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MEETING: PLANNING COMMITTEE

DATE: 16th October 2024

TIME: 6.30 pm

VENUE: Bootle Town Hall

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. Joanne Williams

Substitute

Councillor
Cllr. Leslie Byrom C.B.E.
Cllr. Janet Grace
Cllr. Sir Ron Watson
Cllr. Jim Conalty
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. Ian Maher

COMMITTEE OFFICER: Ian Barton
Telephone: 0151 934 2788
email: ian.barton@sefton.gov.uk

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

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

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 18 September 2024.

4. Applications for Planning Permission - Petitions

A DC/2024/01463 - 102 The Serpentine North, Blundellsands (Pages 11 - 20)

Report of the Chief Planning Officer

B DC/2024/01275 - 1-11 Mersey View, Brighton Le Sands (Pages 21 - 32)

Report of the Chief Planning Officer

5. Applications for Planning Permission - Approvals

**A DC/2023/01492 – Former Old Roan Public House
Copy Lane, Netherton** (Pages 33 - 62)

Report of the Chief Planning Officer

**B DC/2024/01359 - Dental Surgery 44 Northway,
Maghull** (Pages 63 - 72)

Report of the Chief Planning Officer

6. Planning Appeals Report (Pages 73 - 98)

Report of the Chief Planning Officer

7. Visiting Panel Schedule (Pages 99 - 100)

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 18 SEPTEMBER 2024

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

Councillors Brough, Desmond, Johnson, John Kelly, Sonya Kelly, McGinnity, Christopher Page, Richards, Roche, Thompson, Williams, Sammon and Thomas

ALSO PRESENT: Councillor Veidman

28. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dodd and Tweed.

29. DECLARATIONS OF INTEREST

In accordance with Paragraph 9 of the Council's Code of Conduct, the following declaration of personal interest was made and the Member concerned left the room during the consideration of the item:

Member	Minute No.	Nature of Interest
Councillor Richards	Minute No. 35 - Land to the rear of 19 Colledge Avenue, Formby.	Pre-determination – Member of Formby Parish Council who have objected to the application.

30. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the Minutes of the meeting held on 24 July 2024 be confirmed as a correct record.

31. DC/2021/00015 - LAND TO THE SOUTH OF DEYES LANE, MAGHULL

Further to Minute No. 84 of 15 March 2023, the Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of 74 homes including new vehicular access off Deyes Lane, car parking, landscaping and associated site works following

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demolition of existing buildings be granted subject to the conditions and for the reasons stated or referred to in the report.

In respect of item 6 (Ecology) as set out in the report the applicant had submitted an updated Biodiversity Metric Report to address the net loss of biodiversity referenced in paragraph 6.4 on page 20 of the agenda. It was reported in late representations that no further update had been received from the Environment Agency and it was therefore requested that the resolution of this matter be delegated to the Chief Planning Officer.

Arising from the discussion, reference was made to paragraph 9.8 of the report submitted indicating that accessible and adaptable dwellings would be included in the housing mix and whether any of these properties would also be part of the number of affordable houses to be provided.

RESOLVED:

That:

- (1) In respect of item 6 (Ecology) consideration and determination of any concerns expressed by the Environment Agency be delegated to the Chief Planning Officer.
- (2) Subject to (1) above, the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report and subject to the completion of a Section 106 legal agreement and subject to a further condition to ensure that the proportion of accessible and adaptable dwellings which are affordable is the same as for the rest of the development.

32. DC/2023/01962 - LAND BOUNDED BY SCHOOL LANE TO THE NORTH, A RAILWAY LINE TO THE WEST AND WHINNY BROOK TO THE SOUTH, MAGHULL

The Committee considered the report of the Chief Planning Officer recommending that the above 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 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 statement by the applicant's agent and an update on progress of the spine road for the site.

Arising from the discussion, reference was made to paragraph 4.1 of the report submitted indicating that accessible and adaptable dwellings would be included in the housing mix and whether any of these properties would

also be part of the number of affordable houses to be provided. It was reported that this aspect had already been approved as part of the Hybrid Planning Permission DC/2017/01528.

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.

33. DC/2024/01248 - 1 HARRIS DRIVE, BOOTLE

Further to Minute No. 160 of 10 April 2024, the Committee considered the report of the Chief Planning Officer recommending that the above application for the layout of an outside seating area with vehicle bollards and barrier system be granted subject to the conditions and for the reasons stated or referred to in the report.

Arising from the discussion members expressed concern regarding the impact of the use of the outside seating area on neighbouring residents.

RESOLVED:

That the recommendation be not approved and the application be refused for the reason the proposed seating area in connection with the drinking establishment would have a detrimental impact on the living conditions of the nearby residential properties by reason of general disturbance, late night activity and additional pedestrian and vehicular activity attracted to the site and would therefore be contrary to policy HC3 and EQ10 within the Sefton Local Plan and the provisions of the National Planning Policy Framework.

34. DC/2024/00751 - THE SALESIAN ACADEMY OF ST JOHN BOSCO NETHERTON WAY, BOOTLE

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

Arising from the discussion members discussed the accessibility of the scheme particularly in view of the proposed community uses.

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

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report and in Late Representations and subject to a Section 106 legal agreement to secure Biodiversity Net Gain and its ongoing monitoring, plus a Travel Plan and subject to an informative advising of the Committee's wish to ensure community use would cater for those with accessible needs.

35. DC/2023/02182 - LAND TO THE REAR OF 19 COLLEGE AVENUE, FORMBY

Further to Minute No. 97 of 7 June 2023, the Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of a three storey dwellinghouse with detached single storey garage 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.

36. 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
Mrs. J. Cowens	DC/2023/01683 (APP/M4320/W/23/3335572) - 8 Glenpark Drive Southport PR9 9FA - appeal against refusal by the Council to grant Planning Permission for the change of use from dwellinghouse (C3) to a 2 person residential supported living dwellinghouse (C2)	Allowed 30/07/2024
Kel Holding Ltd.	DC/2023/01679 (APP/M4320/W/24/3338768) - Land To The Rear Of 1-3 Aughton Road Birkdale Southport PR8 2AF - appeal against refusal by the Council to grant approval of details reserved by conditions 5, 6, 7 and 8 attached to planning permission DC/2019/01901 approved on 21.05.2020	Allowed 19/07/2024

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Mr S. Coulton	DC/2023/01611 (APP/M4320/W/24/3338031) - 26 Stanley Park Litherland L21 9JT - appeal against refusal by the Council to grant Planning Permission for the erection of a dwelling with additional parking, following the demolition of existing garage and wall, within the curtilage of 26 Stanley Park	Dismissed 17/072024
Mr D. Vidheon	DC/2023/02023 (APP/M4320/D/24/3341511) - 8 Hastings Road Birkdale PR8 2LS - appeal against refusal by the Council to grant Planning Permission for the 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)	Dismissed 17/07/2024
	EN/2023/00628 (APP/M4320/C/23/3335692) - 66 Elm Road Seaforth L21 1BL - appeal against refusal by the Council to grant Planning Permission for without planning permission, the material change of use of the land from use for a house in multiple occupation (HMO) to a Children's residential home	Dismissed 16/07/2024
Mr. R. Pearse	DC/2022/02146 (APP/M4320/W/23/3331280) - National Trust Car Park Victoria Road Formby - appeal against refusal by the Council to grant Planning Permission for the relocation of the existing car park and restoration of frontal dune habitat	Allowed 08/07/2024

RESOLVED:

That the report be noted.

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37. 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 16 September 2024.

Application No.	Site
DC/2024/00751	The Salesian Academy of St John Bosco Netherton Way, Bootle
DC/2023/02182	Land to the Rear of 19 College Avenue, Formby
DC/2023/01962	Land Bounded by School Lane to the North, a Railway Line to the West And Whinny Brook to the South, Maghull
DC/2021/00015	Land to the South of Deyes Lane, Maghull
DC/2024/01248	1 Harris Drive, Bootle

RESOLVED:

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

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 16th October 2024

Subject: [DC/2024/01463](#)
[102 The Serpentine North Blundellsands L23 6TJ](#)

Proposal: Erection of an outbuilding to the rear garden (Part retrospective)

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

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

Reason for Committee Determination: Petition endorsed by Cllr Howard

Summary

Retrospective permission is sought for a detached outbuilding within the rear garden of the residential property. The main issues to consider are the principle of the development, the design and impact on the heritage assets, and amenity matters.

The outbuilding to be used in connection with the existing residential dwelling is acceptable in principle within the primarily residential area. Due to the location and scale of the building, it would not affect the living conditions of the surrounding residents. It would also not be visible within the street scene and would not have any significant effect on the character of the conservation area or the surrounding heritage assets.

The application is therefore recommended for approval.

Recommendation: Approve

Case Officer Louise Everard

Email planning.department@sefton.gov.uk

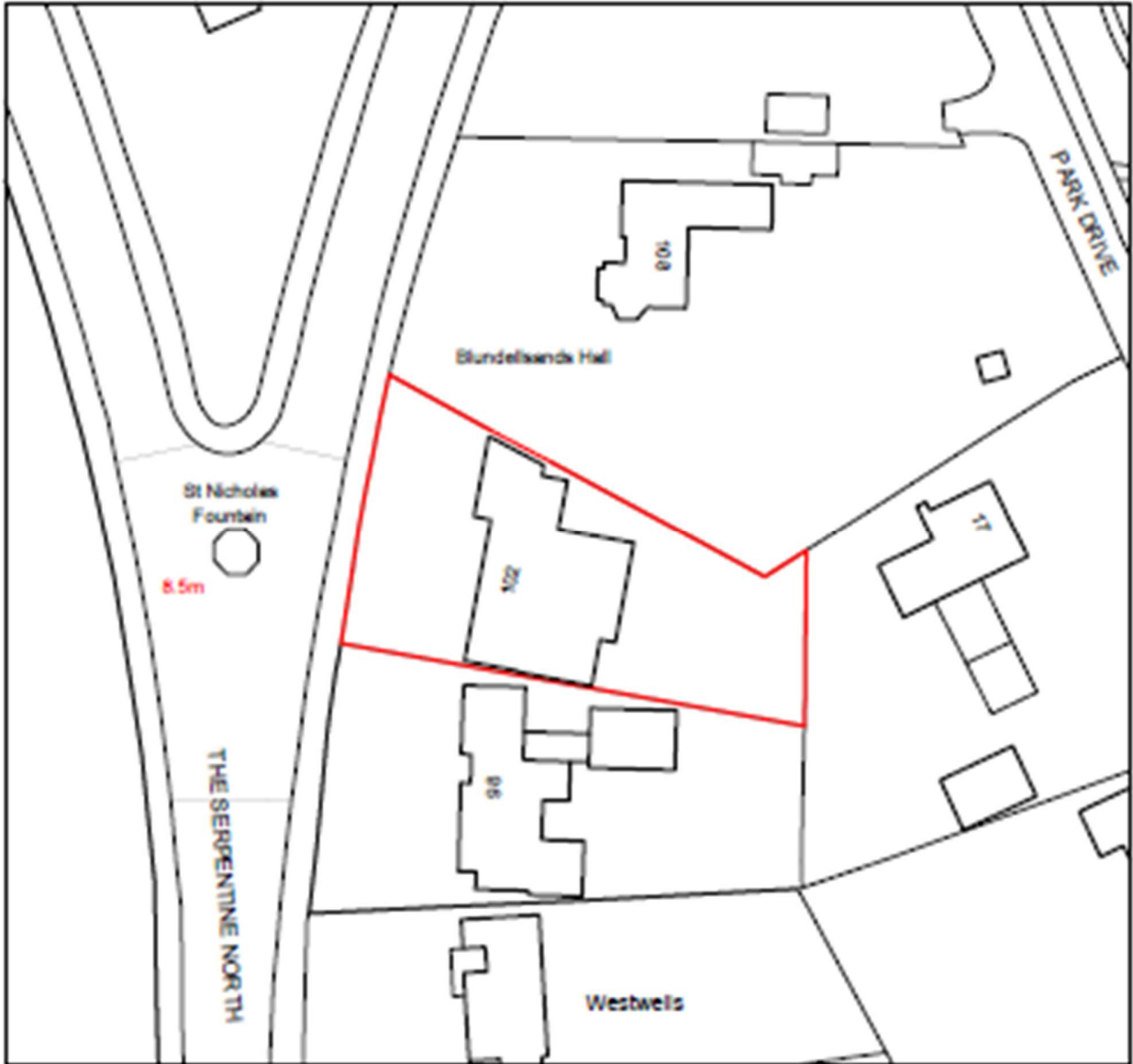
Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SHSE87NW0AB00>

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Site Location Plan



The Site

The application relates to a detached dwelling on the eastern side of The Serpentine North, Blundellsands. The site is located within the Blundellsands Park Conservation Area and the grade II Listed St Nicholas Fountain sits directly in front of the site. Blundellsands Hall, a non-designated Heritage Asset is to the north of the property.

