeal site is within the Green Belt. For the purposes of paragraph 155 of the Framework, the car park could be considered an engineering operation.

¹ National Planning Policy Framework 2023.

5. The Framework advises that with regard to proposals affecting the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. At paragraph 155, the Framework advises that certain forms of development, including engineering operations, are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it.
7. My attention has not been drawn to any development plan policy relating to the Green Belt, rather I have been directed to the Framework. It is in relation to its requirements that I have considered the proposal against in terms of the Green Belt.
8. A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual aspects.
9. The area where the car park is proposed is set down slightly, and although there would be some infilling of the ground which would result in raising of the existing ground levels, the car park level would remain similar to the level of the surrounding landform. Further, some tree screening would remain. These factors would limit the perception of bulk associated with the engineering operations associated with the provision of the car park.
10. As a result, the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. The scheme would not therefore represent inappropriate development within the Green Belt.

Trees

11. It is clear that the site is popular with visitors, and although only a snapshot in time the beach was busy and it was clear that many people had accessed the site by car. The car park was well occupied and many cars were parked along its access road.
12. The evidence indicates that the existing car park is built on demolition rubble and that natural dune movement leads to regular sand inundation of the car park as well as erosion of waste materials upon which the car park is built. It is suggested that car parking spaces will be lost year on year.
13. I was able to observe waste materials on my visit which provided a rather incongruous backdrop to those enjoying the beach and dunes. Further, the proposals involve a substantial scheme of dune restoration which over time would increasingly benefit the biodiversity of the site. The proposals for the car park would secure a better experience for visitors to the site in the medium term.
14. I accept that the number of trees that would be lost from the site would be high. There would therefore be some harm to the character and appearance of the area. However, the wider area close to the coast is extensively wooded and many of the mixed broadleaved trees are individually of low value in terms of form and condition.

15. The harm to visual amenity would generally be localised to views close to and around the proposed car park and as such the adverse visual impacts would be limited.
16. I afford substantial weight to the benefits of the proposal which has merits as a thoroughly considered scheme to address a particular problem effecting this particular site. On that basis, the tree loss proposed would not be unacceptable.
17. I do not therefore consider that the proposal would conflict with part 7.a of Policy EQ9 of the Sefton Local Plan (2009) (SLP) which states that development proposals must not result in unacceptable loss of existing trees or woodlands.
18. There would however be conflict with part 7.b of Policy EQ9 which states that proposals must replace any trees lost as a result of the development at a ratio of 1:1 within the site. There would also be conflict with Policy ESD7 of the Formby and Little Altcar Neighbourhood Development Plan (NDP) which states that amongst other things new development should not result in the net loss of trees or woodlands and that trees lost as a result of development should be replaced at 1:1 ratio.

Other Matters

19. I note that significant levels of concern have been expressed with regard to the access to Freshfield Caravan site. However, there appears to be provision for a link within the bounds of the appeal site to the track to that site, although I noted at the time of my visit that the track was blocked with sand. Whilst noting those concerns, the issue of access to that site is beyond the scope of this appeal.
20. There is nothing to indicate that the proposals would have any unacceptable impact on biodiversity interests including red squirrels and bats. There is nothing to indicate that asbestos removal cannot be safely managed.

SAC, SPA and Ramsar Sites

21. The evidence indicates that the site sits within the Sefton Coast Special Area of Conservation (SAC) and The Ribble and Alt Estuaries Ramsar site. The Ribble and Alt Estuaries SPA is closely to the west. The evidence also suggests that without mitigation the proposal would damage or destroy interest features for the which the Sefton Coast Site of Special Scientific Interest (SSSI) has been notified.
22. The qualifying features of the Sefton Coast SAC primarily relate to the mixed dune habitats supporting great crested newt and petalwort, whilst the other qualifying features of the other sites principally relate to the wide range of breeding and non-breeding bird populations.
23. The proposal would involve a large degree of activity and works within and within close proximity to the sites and could therefore result in impacts on the designated sites which could include but not be limited to direct noise or visual disturbance to birds, impact upon prey species, change in water quality, physical damage and habitat loss, direct damage to or loss of habitat, air quality impacts and other direct impacts. An impact pathway is therefore present.

24. Therefore, adopting the precautionary principle, and in the absence of any evidence to the contrary, I consider that as a result of the proposal, likely significant effects on the protected habitats sites cannot be ruled out.
25. I am therefore required to carry out an Appropriate Assessment. The works that would take place would be likely to have a detrimental impact on the populations and habitats present as a result of disturbance to habitat. As such, the favourable conservation status of supported species would not be likely to be maintained. The development would be likely to have a detrimental impact on the delivery of the sites objectives, adversely affecting their integrity.
26. However, detailed mitigation measures are proposed, which are conditioned. On the basis that these measures are implemented and followed, the proposals will not, either alone or in combination with other plans and projects, have an adverse effect upon the integrity of the relevant sites nor damage or destroy interest features for the which the SSSI has been notified. The SNCB have been consulted and consider the scheme ecologically sound.