The property has been extensively remodeled and modernised following the granting of planning permission DC/2022/01269.

History

DC/2024/01545 - Erection of a new brick wall, fencing and sliding gate to the front of the dwellinghouse (Part Retrospective) – Under consideration

DC/2023/01326 - Certificate of lawfulness for the proposed erection of a single storey garden room to the rear of the dwellinghouse – Refused 23/10/23

DC/2024/01162 - Approval of details reserved by Condition 5 attached to planning permission DC/2022/01269 – Approved 07/08/2024

DC/2022/02374 - Approval of details reserved by conditions 3, 4, 5, and 6 attached to DC/2022/01269 – Approved 23/03/2023

DC/2022/01269 - Erection of a part two storey, part single storey extension to the south and east elevations, part conversion of the existing garage to a habitable room and erection of a first floor extension to the north elevation of the dwellinghouse, plus roof terrace to the front – Approved 21/10/2022

DC/2021/01739 - Erection of a two storey extension to one side, a part two storey/part single storey extension to the opposite side, a two storey extension to the rear, single storey extensions to the front and rear of the dwellinghouse, a roof terrace and partial conversion of the existing garages – Refused 06/06/22

Consultations

Conservation Officer

No objections

Tree Officer

No objections

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Neighbour Representations

A petition has been submitted with 30 signatures, endorsed by Cllr Howard. Objections have also been received from 4 individual addresses.

The concerns raised by the petition and objection letters are as follows:

- Sizeable extensions/alterations already permitted to the original dwelling, further additions should be restricted in the interest of amenity and character of Conservation Area.
- Removal of trees on site will mean the structure is exposed and would be detrimental to the street scene, neighbouring heritage property and surrounding houses.
- Prior application for 25% more development to that under construction was refused – the additional structure has the same effects
- Cladding material would be a marked contrast to the prevailing form
- Nearby trees will be damaged due to canopy spread/whipping and restriction/damage to roots
- Size and design not in keeping with the area
- Overlooking and loss of privacy
- Noise disturbance
- Building is not built directly on the swimming pool but nearer to the boundary

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 site is also located within Blundellsands Park Conservation Area.

Assessment of the Proposal

1. The proposal

- 1.1 Retrospective permission is sought for the erection of a flat roofed outbuilding within the rear garden of the site. The property originally had an outdoor swimming pool, within the south east corner of the site, which was sunken into the ground and had a roughly kidney bean shaped outline. The swimming pool has been filled in to create the base for the outbuilding, which sits directly on top and echoes the kidney bean shape.
- 1.2 The outbuilding has a flat roof, attaining a height of approximately 2.85m. The building is to be finished in black plastic 'wooden effect' vertical cladding, with a black aluminum window and door.

2. Principle of the development

- 2.1 The proposal is located within a primarily residential area and therefore the erection of an outbuilding for use in connection with an existing residential property is considered acceptable in principle, subject to compliance with all other relevant policies.
- 2.2 The site is also located within the Blundellsands Conservation Area and adjacent to a Grade II listed feature and a non-designated heritage building. Therefore, Policies NH9 'Heritage Assets', NH11 'Works Affecting Listed Buildings', NH12 'Conservation Areas' and NH15 'Non-designated Heritage Assets' are also of relevance and will be discussed below.

3. Design and impact on surrounding area

- 3.1 The relevant policies NH9 'Heritage Assets', NH11 'Works Affecting Listed Buildings', NH12 'Conservation Areas' and NH15 'Non-designated Heritage Assets' seek to protect Sefton's heritage assets and their setting. Developments which have the potential to affect these should ensure that the features which contribute to their significance are protected.
- 3.2 The outbuilding is located towards the rear boundary of the residential site, with trees located along much of the common boundaries. The dwelling, following the completion of remodelling works, will span the majority of the site width. The design of the outbuilding involves a flat roof, which limits the overall height of the structure. Given the position and scale of the development, the outbuilding is not visible to public view. It also does not appear within the backdrop of built form in relation to the Listed St Nicholas Fountain. It therefore would not impact on any important views into and around the Conservation Area or the setting of the listed feature.

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- 3.3 Blundellsands Hall to the north is identified as a non-designated heritage asset. The dwelling occupies a large spacious plot. The common boundary with the application site is angled and at the closest point the outbuilding would be approximately 7.5m from the boundary and a separation distance in the region of 35m to the dwelling itself. Given the separation distance and relatively small scale of the outbuilding, plus the partial screening from the boundary treatment and vegetation, it is not considered that the structure would significantly affect the character or setting of the non-designated heritage asset.
- 3.4 The outbuilding has a modern appearance to complement the host dwelling, using the same colour palette. The outbuilding will not be visible from the highway so will not impact on the street scene within the conservation area, but viewed within the context of the main dwelling the design and materials proposed are considered acceptable.
- 3.5 The Council's Conservation Officer has concluded that the development would not cause harm to any of the heritage assets and the proposal adheres to Local Plan policies NH9, NH11, NH12 and NH15.

4. Amenity matters

- 4.1 The outbuilding is proposed with one large glazed panel in the side elevation facing towards the boundary with Blundellsands Hall. It would also include one single glazed door facing towards the host property and one further solid door to the garden storage section of the outbuilding.
- 4.2 The opening in the side has been confirmed to be a sliding patio door. The opening would be set approximately 7.5m to the boundaries and over 35m to the side elevation of the neighbouring dwelling to the north, Blundellsands Hall. The Council's House Extensions SPD does not stipulate specific minimum separation distances in relation to outbuildings or single storey extensions. However, in relation to two storey extensions, a minimum distance of 7m is recommended between a habitable room and the boundary of an adjacent dwelling, to avoid overlooking. A window to a habitable room at ground floor level, given the height of the openings, plus the boundary treatment and vegetation along the boundaries, will not offer direct views of the adjoining garden. Given the substantial distance to the side elevation of Blundellsands Hall, it is not considered that the window will have a harmful effect on the privacy of this dwelling. The ability to open this as a patio door would have no greater impact on the living conditions of the surrounding residents.
- 4.3 The outbuilding is also set in from the rear and side boundary with 17 Park Drive and 98 The Serpentine North. The structure will be partially screened by the existing vegetation between the dwellings, together with the single storey extension at no.98, which is located along the boundary.

4.4 Given the height of the structure and its positioning there will be no significant harm to the surrounding dwellings in term of overshadowing or loss of outlook. The distance between the proposed windows and the neighbouring dwellings is substantial. As such it is not considered that the building causes a loss of privacy to any of the surrounding residents. Overall, there would be no significant affect on the living conditions of the occupiers of the neighbouring properties and the proposal complies with Local Plan Policy HC4 'House Extensions, Houses in Multiple Occupation and Flats'.

5. Trees

5.1 The outbuilding has been built on top of the previous swimming pool. The shell of the swimming pool was kept intact, infilled with concrete to form the base of the building. The pool prevented roots growing within the area and acted as sheath to prevent leaching into the soil. Due to this the outbuilding is not within the Root Protection Area (RPA) of the neighbouring trees. There has already been pruning of adjacent shrubs and small trees adjacent the building, which was investigated and concluded that the trees would not have met the criteria of a Tree Preservation Order (TPO) and no further action was taken. As the building has already been built and on the original foundations of the pool and hardstanding, as witnessed by the Councils Tree Officer, an impact assessment was not required. The Tree Officer is content that it is causing no further damage or impacting on surrounding trees and therefore complies with Local Plan Policy EQ9 'Provision of Public Open Space Strategic Paths and Trees'.

6. Other matters

6.1 The previous planning application (DC/2022/01269), which approved the remodelling works of the dwelling, included a condition to remove the permitted development rights for further extensions to the property.

6.2 An application for a lawful development certificate (DC/2023/01326) for the outbuilding was refused by the Council in October 2023, due to the removal of permitted development rights, plus the height of the structure. This decision was then appealed. The planning inspectorate concluded that the permitted development rights were only removed for extensions to the dwelling and permitted development rights remain intact for the erection of outbuildings. The appeal however was ultimately dismissed, as the height exceeded that which was allowed under permitted development, which limits the eaves height of such a structure to 2.5m.

6.3 As a result, the current application was submitted for full planning permission for the outbuilding. The outbuilding has a maximum eaves height of 2.85m, which is 0.35m over that which could be implemented through permitted development rights.

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7. Planning Balance and Conclusion

- 7.1 The outbuilding is acceptable in principle within the primarily residential area.
- 7.2 Given the location, the scale of the building would not unduly affect the living conditions of the surrounding residents. In addition, it would not be visible from the street and would not therefore have any significant effect on the character of the conservation area, nor would it have an unacceptable detrimental impact on the surrounding heritage assets.
- 7.3 As the outbuilding only exceeds what could be built under permitted development rights by 0.35m, this additional height would not have a significantly greater impact than what could be lawfully implemented on site.
- 7.4 The proposal is considered to comply with the relevant Local Plan policies and is therefore recommended for approval.

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

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

686-50 - Location Plan

686-52 - Proposed Site Plan

686-53 - Garden Room Proposed Plans and Elevations

Reason: For the avoidance of doubt.

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Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 16th October 2024

Subject: [DC/2024/01275](#)
[1- 11 Mersey View Brighton Le Sands L22 6QA](#)

Proposal: Change of use from offices (Class E) to a mixed use of offices and residential use including the erection of a first floor extension to create 4 self-contained flats and access to the front, and alterations to rear boundary wall

Applicant: APG Crosby BC Ltd **Agent:** Mr Philip Seddon
APG Crosby BC Ltd Philip Seddon Associates

Ward: Blundellsands Ward **Type:** Full Application

Reason for Committee Determination: Petition endorsed by Cllr Roscoe.

Summary

The application seeks to extend and alter the building to create four, two bedroom flats at first floor level and retain some office use at ground floor. Given the site's designation as primarily residential, the principle is acceptable. The design and scale of the works are appropriate and would not cause harm to the character of the area.

Acceptable levels of living accommodation would be provided to the future residents and, subject to conditions, the amenity levels of the neighbouring properties would not be unduly affected.

The proposal would not accord with the Council's Parking standards, however it is considered this would not have an unacceptable impact on highway safety as the site is very accessible.

On balance it is considered that the development complies with the relevant local plan policies and the guidance and so is recommended for approval.

Recommendation: Approve with conditions

Case Officer Louise Everard
Email planning.department@sefton.gov.uk
Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SG514XNW0AB00>

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Site Location Plan



The Site

The building is known as the Crosby Business Centre and the site address is 1-11 Mersey View in Brighton-Le-Sands.

History

An application to change the shop at 1 Mersey View from a shop into office/storage accommodation and the erection of a single storey extension at the rear of the premises (ref: S/1992/0795) was approved with conditions in February 1993.

A further application for part of the building (offices 12 & 13) for the change of use from class B1 to class D1 (physiotherapy) (ref: DC/2017/00129) was approved with conditions in March 2017.

Consultations

Highways Manager

No objection subject to condition

Environmental Health Manager

No objection subject to conditions

Natural England

No objection

Local Planning Managers

The proposal would not cause an over concentration of flat and HMO conversions within the Article 4 Direction area.

Conservation Officer

No objections

Neighbour Representations

Two representations have been received. A petition was also submitted with 32 signatures, endorsed by Cllr Roscoe. The grounds of objection from both the representations and the petition are stated as inadequate parking and concerns on how this will impact on the existing residents.

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Policy Context

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

Assessment of the Proposal

1. The proposal

- 1.1 Permission is sought for the proposed extension and alteration of the existing building to create a mixed use of office and residential. The development would incorporate a first-floor rear extension to create 4 flats at the first floor, each containing two bedrooms. The ground floor would be partially retained as office use, with some areas of the existing building proposed for demolition to provide outdoor amenity space for the proposed flats.
- 1.2 The main planning issues for consideration include the principle of development, the design and impact on the surrounding area including existing residents, the living conditions of future occupiers and highway safety.

2. Principle of Development

- 2.1 As the site is located within a primarily residential area, Local Plan Policy HC3 'Residential development and Primarily Residential Areas' is applicable. The creation of four flats therefore would be acceptable in principle subject to compliance with other local plan policies, supplementary guidance and material considerations.

3. Design

- 3.1 Local Plan Policy EQ2 'Design' is of relevance and indicates that development will only be permitted where the proposal responds positively to the character, local distinctiveness, and form of its surroundings.
- 3.2 The existing building has a flat roof façade fronting onto Mersey View, with variously styled pitched roofs to the rear. The building is red brick, which has been rendered to the front. The first floor extension would be finished with a flat roof, creating a more uniformed design across the rear elevation. The alteration would not increase the height of the building from the front elevation and the flat roof design would not be out of keeping with the existing appearance. The height of the first floor extension would also sit below the roof height of the adjacent property to the rear on Brooke Road west and would not appear unduly prominent within the street scene.

- 3.3 The creation of the flats at first floor would involve the insertion of 13 windows within the front elevation. The windows are consistent with those present at first floor within the adjoining building in terms of proportions. One of the entrance points on the ground floor would be altered to create an additional entrance point to provide access to flat 3 and 4.
- 3.4 The property is located near a grade II Listed Building, 2-14 Mersey View. The Conservation Officer has confirmed that the development will not cause any harm to the listed building and the proposal complies with Local Plan policy NH11' Works Affecting Listed Buildings'
- 3.5 Overall, the design of the proposed development is considered to be of an acceptable scale and design. It would not cause harm to the character of the area and therefore would comply Local Plan Policies EQ2 and NH11.

4. Residential Amenity

Outlook and Privacy

- 4.1 The building directly behind the application site is 37 Brooke Road West, which has been converted into flats. There are several windows on the side elevation which would face towards the proposed extension. The proposal would introduce additional height to the rear and bring the building closer to these windows.
- 4.2 Sefton's Conversion to Flats and Houses in Multiple Occupation Supplementary Planning Document (SPD) recommends minimum separation distances in relation to the privacy and outlook. To ensure privacy there should be a minimum distance of 18 metres between a main window in a habitable room and another window of a habitable room in a property opposite. A minimum distance of 12m is recommended between a habitable room and a blank wall (or a wall with a non-habitable room window) to ensure a reasonable outlook/level of light.
- 4.3 The first floor window within the side elevation of no.37 appears to be a window to a habitable room. This room also benefits from an additional window within the rear elevation, which serves as an additional source of light and outlook. The first floor side window would face towards the outdoor patio area proposed for flat 1. There would be a separation distance of approximately 10m to the patio area and 13m to the first-floor extension, which does include a living room window. The patio is proposed to have an obscure glazed screen, which would ensure privacy to both the new patio area, plus the window to the habitable room to the side of no.37 and the living room window proposed in flat 1. The layout is slightly short of the 12m separation distance with regards to outlook and light, however as this first floor room to No 37 also benefits from an unobstructed rear facing window it is not considered that the shortfall would significantly affect the living conditions of the resident using this room.

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- 4.4 In addition, there is a second-floor window in the side elevation of no.37 which also appears to be a habitable room. However, due to the level of this window, it would mostly sit above the screened patio and apartment level at first floor and therefore the outlook to this room would not be significantly affected by the extension to the building. Also given the height difference and the angle, it is not considered that direct views into this room would be afforded from the proposed apartments.
- 4.5 The majority of the windows proposed in the rear elevation would be set over 10.5m from the garden areas of the dwellings to the rear, 37 Brooke Road West and 56 Heathfield Road, which is sufficient distance to preserve the privacy of the outdoor amenity spaces. The exception would be the living room windows in flat 3, which would be set approximately 8.8m from the facing boundary to the garden of no. 37. To address this shortcoming, these windows could be partially obscure glazed up to 1.7m from floor level of this room, to preserve privacy at eye level but still allow light and outlook for the top portion of the window.
- 4.6 Due to the proposed arrangement with regards to privacy screen and obscure glazing, which could be secured by conditions, it is considered that the privacy levels of both the existing and further residents would not be compromised.

Proposed flats

- 4.7 The four flats would be located at first floor. Access to flat 1 and 2 would be provided through a communal lobby, accessed from the side of the building on Brooke Road West. An entrance to flats 3 and 4 would be provided within the front of the building. The four flats exceed the minimum standards for internal floor space set out in The Conversion to Flats and Houses in Multiple Occupation SPD.
- 4.8 Each habitable room is expected to have at least one window with a reasonable outlook and prospect. Each room does have a window which would provide a reasonable outlook, with the only shortcoming being the living room window in flat 3, which would be partially obscure glazed. However, this compromise would allow a degree of outlook from this room and on balance is considered acceptable given the other aspects of amenity would be satisfied across the accommodation.

- 4.9 In terms of private outdoor amenity space, the SPD sets a minimum of 20m² per flat, with a total of 80m² required for the proposed development. The layout includes three patio areas at first floor, which would directly serve flats 1, 2 and 4, and would provide approximately 15m², 20m² and 26m² respectively. Two further communal spaces of amenity space would be created at the ground floor, providing a further 33m² and 39m². As such a combined area of 130m² of outdoor amenity space would be provided, which considerably exceeds the recommended provision. The bins are proposed to be located within these yard areas at ground floor, which can easily be accommodated given the excess amount proposed. The proportions of the outdoor amenity spaces would allow them to be useable and with the inclusion of a condition to ensure the bins are appropriately screened, it is considered the outdoor amenity proposed would be good quality.
- 4.10 The Environmental Health Manager has recommended a sound insulation scheme to protect residents from disturbance from the commercial use at ground floor, plus suitable acoustic glazing and acoustic treated ventilation to ensure adequate protection from road traffic noise from Mersey View. These measures could be secured by condition.
- 4.11 Taking the above into consideration, the development would provide a good standard of accommodation and overall living conditions for future residents. Where the standards in the guidance are not fully met, it is not considered that this would lead to any unacceptable harm and therefore the proposal is in compliance with Local Plan Policy HC4 'House Extensions, Houses in Multiple Occupation and Flats'.

5.Highway Safety

- 5.1 There are two existing off-street parking spaces associated with the existing use as offices, at the side of the premises. It is proposed to provide two additional off-street parking spaces, which would also be used by the retained offices.
- 5.2 In accordance with the Sefton Council Parking Standard the proposed four 2-bedroomed flats would require the provision of a total of nine off-street parking. However, there is no scope to provide additional parking within the site and the flats are proposed as a car-free development. Cycle storage would be provided for the proposed flats.
- 5.3 The submission has been supported by a highways Technical Note (TN) and a Minimum Accessibility Standard Assessment (MASA). In the MASA, most of the target scores have either been met or exceeded, demonstrating the site is accessible by range of means of transport, including walking, cycling and public transport.
- 5.4 The site is not within a town or district centre as defined in Policy ED2 of the Local Plan, where car free developments may be permitted in accordance with the Sustainable Travel and Development SPD. It is acknowledged that the development may cause some overspill parking in the surrounding area. However, there are currently no restrictions to parking within the side roads off Mersey View.

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- 5.5. For the development to be resisted on highway safety grounds it would need to be demonstrated that the proposal would generate such significant trips and on-street parking demand as to lead to unacceptable impacts. The TN and the MASA demonstrate that there is good access to local amenities and that highway safety will not be compromised.
- 5.6 In terms of the office space, the existing total gross floor area of 517m² would be reduced to 386m². Based on the existing floor space, the parking requirements for the existing office would be 15 spaces. Currently there is only two, which represents a shortfall of 13 spaces. However, it is acknowledged that this is an existing situation. The total parking requirements for the reduced office space would be 11 spaces; two additional parking spaces would be created, providing a total of four spaces for the offices.
- 5.8 As such the Highways Manager has advised that development would not lead to an unacceptable impact in terms of highway safety and has raised no objections. Therefore the development is considered to comply with Local Policy EQ3 'Accessibility'.

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. Planning Balance and Conclusion

- 7.1 The site is located within a primarily residential area and therefore the development to create four flats is acceptable in principle. The design and scale of the proposed extension and alterations are appropriate within the site and would not cause harm to the character of the area.

- 7.2 The layout would afford a good level of internal accommodation and subject to conditions, the privacy and outlook of the neighbouring and future residents would not be unduly affected. The proposal would also provide sufficient private outdoor amenity space.
- 7.3 While the development would not provide parking in accordance with the Council's parking standards, it is not considered that highway safety would be compromised, as the site is very accessible.
- 7.4 On balance it is considered that the development complies with the relevant local plan policies and the guidance within the Conversion to Flats and Houses in Multiple Occupation SPD and is therefore recommended for approval.

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:

1926 / 01 A - Location Plan
1926 / 02 B - Ground Floor Plan as Proposed
1926 / 03 A - First Floor Plan as Proposed
1926 / 04 A - Elevations as Proposed
1926 / 05 - Sections and Site Plan as Proposed

Reason: For the avoidance of doubt.

Before the Development is Occupied

- 3) Prior to the occupation of the flats hereby permitted a suitable scheme of sound insulation that protects the newly created residential dwellings from the ground floor commercial operations shall be submitted to and approved in writing by the local planning authority. The

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sound insulation works shall be completed as approved before the use of the building begins and be retained thereafter.

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

- 4) Before the development hereby permitted is first occupied, the living room windows within flat 3 shall be fitted with obscured glazing up to a height of 1.7m above the floor level, to a specification of no less than level 3 of the Pilkington Glass Scale and any part of the windows that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

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

- 5) Prior to the occupation of the flats hereby permitted, details of the obscure glazing privacy screens around the patios shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

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

- 6) Prior to the occupation of the flats hereby permitted a suitable scheme of acoustic glazing and acoustically treated ventilation for all habitable rooms shall be submitted to and approved in writing by the local planning authority. The sound insulation works shall be completed as approved before the use of the building begins and be retained thereafter.

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

- 7) 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 provision of dropped crossing to correspond with the proposed parking layout as shown on drawing no. 1926 / 05 and reinstatement of the existing.

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

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

- 8) No flats shall be occupied until space has been laid out within the site in accordance with drawing no 1926 / 02 B (Ground Floor Plan as Proposed) for four cars to be parked and that space shall thereafter be kept available for such purposes thereafter.

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

- 9) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details shown on drawing number 1926 / 02 B (Ground Floor Plan as Proposed) and they shall be retained thereafter.

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

- 10) Before any of the flats hereby permitted are occupied/brought into use, details of the proposed screening of the refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The storage arrangements shall be completed in accordance with the approved details and shall be retained for use at all times.

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

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.

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Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 16th October 2024

Subject: **DC/2023/01492**
Former Old Roan Public House Copy Lane Netherton L30 8RD

Proposal: Erection of a 3 storey block of residential apartments, associated works and landscaping following the demolition of the existing vacant public house.

Applicant: 2M Developments (Old Roan) Limited **Agent:** Mr Brad Wiseman
Savills (UK) Limited

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

Reason for Committee Determination: Discretion of Chief Planning Officer

Summary

The main issues to consider include the principle of the development, heritage and design matters, and impacts on living conditions and highway safety.

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 and a Section 106 legal agreement.

Recommendation: Approve with conditions subject to the completion of a Section 106 legal agreement.

Case Officer Diane Humphreys

Email planning.department@sefton.gov.uk

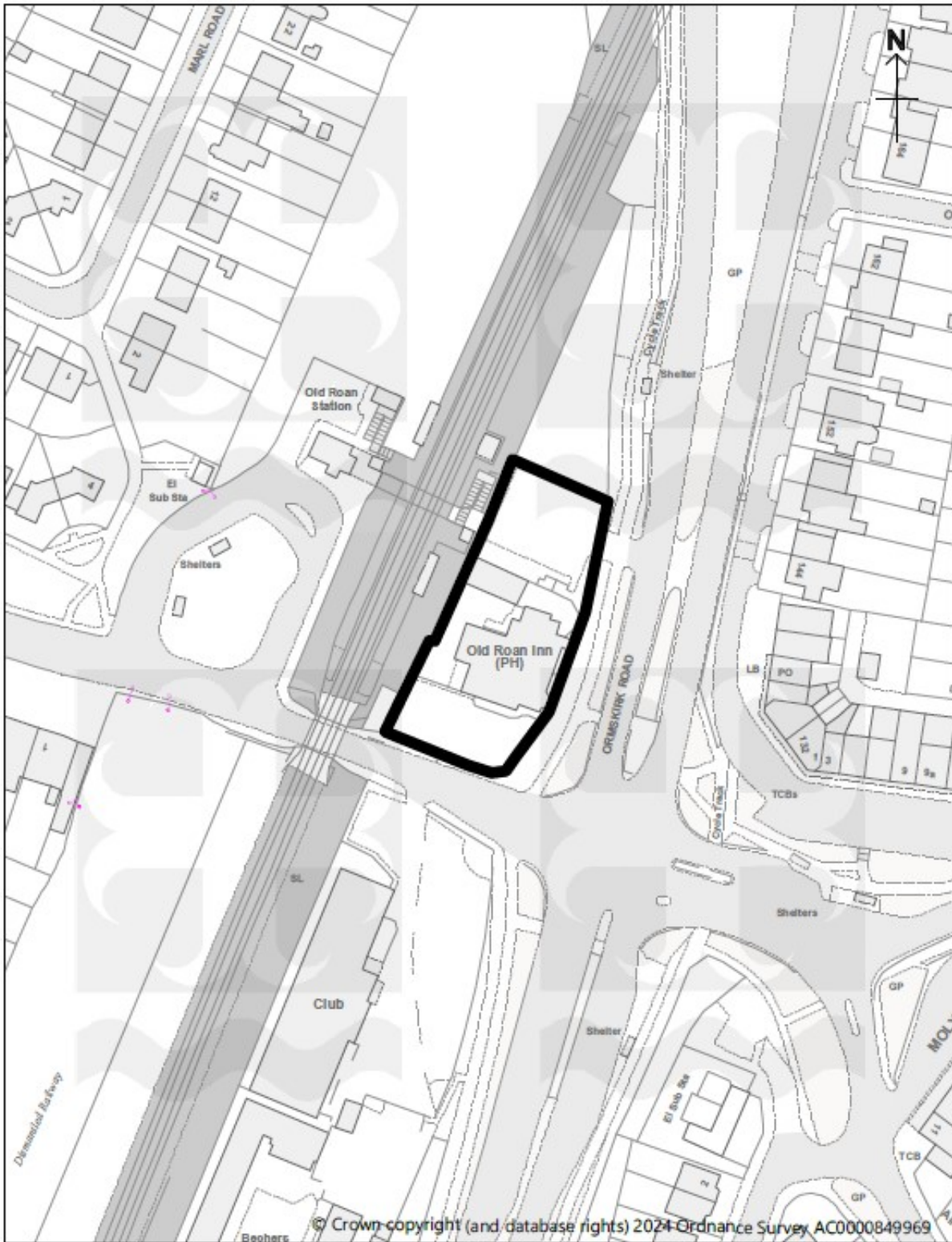
Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZWH1QNWHW700>

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Site Location Plan



The Site

The application site occupies a prominent position on the corner of Ormskirk Road (A59) and Copy Lane adjacent to the Old Roan railway station. The existing two storey public house on the site has been vacant for over 10 years and has fallen into disrepair.