Environmental Impact Assessment

27. An Environmental Statement was produced in accordance with the 2017 EIA Regulations. I have taken this into account in considering this appeal. The statement considered the topics of Ecology and Nature Conservation, Construction Noise and Air Quality in detail.
28. Significant impacts on biodiversity were not predicted. It concluded that the levels of noise and vibration predicted would be within the acceptable limits for occupants of nearby dwellings and for sensitive bird species. No significant impacts were identified with regard to noise and dust either during the construction or operational phase of the development. Comments have been sought from statutory consultation bodies and these and other comments have been taken into account. Mitigation measures are included within the conditions set out below.

Conditions

29. Conditions one, two and three are necessary to define the consent. Conditions two, four, five, six, seven, twelve, thirteen, nineteen, twenty and twenty one are necessary to protect biodiversity interests at the site. Condition six is also necessary in the interests of the living conditions of nearby occupiers. Condition eight is necessary to safeguard retained trees on site in the interests of the character and appearance of the area. Conditions nine, ten, eleven, fourteen, fifteen, seventeen and eighteen are necessary in the interests of highway safety. Condition sixteen is necessary in the interests of promoting more sustainable forms of travel.
30. Plan P10217-00-001-GIL-0400 Rev 03 'Planting Plan' – identifies and area for provision of mitigation planting area 1.66Ha coloured light green. However, the evidence indicates that woodland plantation does not support the conservation objectives of SAC qualifying species and should not be provided. No replacement planting is therefore sought or required via condition relating to that mitigation planting area.

Planning Balance and Conclusion

31. The scheme would not represent inappropriate development within the Green Belt. There would be some limited harm to the character and appearance of the area and there would be conflict with Policy EQ9 of the SLP and Policy ESD7 of the NDP.
32. However, I afford substantial weight to the benefits of the proposal which outweigh the harm identified. Considerations indicate that a decision should be made otherwise than in accordance with the development plan. The appeal is therefore allowed.

T Burnham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2) The use of the relocated car park hereby permitted shall cease and the land be reinstated to its original condition on or before 1st January 2049 in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority. Reinstatement shall be carried out in accordance with the approved scheme.
- 3) The development shall be carried out in accordance with the following approved plans;
 - 1:13202 Location Plan
 - P10217-00-001-GIL-0100 Rev 06 'Indicative General Arrangement'
 - P10217-00-001-GIL-0105 Rev 02 'Indicative Car Park General Arrangement'
 - P10217-00-001-GIL-0106 Rev 00 'Car Park Maximum Parameters'
 - P10217-00-001-0202 Rev 01 'Indicative Sections'
 - P10217-00-001-GIL-0400 Rev 03 'Planting Plan' – Excluding the provision of mitigation planting area 1.66Ha coloured light green.
 - P10217-00-001-GIL-0104 Rev 02 'Car Park Proposed Levels'
 - M16034-A-005 Rev A 'Refuse Vehicle Swept Path Analysis'
 - 60621196-ACM-VR-XX-DR-DR-200001 Rev P03 'Proposed Drainage Strategy Drainage Areas'
 - 60621196-ACM-VR-XX-DR-DR-200002 Rev P03 'Proposed Drainage Strategy Drainage Layout'
 - 60621196-ACM-VR-XX-DR-DR-200004 Rev P02 'Typical Drainage Details'
- 4) Prior to any decommissioning or restoration works taking place following the cessation of use of the relocated car park a full decommissioning & restoration plan must be submitted to and approved in writing by the Local Planning Authority. The approved plan must then be adhered to during the decommissioning of the car park and restoration of the site.

- 5) No development, clearance or other works shall commence within Area A on Simply Ecology Plan 'Sand Lizard Sensitive Areas and Proposed Staged Working (June 2023), until it has been cleared of Sand Lizards under Licence issued by Natural England, a copy of which must be submitted to the Local Planning Authority prior to the translocation works commencing.
- 6) 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 include but shall not be limited to the following:
 - Noise and visual avoidance and minimisation measures to cover all activities associated with the proposal (for protected species and sensitive receptors)
 - Pollution prevention measures (for air, soil & water from dust and other materials from activities)
 - Reasonable Avoidance Measures for amphibians and reptiles around the working areas and construction routes within the site
 - Details of industry standard biosecurity measures for all machinery and standard construction industry pollution and invasive species control measures
 - Details of where machinery/materials will be stored
 - Details of where vehicles and machinery will be refuelled
 - Details of any stockpiling locations
 - Details of protection zones around areas of retained habitat, and how they will be secured
 - Details of site clearance processes before construction works begin to check for SAC distinctive species within the working area.
- 7) Prior to the commencement of development, the details of a monitoring programme of qualifying bird species and their behaviour by an Ecological Clerk of Works (ECoW) must be submitted to and approved in writing by the Local Planning Authority. The monitoring programme must include details of how significant disturbance will be measured and set out what further mitigation measures will be implemented (if required).
- 8) No equipment, machinery or materials shall be brought onto the site for the purposes of the development until details of all fencing for the protection of trees, hedges, and other landscape features, including its location and type have been submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details, and shall be maintained until all equipment,

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machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made at any time.