The site is bordered by non-residential uses with the elevated station platforms and railway line to the west, the Oldy Club to the south on the opposite side of Copy Lane, and the Old Roan local centre on the opposite side of Ormskirk Road to the east. There are residential properties on the opposite side of Ormskirk Road (a dual carriageway) and to the west of the site beyond the train station and bus interchange.

The site has two existing vehicular accesses, one from Copy Lane and one from Ormskirk Road.

History

Two 'Certificate of Lawful Development' applications (DC/2018/01343 and 01561) confirmed the lawful use of the public house as a drinking establishment and a drinking establishment with expanded food provision.

A subsequent planning application (DC/2018/01631) to change the use of the property to a restaurant with an extension and demolition of the coach house was approved in May 2019. This permission was never implemented and has since expired.

Consultations

Local Plans Manager

No objection subject to conditions and a Section 106 legal agreement

Conservation Manager

Contrary to local plan policies but recommend a condition if the public benefits are considered to outweigh the building's total loss

Environmental Health Manager

No objection subject to conditions relating to noise, air quality and contaminated land

Highways Manager

No objection subject to conditions

Tree Officer

No objection subject to conditions

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Flooding and Drainage Manager

No objection subject to a condition

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

Network Rail

Applicant should liaise with Network Rail

Fire and Rescue Service

No objection

Neighbour Representations

Local residents were notified of the latest proposals on 31 May 2024 and written objections from 4 residents have been received. The main points of objection are summarised below:

Principle of the Proposal

- Object to the loss of a local landmark with a rich history which has been allowed to deteriorate to such a state of disrepair
- Site would be better in a leisure or community use or as a park and ride facility for the adjacent bus and rail interchange

Living Conditions

- Overlooking from the balconies
- Can trees be planted to improve impacts on existing residents?
- High levels of pollution in the area

Design

- Building does not fit with the local area
- Eyesore if residents hang washing on balconies

Highway Safety

- Dangerous accesses for traffic and pedestrians
- Increased traffic
- Traffic congestion and narrow road and pavements under railway bridge

Other Issues

- Impact on local facilities eg GPs and schools
- How will asbestos be removed?

Policy Context

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

Assessment of the Proposal

1. Introduction

- 1.1 The proposal for a three-storey building accommodating 26 apartments involves an amended scheme (submitted in May 2024) to that originally applied for in August 2023 (a part three/part four storey block of 31 apartments).
- 1.2 The main issues to consider include the principle of the development, heritage and design matters, and impacts on living conditions and highway safety.

2. Principle

- 2.1 The application site is located within a 'primarily residential area' as defined in the Sefton Local Plan and the principle of residential development is acceptable under Local Plan policy HC3 'Residential development and primarily residential areas' subject to compliance with other Local Plan policies.

3. Heritage

- 3.1 The Old Roan Inn is a public house dating back to around 1908 and considered to be a non-designated heritage asset (NDHA). NDHAs are identified as having a degree of significance meriting consideration in planning decisions. The building is an NDHA due to its age and value as a local landmark. It has low to medium architectural merit.

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- 3.2 The proposal involves the demolition of the existing building resulting in the total loss of the NDHA. A Heritage Statement has been submitted with the application. This advises that the site is in a poor condition as it has been vacant for over ten years and that no viable use has been found despite attempts to secure alternative uses. Public benefits associated with the proposal include significant regeneration improvements for the area and the provision of 26 one and two bed apartments including 4 affordable units.
- 3.3 Local Plan policy NH15 'Non-designated heritage assets' advises that development affecting such assets will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced.
- 3.4 The National Policy Planning Framework (NPPF) offers guidance in respect of the historic environment. Of particular relevance is paragraph 209 which advises that a balanced judgement is required when weighing the merits of a proposed development against the scale of any harm or loss and the significance of a non-designated heritage asset.
- 3.5 The NPPF also states that local planning authorities should not permit the loss of a heritage asset without taking reasonable steps to ensure the new development takes place. If it were concluded that the loss of the public house was justified a condition would be required to secure a historic and photographic analysis of the asset in line with policy NH9 'Heritage Assets' and advice from the NPPF and the Conservation team.
- 3.6 The loss of the building is weighed in the planning balance at section 13 below.

Archaeology

- 3.7 Merseyside Environmental Advisory Service (MEAS) has considered information held on the Merseyside Historic Environment Record and reviewed the Heritage Statement submitted with the planning application.
- 3.8 The site is considered to have the potential to contain below-ground archaeological remains associated with the mid-eighteenth-century public house and smithy previously located on the site. This would warrant further investigation in the form of an archaeological watching brief during remediation or ground works across the site and can be secured by condition.

4 Design and Visual Impact

- 4.1 The proposal involves the erection of a three-storey apartment block of rectangular form to replace a predominantly vacant two storey public house.
- 4.2 Local Plan policy EQ2 'Design' states that development will only be permitted where the proposal responds positively to the character, distinctiveness and form of its surroundings. The policy also requires, in terms of site design, that the arrangement of buildings, structures and spaces within the site, including the density and layout, and the alignment and

orientation of the buildings, relate positively to the character and form of the surroundings and achieve a high quality of design. Part 4 of the policy advises that for major and urban edge sites key landmarks should be retained and new landmark features provided to ensure locally distinctive developments.

- 4.3 The application site is located in an area containing a range of uses, including the Bleasdale shopping area, the Oldy Club, Old Roan railway station and bus terminus as well as residential properties. It is a prominent site located on a key transport route for many forms of transport.
- 4.4 The majority of the buildings in the area are two storeys in height, except for the shopping centre and the building located behind the Oldy Club, which are three storey developments. The railway platform adjacent to the site is elevated. The proposed three storey apartment building responds positively to the character of the area in terms of its height which is considered appropriate for this prominent corner location.
- 4.5 It is proposed to construct the building in red brick with the use of white render for the internal balcony walls and grey zinc cladding for the roof. These materials are characteristic of the area which includes commercial buildings. The building's mass and bulk have been broken up by vertical column features either side of each apartment and its scale reduced by the use of a mansard roof with individual dormer windows. The proposed mansard roof will fit in with the local area which contains a variety of roof styles including hipped, gabled and flat roofs.
- 4.6 The proposed design of the apartment building and the site layout are considered to make a positive contribution to the character of the area and to achieve the appropriate high-quality design for this prominent site. Final details of the materials can be secured by condition. The proposal therefore complies with Policy EQ2.

Landscaping

- 4.7 The Council's Tree Officer has reviewed the application which includes an arboricultural survey, impact assessment and method statement as well as a tree protection plan. The proposal would result in the loss of two trees on the site but these are of a low category and their loss can be mitigated by replacement planting secured by condition. It is also confirmed that the proposals would not have an adverse impact on trees situated on neighbouring land.
- 4.8 The Tree Officer raises no objections to the proposal subject to conditions to secure the replacement tree planting. The plans indicate landscaping to the front and side of the building which will soften the appearance of the development and a detailed landscaping scheme for the site can be controlled by condition.

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5 Living Conditions

- 5.1 Due to the site's location the proposed development would not have any significant direct impacts on the living conditions of existing residents in the surrounding area. The main impacts on living conditions would be those associated with future occupiers of the development itself.

Air Quality

- 5.2 Due to potential air quality impacts on existing and future residents an Air Quality Assessment (AQA) has been provided with the application and reviewed by the Environmental Health Manager. The AQA has considered the air quality impacts during the demolition/construction phase, impacts associated with the future operational phase and the impact of road traffic emissions on future residents. The AQA is considered acceptable, and no objections are raised on air quality grounds subject to a condition to control dust emissions during demolition and construction.

Noise

- 5.3 The Environmental Health Manager has reviewed the applicant's noise assessment report.
- 5.4 In respect of noise impacts on nearby residents from demolition and construction, the Environmental Health Manager recommends that these could be minimised by a condition to control any piling works through a Construction Environmental Management Plan.
- 5.5 Noise impacts for future occupiers of the flats could be minimised by the use of conditions to secure a scheme of acoustic glazing and ventilation, an acoustic barrier for the outdoor amenity space and a scheme of noise control for any plant and equipment.
- 5.6 Whilst noise levels are likely to be relatively high within the balconies facing Ormskirk Road, the applicant has advised that these areas will provide additional valuable and functional outdoor space and that residents will also have access to communal outdoor garden space with lower levels of noise. The provision of outdoor amenity space is discussed in more detail in paragraphs 5.10 and 5.11 below.

Internal Accommodation

- 5.7 The proposal involves a total of 26 apartments over 3 floors comprising 11 one bed units and 15 two bed units. All of the apartments satisfy the internal space standards set out in the Council's guidance ('New Build Homes' Supplementary Planning Document).
- 5.8 The building has been designed to achieve acceptable privacy levels for its residents with all apartments having a dual aspect, landscaping in front of the lower balconies and siting of the

building as far back from the public highway as possible. Pedestrian access to the individual apartments is via an external walkway at the rear of the building which passes bedrooms of other flats. Whilst not ideal, this arrangement is, on balance, considered acceptable. The rear elevation of the building is located over 10 metres from its boundary with the adjacent railway station and there is tree coverage within this area.

- 5.9 Given the constraints of the site located between a railway station and busy highway network, it is considered that the layout provides acceptable living conditions for future occupiers in terms of privacy and outlook from the apartments.

Outdoor Amenity Space

- 5.10 The Council's guidance on the provision of private outdoor amenity space for flats advises that an area of 20 square metres per flat should be incorporated into the development. For the current proposal of 26 flats, 520 square metres area of private outdoor amenity space would be required. This could be a shared communal space, accessible to all residents and of high quality, and/or private spaces such as balconies.

- 5.11 The applicant has demonstrated that the scheme complies with this guidance by providing a communal area of private outdoor amenity space exceeding 310 square metres at the rear of the building as well as individual balconies totalling over 230 square metres to the apartments. Whilst it is accepted that the balconies would be visible from the public realm and be subject to higher noise levels due to their location facing Ormskirk Road, it is considered that the applicant has maximised opportunities for outdoor amenity space and the level and quality provided is considered, on balance, acceptable. The proposal therefore complies with Local Plan policies EQ2, EQ4 and EQ5 in respects of noise, air quality and outdoor amenity space.

6 Highway Safety

- 6.1 The applicant has submitted a number of highways-related documents including a Transport Assessment (TA), Technical Design Note and a Construction Traffic Management Plan. The TA has considered the likely impact of the proposal on the existing highway network and the accessibility of the site for sustainable modes of transport.
- 6.2 The application has been reviewed by the Highways Manager who raises no objections subject to conditions.

Impact on the Highway Network

- 6.3 The Transport Assessment (TA) has demonstrated that the level of traffic generated by the proposal will be minimal when compared to the site's lawful use. In addition, a traffic survey was undertaken by the applicant in June 2022 at the Copy Lane/Ormskirk Road junction to

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derive traffic flows and queuing lengths. This showed that traffic generated by the proposal would have a negligible impact on this junction.