- 9) No development shall commence, including any works or demolition, until a Construction Period Access/Car Parking Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period and shall include the following:

- Details of temporary information signs.
- Details of temporary directional signs.
- Temporarily covering existing car park and destination directional signs.
- Details of how continued pedestrian/cycle access is provided and managed during the works.
- Details of any additional physical measures used to manage and control access.

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

- 11) Prior to the first use of the relocated car park a detailed scheme of highway works together with a programme for their completion shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Provision of two permanent Traffic Information Variable Message Signs on the Formby Bypass.
- Provision of Car Park Capacity Variable Message Signs on the main accesses to both the Victoria Road and Lifeboat Road car parks.
- A review of all existing directional and car park signs for the National Trust, including the renewal/update of all existing signs.
- Provision of additional directional signs between the Victoria Road car park and the Lifeboat Road car park.

The relocated car park shall not be brought into use until the required highway works have been constructed in accordance with the approved details.

- 12) 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. If works are required within this time period then a suitably qualified ecologist must survey the trees for evidence of any active nests. If a bird nest in current use is discovered then an appropriate 3m stand-off around the nest must be created until after the nest has been vacated.

- 13) The implementation of the Himalayan Balsam and Japanese Knotweed treatment programme as set out in the approved Outline Construction

Environmental Management Plan shall be undertaken during the construction of the development. The invasive species shall be removed from the working area and temporary stand-off fencing shall be used to ensure the species are adequately controlled, and measures shall be used to limit any spread to the rear of the site.

- 14) The relocated car park shall not be brought into use until a Permanent Car Parking Management Plan comprising of immediate, continuing and long term details on how the car park will be managed including pay and display details, how the car park traffic will be controlled when the car park is nearing and at capacity, details on how public information will be provided including the provision of Car Park Capacity Variable Message Signs has been prepared, submitted to and approved in writing by the Local Planning Authority. The car park management shall then be carried out in accordance with the approved plan.
- 15) The car park area hereby approved shall not be opened for use until all spaces have been marked/allocated and all necessary signage and directional markings within the car parking area provided.
- 16) The replacement car park hereby approved shall not be operated until facilities for the secure storage of cycles have been provided for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. They shall be retained for the lifetime of the development thereafter.
- 17) The relocated car park shall not be used until a detailed scheme of Sefton Coastal Footpath signage works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required signage works have been constructed in accordance with the approved details.
- 18) The relocated car park shall not be used until a detailed scheme of footpath improvement 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 resurfacing of the existing footpath into the site from Victoria Road from its junction with Victoria Road to the existing entrance kiosk. No part of the development shall be brought into use until the required works have been constructed in accordance with the approved details.
- 19) The replacement car parking area hereby approved shall not be operated until a scheme and appropriate scaled plan identifying suitable locations on the site for the erection of bird nesting boxes and bat boxes 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 and retained for the lifetime of the development.
- 20) The car parking area hereby approved shall not exceed a capacity of 237 spaces.

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- 21) Excavator operation and movements on the frontal dunes, during the construction phase, shall not be undertaken 1 hour either side of high tide between 1st October and 31st March.

Costs Decision

Site visit made on 2 April 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2024

**Costs application in relation to Appeal Ref: APP/M4320/W/23/3331280
National Trust Car Park, Victoria Road, Formby Easting (x) 327456
Northing (y) 408235**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Richard Pearse (National Trust) for a full award of costs against Sefton Metropolitan Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for Coastal Adaptation Works Comprising Dune Restoration & Car Park Relocation.
-

Decision

1. The costs application is refused.

Reasons

2. The Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably and that unreasonable behaviour on a substantive or procedural basis has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The claimant considers that the Council has behaved unreasonably in their decision making on this proposal. Whilst noting claims about the Sefton Planning Committee members site visit, there is nothing to persuade me that members were not fully aware of issues at the site. Further, the details of the committee meeting that are before me are limited. There is nothing in principle wrong in members coming to an alternative conclusion to Council officers. Ultimately, it appears on the basis of the refusal reason that the committee considered the loss of trees at the site were not outweighed by the benefits of the proposal.
4. Whilst that is not a position that I have agreed with, as can be seen within the decision letter, arriving at that position was, in the end, a planning judgement that could reasonably have been made. It is not therefore demonstrated that the Council has behaved unreasonably.

Conclusion

5. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

T Burnham

INSPECTOR

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Planning Committee
Visiting Panel Schedule

Date Monday 16th September 2024
Start: 10:00 am at BOOTLE TOWN HALL

Agenda Item	Time	Application Details	Ward
4D	10:15am	DC/2024/00751 The Salesian Academy Of St John Bosco Netherton Way, Bootle L30 2NA	Netherton & Orrell
4E	11:00am	DC/2023/02182 Land To The Rear Of 19 College Avenue, Formby L37 3JL	Harington
4B	11.20am	DC/2023/01962 Land Bounded By School Lane To The North, A Railway Line To The West And Whinny Brook To The South, Maghull	Sudell
4A	12:00pm	DC/2021/00015 Land To The South Of Deyes Lane, Maghull L31 6DJ	Sudell
4C	12.50pm	DC/2024/01248 1 Harris Drive, Bootle L20 6LD	Litherland

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