Accessibility

- 6.4 The applicant has considered the accessibility of the site and completed a Minimum Accessibility Standard Assessment (MASA). This shows that the site is well located for bus and rail facilities and there is an existing cycle route on Ormskirk Road.
- 6.5 The Highways Manager points out that the section of footway on Copy Lane under the railway bridge is restricted in width and height clearance which could be a barrier to pedestrian movement. However, it is recognised that improvements would not be feasible, there is good forward visibility along the footway and the section of affected footway is short in length.
- 6.6 Improvements to the site accesses in the form of dropped kerbs and tactile paving are recommended to improve conditions for pedestrians and cyclists.

Access and Site Layout

- 6.7 The site has two existing vehicular access points, one from Copy Lane and one from Ormskirk Road. The proposal seeks to retain these with the Ormskirk Road access widened to accommodate two-way vehicle movements and the Copy Lane access made narrower with dropped kerbs provided to improve access for pedestrians. The Copy Lane access will serve two-way movements for service vehicles only, whilst the Ormskirk Road access will provide access to the residents' car park. A bin store will be located close to the access on Copy Lane within the proposed servicing zone.
- 6.8 A 1.8 metre wide walkway fronting the proposed building will provide pedestrian access to the site from Ormskirk Road.
- 6.9 Visibility splays and manoeuvring space for vehicles within the site are acceptable.

Parking

- 6.10 The proposals include 16 car parking spaces, including one space for the disabled, within the site. The sizes of the individual spaces satisfy the Council's guidance ('Sustainable Travel and Development' Supplementary Planning Document). However, the number of spaces falls short of the guideline figures which, for this type of development, recommend 47 spaces.
- 6.11 The number of parking spaces proposed equates to 34% of the required provision. The applicant has justified this shortfall by demonstrating that the site is accessible to sustainable modes of transport, is close to local amenities such as shops, medical facilities and schools, and that a relatively low proportion of Sefton residents in flats do not own a car. It is

considered that these factors would indicate lower levels of car ownership for future occupiers of the flats and that the amount of parking provision is justified.

- 6.12 Storage for 28 cycles is shown within the building on the ground floor. This satisfies the guidelines for cycle parking.

Conditions

- 6.13 Whilst the applicant has submitted a travel plan and a construction traffic management plan, these are framework documents and more detailed reports will be required and can be secured by condition.
- 6.14 Further planning conditions are recommended to secure provision of the car and cycle parking areas and the accesses. The off-site highway works, including alterations to the footway and kerb alignment at the site access on Copy Lane, dropped kerbs and tactile paving at each site access, will be delivered under the Highways Act as part of a legal agreement under Section 278. This can be secured as a planning obligation (see section 9 below). The proposal complies with relevant highways policy in Local Plan policy EQ3.

7 Drainage

- 7.1 The application has been reviewed by the Flooding and Drainage Manager and by United Utilities and no objections are raised subject to a condition requiring installation of the drainage system in accordance with the submitted drainage strategy drawing. The proposal complies with Local Plan policy EQ8.

8 Ecology

Habitats Regulations Assessment

- 8.1 The proposal for 26 dwellings will lead to increased visits (recreational pressure) on the Sefton coast, which is designated for its ecological importance, potentially leading to significant effects on habitats and species.
- 8.2 Applications for 10 or more homes must meet the requirements of the Habitats Regulations in relation to recreational pressure on the Sefton coast, in line with Local Plan policy NH2 'Nature' and the 'Nature Conservation' Supplementary Planning Document. Applicants may 'opt in' to the approach set out in the Information Note 'Managing and mitigating the impact of recreation pressure on the Sefton Coast – Sefton's Interim Approach for housing development' May 2023. As the application site is in the 'outer zone', the opt in approach would mean a contribution of £76 per new home (at 2024/25 prices).
- 8.3 The applicant has confirmed agreement within the Planning Statement (paragraph 6.57) to the opt in approach. This would involve a financial contribution of £1976 (26 x £76) towards

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mitigating recreational pressure on the Sefton coast and can be secured through a Section 106 legal agreement (see paragraph 9.5 below).

- 8.4 Merseyside Environmental Advisory Service (MEAS) has reviewed the application and carried out an 'Appropriate Assessment' as required by the Habitats Regulations. This is attached to this report as Annex 1 and concludes that the proposal will have no adverse effect on the integrity of the Sefton coast provided the financial contribution is secured by legal agreement and a condition is imposed to secure distribution of an advisory leaflet to first-time occupiers of the new homes.
- 8.5 Natural England raises no objection to the proposal and their comments form Annex 2 to this report.

Bats

- 8.6 The applicant has provided an updated bat survey report which has been reviewed and accepted by MEAS. The report states no evidence of bat use or presence was found, therefore the Council does not need to consider the proposals against the three tests (Habitats Regulations).

Conditions

- 8.7 MEAS recommends conditions to protect bats and breeding birds.
- 8.8 The proposal satisfies Local Plan policy NH2 'Nature'.

9 Planning Obligations

Affordable Housing

- 9.1 Proposals that create 15 or more new homes are subject to the Council's affordable housing policy set out in Local Plan policy HC1 'Affordable and special needs housing'.
- 9.2 The applicant has submitted vacant building credit calculations which demonstrate that the affordable housing requirement can be reduced from 30% to 17.1%, or a total of 4.4 dwellings. This would normally require 5 affordable dwellings. However, as the applicant has agreed to provide all affordable homes as First Homes, which places a greater burden on the applicant, the proposal for 4 affordable homes is considered acceptable. First Homes are a preferred tenure of affordable housing in a block of flats as registered providers are unlikely to purchase affordable rented homes.
- 9.3 The affordable housing provision can be secured through a Section 106 legal agreement.

Education

- 9.4 The site is in a location where financial contributions are sought towards local primary school provision. In line with the Council's 'Contributions towards education provision – A guide for developers' updated May 2023 and Local Plan policy IN1 'Infrastructure and developer contributions' a financial contribution of £2,700 will be required for each of the 15 proposed two bed flats making a total contribution of £40,500 towards education.

Recreational Pressure

- 9.5 As detailed in section 8 above, a financial contribution of £1976 is required for mitigating recreational pressure impacts on the Sefton coast.

Highway Works

- 9.6 The section 106 agreement can secure the off-site highway works by requiring the applicant to enter into a Section 278 legal agreement under the Highways Act 1980 (see paragraph 6.14 above).

Monitoring Fee

- 9.7 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 £2148.30..

10 Energy Efficient and Low Carbon Design

- 10.1 The applicant has provided a statement to demonstrate how the proposal satisfies Local Plan policy EQ7 'Energy Efficient and Low Carbon Design'. Each of the proposed dwellings is of dual-aspect design, maximising the opportunities for solar gain. The proposal adopts a 'fabric first approach' to reducing energy demand which prioritises energy efficiency from the start of the development process and incorporates low carbon technologies to comply with the Building Regulations. In addition, the proposal will provide electric vehicle charging points for residential car parking. Waste minimisation during the construction phase can be secured through a Construction Environment Management Plan. Overall, it is considered that the proposal complies with policy EQ7 in relation to sustainability and low carbon design.
- 10.2 The site is within a highly accessible location on brownfield land within the urban area and is located within easy walking distance of shops, services and public transport, maximising opportunities to travel without having to use a car.

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11 Other Issues

Regeneration

11.1 The site is currently vacant and in a deteriorating condition and the application states that the public house closed in 2013 with no economically beneficial use found or operating since this time. It is recognised that redevelopment of the site with 26 new homes will help to regenerate this area.

Housing Mix, Type and Choice

11.2 Local Plan policy HC2 'Housing type, choice and mix' part 1 requires a minimum proportion of dwellings to be one, two and three bed units for schemes of 25 or more dwellings. However, this does not apply to wholly flatted developments so is not relevant for this proposal.

11.3 Part 2 of the policy requires a minimum proportion of the dwellings to be 'accessible and adaptable dwellings' but this is only for schemes of 50 or more units so does not apply to this proposal.

Waste

11.4 The proposal comprises 'major development' which is likely to generate significant volumes of waste during the demolition and construction phases. In accordance with policy WM8 of the Waste Local Plan a condition is recommended to secure sustainable waste management through a Construction Environmental Management Plan.

Minerals

11.5 The Local Plan places the site within a 'Minerals Safeguarding Area' and the applicant has provided a minerals statement in accordance with policy NH8 'Minerals'. The site has previously been in use as a public house for a significant period and it is accepted that it is unsuitable for mineral extraction. Given the size of the site, and its brownfield status, it would not be practicable to extract any minerals prior to development.

Contaminated Land

11.6 Due to the potential for the land to be affected by contamination, the Environmental Health Manager recommends that standard contaminated land conditions are attached to any approval.

Neighbour Representations

11.7 Most of the concerns raised by local residents have been addressed elsewhere in this report. However, matters relating to alternative uses for the site cannot be considered as part of this application which has to be assessed on its own individual merits. Asbestos removal is not a material planning consideration and is controlled under separate legislation.

12 Equality Act Consideration

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

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

12.2 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.

13 Conclusion and Planning Balance

13.1 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 this site comprises the Sefton Local Plan and the Minerals and Waste Local Plan

13.2 The proposal will provide important regeneration benefits for this prominent site which has fallen into a state of disrepair. It will also provide 26 new homes including 4 affordable units. These factors weigh in favour of the development.

13.3 Whilst the total loss of the public house, a non-designated heritage asset, does not comply with policy NH15, the application demonstrates that the loss of the building is outweighed by the public regeneration benefits associated with the high-quality residential development.

13.4 Policies relating to affordable housing, drainage, landscaping, and ecology have been satisfied subject to conditions and a section 106 legal agreement. Whilst levels of parking provision are below guideline figures, this has been justified due to the site's accessible

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location. Despite relatively high levels of noise for the balcony areas, other areas of outdoor amenity space would be quieter, and overall living conditions for future residents are considered acceptable given the constraints of the site.

13.5 Overall, and on balance, 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.

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:

Drawing No. BEE_037(00-)_A100 rev T2 - Site Location Plan
Drawing No. BEE_037(00-)_A103 rev T3 - Proposed Site Plan
Drawing No. BEE_037(02-)_A200 rev T1 - Proposed Ground Floor Plan
Drawing No. BEE_037(02-)_A201 rev T1 - Proposed First Floor Plan
Drawing No. BEE_037(02-)_A202 rev T1 - Proposed Second Floor Plan
Drawing No. BEE_037(02-)_A300 rev T1 - Proposed Elevations Sheet A
Drawing No. BEE_037(02-)_A301 rev T1 - Proposed Elevations Sheet B
Drawing No. Arbtech AIA 01 rev A - Arboricultural Impact Assessment
Drawing No. Arbtech TPP 01 rev A - Tree Protection Plan
Drawing No. 24329-HYD-XX-XX-DR-D-2600 rev P04 - Drainage Strategy
Arboricultural Method Statement 16 May 2024
Arboricultural Survey 20 May 2024

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) No development shall commence, including any works of demolition, until an appropriate programme of historic building recording and analysis has been undertaken, submitted to and approved in writing by the local planning authority.

Reason: The recording is required prior to commencement as the required recording and analysis would be compromised by the commencement of the works hereby approved. The programme is required in order to preserve the special historic interest of the building.

- 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 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 bats and their habitats
- A sensitive lighting strategy which protects ecology and does not result in excessive light spill onto retained and newly created habitats.
- No tree or scrub removal between 1 March and 31 August inclusive, unless informed by a suitably qualified ecologist in order to protect breeding birds.
- 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.

- 5) 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:

- The proposed construction hours
- Details of temporary construction access
- The parking of vehicles of site operatives and visitors

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- The loading, unloading and storage of plant and materials
- The location of the site compound
- A construction traffic routing plan
- The times of the movement of heavy goods vehicles from the site
- Wheel washing facilities

Reason: To ensure the safety of highway users.

- 6) 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.

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

If the Preliminary Risk Assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a competent person (as defined in the DCLG National Planning Policy Framework, March 2012). The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority.

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

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

- 8) No development shall commence until the approved scope of works for the investigation and assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report

shall include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. 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 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.

During Building Works

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

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

- 11) 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 18.

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

Before the Development is Occupied

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

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

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

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

- 14) No dwelling shall be occupied until space has been laid out within the site for 16 cars 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.

- 15) No dwelling shall be occupied until facilities for the secure storage of a minimum of 26 cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained in perpetuity thereafter.

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

- 16) 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.

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

Reason: To safeguard conservation of species/habitats.

- 18) 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.

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

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

- 20) Before the development is occupied, a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including:

- i) The location, size and species of all trees to be planted
- ii) The location, size, species and density of all shrub and ground cover planting
- iii) A schedule of implementation.

Reason: In the interests of visual amenity.

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Ongoing Conditions

- 21) Within 6 months of the development being first occupied or brought into use a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. 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.

- 22) 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.

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. Please contact Sefton's Highway Development and Design team in this respect - email: HDD.Enquiries@sefton.gov.uk
- 4) When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981 and Conservation of Habitats and Species Regulations 2017. Should you become aware of bats or bat roosts present, works should cease immediately and further specialist advice sought.
- 5) This permission is subject to a Section 106 legal agreement.

Annex 1 – Appropriate Assessment

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Appendix 1: Habitats Regulations Assessment

Planning Ref: DC/2023/01492

Site Name: Former Old Road Public House, Copy Lane, Netherton, L30 8RD

Assessment of Likely Significant Effects

1. The following national and international sites are easily accessible (by foot, car and public transport) from the development site and Local Plan policies NH2 and NH4 apply:
 - Sefton Coast SAC;
 - Ribble and Alt Estuaries SPA;
 - Ribble and Alt Estuaries Ramsar site;
 - Mersey Narrows and North Wirral Foreshore SPA;
 - Mersey Narrows and North Wirral Foreshore Ramsar site;
 - Mersey Estuary SPA;
 - Mersey Estuary Ramsar;
 - Martin Mere SPA;
 - Martin Mere Ramsar;
 - Dee Estuary SAC;
 - Dee Estuary SPA; and
 - Dee Estuary Ramsar site.
2. The proposal is for 26no. dwellings, for full details of the proposals refer to the submitted Planning Statement (*Planning and Affordable Housing Statement, 2M Developments Limited, May 2024*). The proposed development will result in increased visits (recreational pressure) to the sites listed above, which may result in significant effects on habitats and species for which these sites have been designated.
3. Sefton Local Plan's HRA^{7&8} and Nature Conservation SPD⁹ identifies recreational pressure from residential development as a Likely Significant Effect alone and in-combination.

Appropriate Assessment

4. The proposals are likely to give rise to significant effects on nationally and internationally designated sites when considered alone and/or in combination with other housing developments.
5. Sefton Council has adopted an Information Note¹⁰ which sets out the Council's Interim Approach to the mitigation and management of recreational pressure arising from new development in Sefton and this HRA should be read in

⁷ <https://www.sefton.gov.uk/media/2339/p10-habitat-assessment-urs-january-2015.pdf>

⁸ <https://www.sefton.gov.uk/media/3785/p42-habitats-regs-assmnt-of-prop-mods-local-plan-may2016.pdf>

⁹ <https://www.sefton.gov.uk/media/2845/nature-spd-20170814.pdf>

¹⁰ https://www.sefton.gov.uk/media/4485/hrarecpressureinfofnote_24-25_rates_final.pdf

conjunction with the information note. In this case, the applicant has decided to 'opt in' to the mitigation measures set out in the Interim Approach and this has been considered in the below table which assesses whether the proposed development will have an adverse effect on the integrity on the above designated sites due to increased recreational pressure.

Receptors	Likely significant effect	Proposed Mitigation Measures	Adverse effect on site integrity with mitigation?
<p>Qualifying species and habitats of the Sefton Coast SAC, Ribble and Alt Estuaries SPA and Ramsar sites, Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites, Mersey Estuary SPA and Ramsar sites, Dee Estuary SAC, SPA and Ramsar sites.</p>	<p>Increased disturbance to qualifying species and loss and degradation of qualifying habitats due to higher visitor numbers to the coast.</p>	<p>The applicant has confirmed that they will 'opt in' to the mitigation measures as set out within the Council's Interim Approach.</p> <p>The application site is situated within the outer zone. The applicant is therefore to pay a tariff of £76 per new home. As the proposed development will result in an increase of 26no. dwellings, the total commuted sum payment required will equate to £1976.</p> <p>In addition to the above, the applicant will also download and distribute a colour copy of the Sefton advisory</p>	<p>Provided that the commuted sum payment of £1976 is <u>secured through a S106 planning obligation</u> and that and distribution of a colour copy of the Sefton advisory leaflet is secured by a <u>suitably worded planning condition</u>, there will be no adverse effect on the integrity of the internationally designated sites.</p>



		<p>leaflet¹¹ within the sales packs of the new dwellings.</p> <p>The leaflet includes details of a 'responsible user code' for visitors to the internationally important sites and provide details of Suitable Alternative Natural Greenspaces away from the coast, where recreational activities could be undertaken.</p>	
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¹¹ https://eas.merseysidebiobank.org.uk/wp-content/uploads/2024/01/lcr_leaflet_sefton.pdf



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Annex 2 – Natural England Response

Date: [Click here to enter a date.](#)
Our ref: 451856
Your ref: DC/2023/01492



planning.department@sefton.gov.uk

BY EMAIL ONLY

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

T 0300 060 3900

Dear Sir/Madam,

Planning consultation: Erection of a part 3 part 4 storey block of residential apartments incorporating a roof terrace, associated works and landscaping following the demolition of the existing vacant public house.

Location: Former Old Roan Public House, Copy Lane , Netherton , L30 8RD

Thank you for your consultation on the above dated 25 September 2023 which was received by Natural England on 25 September 2023.

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Other Advice:

Priority Habitats and Species

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on Gov.uk.

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015

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requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

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 faithfully,

Teena Lawrence
Consultations Team

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 16th October 2024

Subject: [DC/2024/01359](#)
[Dental Surgery 44 Northway Maghull L31 5LJ](#)

Proposal: Erection of a part two storey/part single storey extension to the rear and a single storey extension to the front to accommodate two additional surgeries, a dedicated staff room and additional storage space

Applicant: Ms Priyal Patel **Agent:** Mr Joseph Clayton
Clayton Architecture Limited

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

Reason for Committee Determination: Called in by Cllr. Danny Burns

Summary

The main planning issues for consideration include the principle of development, the design and potential impact on the surrounding area including the potential impact on neighbouring living conditions, and the highways requirements.

The proposal is considered to have a beneficial effect increasing the accessibility to dental services which is needed within the area. The development is not considered to have a harmful impact on the neighbouring residents and both its design and its impact on the character of the area are considered to be acceptable. A lower level of off-street parking than normal has been justified and the public benefits of the proposal are considered to outweigh this shortfall. 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

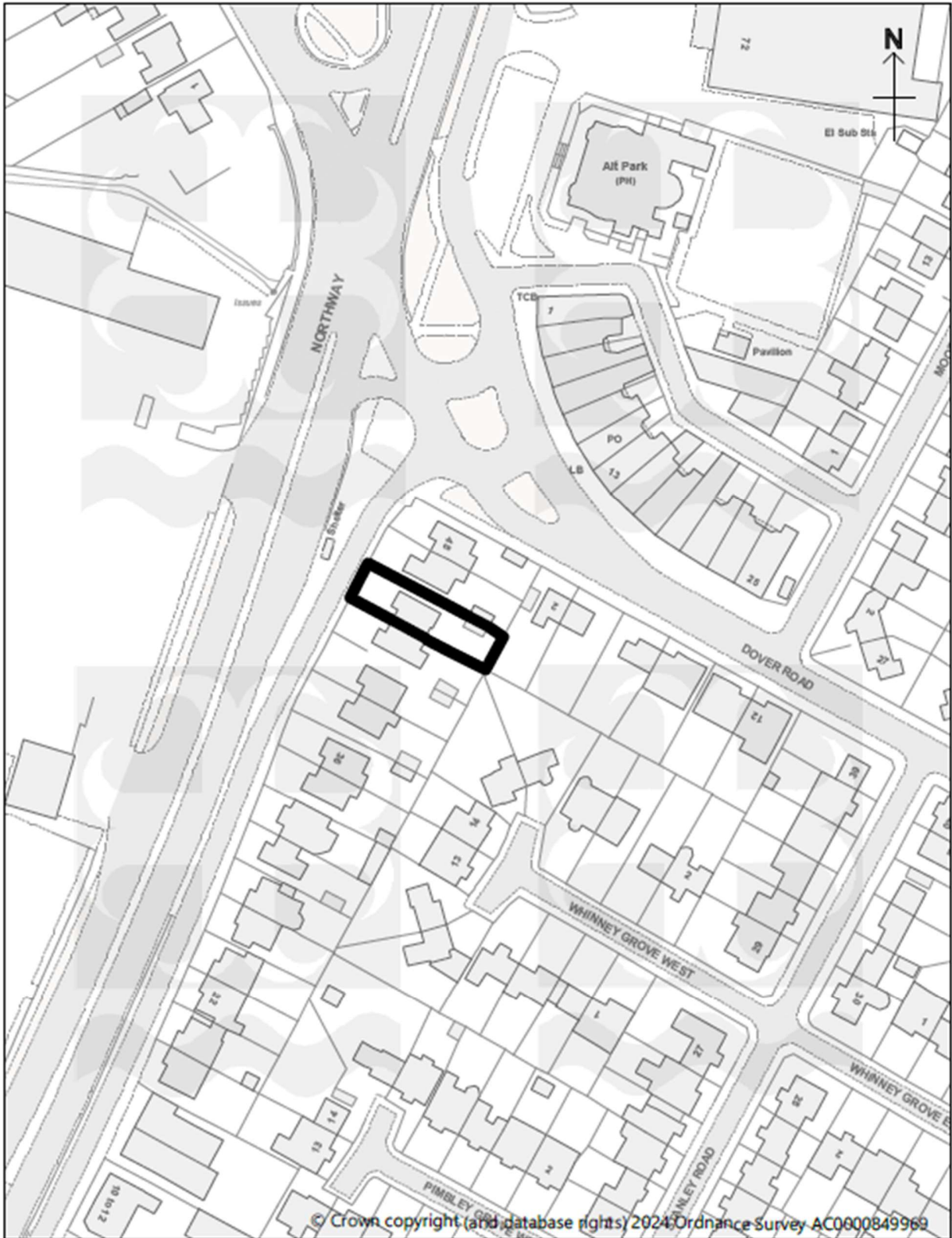
Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SH2MX6NWKWK00>

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Site Location Plan



The Site

The site address is the Northway Dental Practice at 44 Northway in Maghull which is a semi-detached two storey property. There are a number of semi-detached properties located along Northway as well as some commercial properties which are of a similar scale and style.

History

An application was approved in August 1979 to change the dwelling into a dentist's surgery (ref: S/12078). Planning permission was refused (ref: S/2007/0522) in August 2007 for a two storey and first floor extension to the rear and the provision of an access ramp and car parking, on the basis that it represented an over intensive use of the site which was detrimental to the amenity of the adjacent residents.

Advertisement consent was approved in July 2016 for various non-illuminated signage to the front elevation (ref: DC/2016/01501).

Pre-application advice was sought for this proposal in July 2024.

Consultations

Highways Manager

No objection subject to conditions.

Environmental Health Manager

No objection subject to a condition.

Neighbour Representations

The application has been called in by Cllr. Danny Burns on the following grounds:

- Harmful to residential living conditions
- Harmful to highway safety

Ten representations have been received from three different properties all objecting to the scheme on the following grounds:

- Overshadowing
- Overbearing
- Impact on parking and highway safety
- Noise
- Overlooking

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- Too many commercial properties
- No designated disabled parking

Policy Context

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

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

Assessment of the Proposal

The main planning issues for consideration include the principle of development, the design and impact on the surrounding area including the impact on neighbouring living conditions. The highways requirements are also of relevance.

The proposal now includes alterations to enable access to a surgery for visitors with accessibility needs.

1. Principle of Development

1.1 The existing dental surgery sits within a primarily residential area. The principle of the use is already accepted and does not form part of the assessment. However, the introduction of two additional surgeries does form a part of the assessment. Local Plan policy HC3 (Primarily Residential Areas) notes that non-residential development will be permitted in these areas provided it can be demonstrated that the proposal will not have unacceptable impacts on neighbouring living conditions or on the character of the residential area. These impacts will be discussed further on within the report.

1.2 It is understood that dental services are of great need not only within the borough but also on a national scale as stated within the Sunak Conservative government NHS dentistry plan (published 7th February 2024). Survey work has been completed by the Planning Department which demonstrates that near to one third of residents in new build homes expect to use a new dentist. From the NHS website, it can be seen that there are no local dentists reported as currently taking NHS patients of all ages. The nearest appears to be over 2.3 miles away. Maghull has and will continue to see a significant increase in new homes which will result in additional demand for all local services, including health services.

1.3 Policy SD2 (Principles of Sustainable Development) includes core principles of the Sefton Local Plan, including meeting the diverse needs for services and facilities as close to where they arise as possible. This principle is amplified by policy IN1 (Infrastructure) which states that infrastructure will be protected, enhanced and provided where there is an identified

need to support sustainable communities. Policy EQ1 (Healthy Sefton) states that development should help maximise opportunities to improve quality of life to make it easier for people in Sefton to lead healthy, active lifestyles by having regard to accessibility of services.

1.4 It is considered that the proposal will ultimately have a beneficial impact on the local area, increasing the accessibility to dental services which is a clear requirement for the borough. Given that there are known national and local shortages of dental services, the proposal to introduce a further two surgeries is considered to address the needs of the local population. The principle of the development is therefore considered to be acceptable.

2. Design and Potential Impact on Character of the Area

2.1 The area mainly consists of residential properties except for the application site, and a physiotherapy clinic located at number 44 Northway. The site is 53m from the shopping parade on Dover Road and is also opposite an Aldi food store. Many of the properties within the area have flat roofs. The proposed extensions are designed with flat roofs to match the design of the application property and to fit within the street scene. They are proposed to be rendered to match the finish of the existing property.

2.2 The extensions are considered to match the design of the existing building and the surrounding area and as such the proposal accords with policy HC3 (Primarily Residential Areas) and EQ2 (Design).

3. Impact on Living Conditions

3.1 The extension to the front would be single storey and located adjacent to the porch of the adjoining neighbouring property number 42 Northway. The extension is not considered to have any harmful impact on the living conditions of the occupiers of this neighbouring property.

3.2 A single storey extension is also proposed to the rear of the dental practice which would be attached to the two storey extension and the existing single storey element. The plans demonstrate that neither the single storey or two storey extensions would breach the 45-degree (+3m for single storey extensions) guideline which is a tool used to assess potential impacts on outlook and overshadowing of the windows to neighbouring habitable rooms. It is therefore considered that the extensions would not have a harmful impact on the living conditions of the neighbouring occupiers at number 42 Northway.

3.3 The Environmental Health Manager has assessed the information acknowledging that there is an additional surgery proposed on the first floor adjoining the neighbouring residential property. He does not object to the proposal subject to a condition being attached requiring sound insulation.

Agenda Item 5b

3.4 The development is considered to have an acceptable impact on the living conditions of neighbouring properties and accords with policy HC3 (Primarily Residential Areas).

4. Highway Safety and Parking

4.1 The Highways Manager acknowledges that no additional off-street parking is provided as part of the submission. The existing frontage can realistically only accommodate three vehicles which falls below the minimum requirement. However, a Transport Statement (TS) and a Minimum Accessibility Standard Assessment (MASA) demonstrate that the site is in a sustainable location and accessible by a variety of means of transport including walking, cycling and public transport with bus stops nearby on Northway and Dover Road.

4.2 The proposal will require the existing dropped crossing to be altered and relocated to the centre which can be secured by condition. Cycle parking and a Travel Plan will encourage alternatives to using cars by just one person, and these can also be secured by condition before the surgeries come into use.

4.3 As the forecourt is deeper than required for the parking of vehicles, and cycle parking for customers could be located between the parking space and the building with cycle storage for staff located to the rear. A condition can be attached to require further detail on this.

4.4 The development is considered to accord with policy EQ2 (Design) and EQ3 (Accessibility).

5. Other Matters

5.1 Comments have been received which relate to the number of commercial properties located within the locality being an issue. It is acknowledged that the premises are located within a primarily residential area; however, they are already in commercial use and therefore this does not form a part of this assessment.

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 The proposal will ultimately have a beneficial effect helping to increase the accessibility to dental services which is needed within the locality. The development is not considered have a harmful impact on the living conditions of neighbours and the proposed design is also considered to be acceptable both in relation to the existing building and the surrounding area. The lower level of off-street parking is considered acceptable given the property is accessible by a variety of means of transport, and the public benefits of the proposal are considered to outweigh the shortfall of parking. The application therefore complies with the provisions of the Maghull Neighbourhood Plan and the adopted local policy and is recommended for approval.

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Recommendation – Approve with conditions

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:

694-01 – Location and Site Plan

694-03 (dated 02/10/2024) – Proposed Plans and Elevations

Transport Plan (submitted 23/07/2024)

Reason: For the avoidance of doubt

- 3) Prior to the use of the proposed surgeries, the proposed first floor rear window serving surgery 06 on the plans referenced 694-03 shall be fitted with obscured glazing to a specification of no less than level 3 of the Pilkington scale up to a minimum height of 1.7m above the floor of the room in which it is installed. The window shall be permanently retained in that condition thereafter.

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

- 4) Prior to the use of the proposed surgeries, a suitable scheme of sound insulation, with a minimum performance of 52dB Dnt,w+Ctr, to protect the neighbouring property must be agreed in writing with the local planning authority. The sound insulation works shall be completed as approved before the use of the building begins and retained thereafter.

Reason: To mitigate the impact of the noise generated by the use of the surgery and prevent unreasonable noise and disturbance to neighbouring occupants in the interests of residential amenity.

- 5) Prior to the use of the proposed surgeries a replacement dropped kerb shall be installed in the centre of the frontage of the site.

Reason: To ensure the safety of highway users.

- 6) Prior to the use of the proposed surgeries, facilities for the secure storage of 12 cycles for the use of staff and customers 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 thereafter.

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

- 7) Prior to the use of the proposed surgeries a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use shall be 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 reducing the number of car journeys with just one person, and increasing the use of public transport, walking and cycling.

- 8) Prior to the use of the proposed surgeries, details of the materials, appearance and permeability of the driveway resurfacing shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: These details are required prior to the use of the surgeries to ensure an acceptable visual appearance to the development.

- 9) The premises shall only be open for customers between the following hours: 09:00 until 17:30 Monday to Friday and at no time on Saturdays or Sundays or public holidays as defined by The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018 (or any Order revoking and/or re-enacting that Order with or without modification).

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

Informative:

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

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Report Title:		Planning Appeals Report	
Date of meeting:	Wednesday 16 th October 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.

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1. The Rationale and Evidence for the Recommendations

This report is for information only.

2. Financial Implications

There are no financial implications

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 & Commercial (FD7797/24) and the Chief Legal and Democratic Officer (LD.5897/24) 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 30 August 2024 and 26 September 2024

Appeal Decisions

Land Adjacent And South Of 4 Promenade Ainsdale

Reference: DC/2023/01393 (APP/M4320/W/24/3344748)

Erection of a single storey storage building (B8).

Procedure: Written Representations

Start Date: 27/06/2024

Decision: Allowed

Decision Date: 13/09/2024

117 Liverpool Road Birkdale Southport PR8 4BZ

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

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

Procedure: Written Representations

Start Date: 22/04/2024

Decision: Dismissed

Decision Date: 11/09/2024

Land Off Bankfield Lane Churchtown Southport

Reference: DC/2021/00924 (APP/M4320/W/24/3344143)

Erection of 9 houses, together with a new vehicular access and associated works (part alternative to application reference DC/2017/00821)

Procedure: Written Representations

Start Date: 02/07/2024

Decision: Allowed

Decision Date: 10/09/2024

New Appeals

1E Gloucester Road Birkdale PR8 2AU

Reference: DC/2024/00093 (APP/M4320/W/24/3348675)

Erection of a two storey dwellinghouse and associated works

Procedure: Written Representations

Start Date: 06/09/2024

Decision:

Decision Date:

Appeal Decision

Site visit made on 4 September 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/M4320/W/24/3344748

No 4 The Promenade, Adjacent to Toad Hall, Ainsdale, Southport PR8 2QB

- 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 Southport Boat Angling Club against the decision of Sefton Metropolitan Borough Council.
 - The application reference is DC/2023/01393.
 - The development proposed is the erection of a single storey storage building (B8).
-

Decision

1. The appeal is allowed and planning permission is granted for Erection of a single storey storage building (B8) at No 4 The Promenade, Adjacent to Toad Hall, Ainsdale, Southport, PR8 2QB, in accordance with the terms of the application, Ref DC/2023/01393, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the address from the appeal form as this more accurately describes the site location.
3. The description of development in the banner heading and decision differs from that on the application form. This is because a revised description was suggested by the Council and agreed by the appellant at the planning application stage. The Council dealt with the proposal on this basis and so have I. Nevertheless, I have noted the concerns subsequently raised by the appellant at the appeal stage.
4. Since the appeal was lodged, the government has published "Proposed reforms to the NPPF and other changes to the planning system", and the "National Planning Policy Framework: draft text for consultation", and the Secretary of State's written ministerial statement entitled "Building the homes we need" (WMS). These documents have not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

5. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies including, where appropriate, its effect on openness;
- If the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. Policy MN7 of A Local Plan for Sefton, Adopted April 2017, (LP) sets out that the construction of new buildings is generally regarded as inappropriate development in the Green Belt, subject to the exceptions set out in national planning policy, and that inappropriate development will not be approved except in very special circumstances.
7. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154.
8. Exception b) of paragraph 154 is the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. The appeal site is presently used by Southport Boat Angling Club (the Club) for the external storage of tractors and trailers which facilitate the launch of fishing and sailing boats from Ainsdale beach, which is located to the opposite side of the road. Weld mesh fencing is located to the site frontage. To the northern boundary is a substantial, three storey brick building, referred to as Toad Hall, which is presently vacant. To the east is an industrial unit, and to the south is a large holiday complex (Pontins).
10. The information before me indicates that the proposed building would store the aforementioned tractors and trailers used to launch boats used by the Club at Ainsdale beach, as well as providing its 110 members with a workshop/training room, toilets, changing facilities, and small kitchen. The Council's Officer Report (OR) accepts that the proposal would provide a local angling boat club with a permanent building to store their equipment and carry out club related activities, facilities which it considers to be "much needed".

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11. Nevertheless, the Council considers that exception b) cannot apply to a storage use within use class B8. The proposed plans indicate that the building would clearly facilitate the storage of equipment used by the Club for launching boats at the adjoining beach, as well as practical facilities for those engaged in these outdoor sporting and recreational activities. As such, the evidence before me suggests that the building would be for the provision of appropriate facilities for outdoor sport and recreation. Consequently, the proposal could benefit from criteria b) of paragraph 154 of the Framework, subject to the facilities preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.
12. Even if the proposal did not benefit from exception b), exception g) of paragraph 154 allows for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. The Council does not dispute that the site could benefit from this exception, subject to the relevant openness test.

Openness

13. The proposal would introduce a building to the appeal site where presently there is none, which would impact spatially on the openness of the Green Belt. However, the site is presently occupied by vehicles and bound by fencing, and from public vantage points along The Promenade, it is largely contained by existing buildings or fencing to the north, east and south. While I accept that the mesh fencing is lower than the proposed building and allows views through it, and parked vehicles are transient, the introduction of the proposed building would not impact significantly on openness in a visual sense, given the extent to which the site is contained by the surrounding built form. These existing buildings already dominate views into and over the appeal site when viewed from the public domain and so there would be little impact on the visual perception of openness from the appeal scheme, over and above this existing situation.
14. Consequently, the proposed building would adequately preserve the openness of the Green Belt insofar as exception b) applies and for the same reasons, the proposal would have no greater impact on the openness of the Green Belt at this location than the existing development, as required by exception g). Further, while land to the west, and further to the north and south is open, given the present use of the site and position of the proposal amongst other existing buildings, the appeal scheme would not appear as an encroachment into the countryside. Nor do I find that it would conflict with any of the other purposes for including land in the Green Belt.
15. For these reasons, the proposal would not be inappropriate development in the Green Belt. The proposal would comply with the requirements of LP Policy MN7 and the Framework. In these circumstances, it is not necessary for very special circumstances to be demonstrated to justify the proposal.

Other Matters

16. The Highway Authority (HA) raises some concerns with the level of information provided in relation to the type and number of vehicles, given the

proximity of the proposed access to existing private accesses. The appellant indicates that alternatively, the existing access could be utilised. The Council's OR suggests that these are matters that could be addressed and I note that the Council's suggested conditions include one that seeks precise details of the access to be agreed.

17. The appeal site is presently used for the storage of tractors and trailers by the Club and the proposal would continue this use undercover. There is no evidence before me to suggest that the type of vehicles stored, or the number of associated vehicle movements would change notably as a result of the appeal scheme. However, given the concerns of the HA and the suggestion of an alternative access by the appellant, a condition to finalise access details would be reasonable and necessary.
18. The Council indicates that it is in the early stages of preparing a vision and feasibility study looking at all existing assets in Ainsdale-on-Sea. On this basis, it considers the proposal to be premature and, potentially prejudicial to the wider re-development and proper planning of the area. While this has not formed a refusal reason, the Framework advises that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. As any vision and feasibility study remains at an early stage, and the Council has not clearly explained how the proposed development would prejudice the outcome of any plan making process, I can afford this only limited weight.

Conditions

19. I have had regard to the conditions suggested by the Council. In addition to the condition discussed above relating to access details, I have imposed a time limit for commencement and a condition specifying the approved plans, as this provides certainty. I have also imposed a condition requiring details of construction materials. While the application form suggests powder coated steel cladding, no further details or colour finish have been specified and so the condition is necessary to safeguard the character and appearance of the area.
20. The Council has suggested a condition restricting the use of the building to the storage of equipment associated with the boat angling club, and for no other purpose, including any other use falling within Class B8. The Framework advises that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Council's reasoning for the condition is "for the avoidance of doubt", which does not provide the clear justification required by the Framework. In the absence of any clear justification, I have not imposed the suggested condition. Additionally, a condition requiring details of hard and soft landscaping is not necessary given that the proposed building will occupy most of the appeal site.

Conclusion

21. The proposal would not be inappropriate development in the Green Belt, and so there would be no harm caused to it. Consequently, it has not been

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necessary for me to take into account other identified considerations. The appeal scheme would comply with the development plan when taken as a whole, and there are no other material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be allowed.

S Brook

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 02 Site Location Plan, Drawing No. 001 Rev B Proposed Plans and Elevations.
- 3) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall commence above slab level until full details of the proposed access have been submitted to and approved in writing by the Local Planning Authority. No part of the building shall be brought into use until the access has been constructed in accordance with the approved details.

Appeal Decision

Site visit made on 27 August 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2024

Appeal Ref: APP/M4320/W/24/3337581

117 Liverpool Road, Birkdale, Sefton PR8 4BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr C Simpson against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2023/00737 sought approval of details pursuant to outline planning permission Ref DC/2020/02573, granted on 31 May 2022.
 - The application was refused by notice dated 26 September 2023.
 - The development proposed is outline planning application for a detached dwellinghouse following the sub-division of the existing plot with all matters reserved (layout, scale, appearance, access and landscaping reserved for future consideration).
 - The details for which approval is sought are: access, scale, layout, appearance and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Both parties, within their respective submissions, had an opportunity to comment on the revised Framework. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the 20 December 2023 version.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the Framework and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration of very significant weight, the weight I give to the changes in the draft Framework is limited given that no final document has been published and it is subject to potential change in the future.
4. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023.

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5. Within their Statement of Case the Council has confirmed that a revised version of the New Build Home Supplementary Planning Document (May 2023) (SPD) has been adopted since the appeal was determined. The appellant had an opportunity to comment on this revised SPD during the 'Final Comments' stage of the appeal procedure. I have given the revised SPD due consideration in the determination of this appeal.

Background

6. Outline approval¹ was granted at the appeal site on 31 May 2022 for a detached dwellinghouse following the sub-division of the existing plot with all matters reserved (layout, scale, appearance, access and landscaping reserved for future consideration).
7. Following this outline approval the appellant made an application for approval of all the reserved matters². The reserved matters application was refused on 26 September 2023 and is the subject of this appeal.

Main issue

8. The main issue is the effect of the proposed development on the living conditions of the occupiers of No.115 Liverpool Road, with particular regard to outlook.

Reasons

9. The proposed dwelling would be situated towards the bottom of the rear garden area of the dwelling at No. 117 Liverpool Road, very close to the shared side boundary with the neighbouring property at No. 115 Liverpool Road (No.115). At present this shared boundary is defined by a timber fence, with a small cluster of tall, mature trees located on the appeal site side of this boundary.
10. The properties along this section of Liverpool Road have long rear gardens and these create a positive sense of openness at the rear of the properties, to the enjoyment of occupiers. To that end, I observed on site that the rear garden of the property at No.115 is well maintained and includes external patio areas with various forms of outdoor furniture.
11. From No.115's rear garden, its external patio areas and from openings in the rear elevation of the dwelling itself, the proposed two-storey dwelling, as a result of its size, scale and siting in the rear garden and so close to the shared boundary would create an overly oppressive, dominant and overbearing feature. The proposed dwelling would therefore result in a loss of outlook at the rear of this neighbouring property, both within the rear garden area and from the rear elevation of the dwelling itself, resulting in a significantly detrimental impact upon the living conditions of the occupiers of No. 115.
12. I acknowledge that the dwelling has been designed with a pitched roof that slopes away from this shared boundary. However, the substantially sized two-storey side elevation of the proposed dwelling would extend along a significant section of the shared boundary and the scale of the proposed dwelling as a whole would be an overtly obtrusive and intrusive feature at the rear of No.115.

¹ DC/2020/02573

² DC/2023/00737

13. I therefore conclude that the appeal proposal would have an unacceptable adverse impact upon the living conditions of the occupiers of No. 115 Liverpool Road by way of creating an overly obtrusive, dominant and overbearing feature, resulting in a loss of outlook when viewed from the rear of this neighbouring property (No. 115). The proposal is therefore contrary to Policies HC3 and EQ2 of the Local Plan for Sefton (2017) where they state, among other things, that residential development will be permitted where it is consistent with other Local Plan Policies and require development to protect the amenity of those adjacent to the site.
14. The proposal is also considered to be contrary to paragraph 135(f) of the Framework which seeks to ensure developments provide a high standard of amenity for existing users, as well as the SPD where it states that development should not have an overbearing or dominant effect on nearby properties.

Other Matters

15. The description of development on the outline approval granted outline planning permission for a detached dwellinghouse with all matters reserved.
16. My attention has been drawn to Condition 3 on the outline approval which requires the development to be carried out in accordance with the submitted plans that are subsequently listed within that condition. I have been provided with a copy of the plans submitted with the outline application and note they are very similar to the plans submitted with the reserved matters application subject of this appeal. The appellant contends that the plans submitted at outline stage, and referred to on the outline decision notice, should carry significant weight in the consideration of the reserved matters application. The appellant has also referred to paragraph 035 within the 'Making an application' section of the Planning Practice Guidance (PPG).
17. Whilst I acknowledge that plans were provided with the outline application and subsequently listed within Condition 3, the description of development on the outline approval decision notice is clear that all matters were reserved at outline stage. As such, the requirement of Condition 3 for the development to be carried out in accordance with these plans is in direct conflict with the outline approval which had all matters reserved.
18. Additionally, case law³ has established that drawings submitted with outline applications which relate to matters that are reserved, can only be sensibly understood as being indicative, even when they are not marked as "Illustrative" or "Indicative".
19. Furthermore, Condition 3 on the outline approval is also in direct conflict with Condition 2 on the same decision, which requires a reserved matters application in respect of layout, scale, appearance, access and landscaping to be submitted to and approved in writing by the Local Planning Authority before any development begins.
20. In summary of the above, whilst plans were provided with the outline application, all matters were clearly reserved at outline stage and this therefore limits the weight I can attribute to the outline plans. In any event, the appeal before me seeks approval for those reserved matters and I have therefore determined the appeal on that basis and against the plans submitted with the reserved matters application.

³ Crystal Property (London) Ltd v SSCLG & LB Hackney EWCA Civ 1265 [2016]

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21. The appellant has also raised a number of concerns with how the outline application was handled by the Council and why the matters that have been raised during the reserved matters application were not addressed at outline stage. Whilst I have sympathy for the appellant in relation to some of these matters, as detailed above, all matters were reserved at outline stage and are being sought as part of this appeal scheme. Therefore, I must determine the reserved matters appeal accordingly, including assessing the impact of the layout, scale and appearance of the proposal on the living conditions of neighbouring occupiers.
22. The appellant has referred to a sun path study that was submitted as part of the planning application, stating that this document demonstrates that the impact of the proposal upon the neighbouring occupiers would be acceptable. In this regard, I note that the Council's reason for refusal does not raise any issue in respect of loss of sunlight and overshadowing at the rear of No.115. Moreover, the submission of the sun path study does not overcome my concerns in respect of overbearing impact and loss of outlook arising from the appeal proposal, when viewed from the rear of No. 115.
23. I note that interested parties have commented that the proposed dwelling would also significantly overlook neighbouring properties, resulting in a loss of privacy for existing neighbouring occupiers. Had I been otherwise minded to allow this appeal I would have gone back to both the main parties and sought further comments in respect of the potential privacy implications of the appeal proposal in relation to neighbouring properties, both in terms of the relationship with openings in neighbouring dwellings, and their rear garden areas. However, as I am dismissing the appeal on the main issue, I have not pursued this matter further.
24. Within their Statement of Case the Council has referred to the revised SPD, suggesting that the revised SPD alters the assessment of backland development. Whilst I note the Council's submissions on this matter, the principle of this backland development has been established by the outline approval and thus it is not a matter before me as part of this reserved matters appeal.

Conclusion

25. The proposal conflicts with the development plan when taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

R Major

INSPECTOR

Appeal Decision

Site visit made on 20 August 2024

by Helen Hockenhill BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/M4320/W/24/3344143

Land off Bankfield Lane, Churchtown, Southport, PR9 7NT

- 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 Wainhomes (North West) Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2021/00924.
 - The development proposed is the erection of 9 houses, together with a new vehicular access and associated works (part alternative to application reference DC/2017/00821).
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 9 houses, together with a new vehicular access and associated works (part alternative to application reference DC/2017/00821) at land off Bankfield Lane, Southport, PR9 7NT in accordance with the terms of the application, Ref DC/2021/00924, subject to the conditions in the attached schedule.

Preliminary Matters

2. On the original application form, the applicants were stated as Wainhomes (North West) Ltd and four other parties, being the joint landowners of the site. I have been advised that Wainhomes have now purchased all the land and that the appeal is made in their name only.

Main Issues

3. The main issue is whether the proposal accords with Policy MN2 of the Sefton Local Plan in respect of the access to the site.

Reasons

4. The principle of residential development on the site has been established by an extant hybrid planning application which granted planning permission for 128 homes (the appeal proposal forms part of this first phase) and outline planning permission for up to 200 dwellings as part of a wider housing development. The appeal proposal seeks to amend the housetypes and layout for nine dwellings and to incorporate a new access onto Bankfield Lane.
5. Policy MN2 of the Sefton Local Plan adopted in 2017, allocates housing, employment and mixed use sites including nine hectares of land at Bankfield

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Lane for around 300 dwellings (MN2.2). Appendix 1 of the Plan sets out site specific requirements for some of the allocated sites including the appeal site. It is required, amongst other things, that vehicular access to the proposed development should be taken from an expanded Blundell Lane. The Policy recognises that the level of traffic generated by an allocation of the size proposed, would raise highway safety issues if it were to flow directly onto Bankfield Lane.

6. The appeal proposal seeks access for six houses from Bankfield Lane with the remaining three dwellings continuing to be accessed from the proposed internal road network via Blundell Lane. It is notable that the Council's reason for refusal only points to the technical breach with Policy MN2.2, it does not state that there would be highway safety issues should the appeal be allowed.
7. I am aware of several objections from local residents raising highway concerns. I observed on my site visit that the road has a 20 mph speed limit and that there are a number of speed humps along its length. I also saw that there are a number of other accesses in close proximity from other residential roads and also an access to a commercial premises.
8. The access proposed has an acceptable width and can provide for the turning and manoeuvring of larger vehicles such as a refuse wagon. I accept that the access lies at the base of a hill as Bankfield Lane rises over a bridge. However, acceptable sight lines can be provided for vehicles emerging and leaving the site so that a driver would have a clear view of traffic in both directions. Local residents have expressed concern about speeds on Bankfield Lane, despite it being a 20mph route with traffic calming. I acknowledge that some drivers may exceed this limit, however the visibility splays to be provided, approximately 2.4m by 43m, would remain adequate.
9. The appellant, as part of the planning application, prepared a Transport Technical Note which included a traffic survey on Bankfield Lane. This demonstrates that the proposal would have minimal impact on the capacity of the road. It is estimated that the development would generate 5 two way vehicle movements in the peak hour. This equates to an average of one vehicle every 12 minutes. This level of traffic would have a negligible impact in terms of congestion on the highway network. Accident data shows no accidents in the vicinity of the site in the last 5 years. An accident on Bankfield Lane further south is recorded but this was a pedestrian stepping into the road late at night. I also note that there are no objections from the Highway Authority.
10. The National Planning Policy Framework advises in paragraph 115 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. This is not the case here. Therefore, having regard to the evidence before me, I conclude that the proposed access would not give rise to highway safety issues.
11. I acknowledge that access from Bankfield Lane, creates conflict with the requirements of Policy MN.2. Taking account of the fact that only 6 dwellings out of an allocation of 300 would be accessed from Bankfield Lane, and that the objective of the policy requirement for the site is to ensure no harm to

highway safety and the wider road network, I find that there would be compliance with Policy MN.2 when read as a whole.

12. Accordingly, the proposal complies with the development plan and there are no other material considerations which indicate that the proposal should be determined other than in accordance with it.

Conditions

13. I have had regard to the conditions suggested by the Council which I have considered against the advice in the Framework and Planning Practice Guidance.
14. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty (conditions 1 and 2).
15. Condition 3 requires the submission of a Construction Environmental Management Plan (CEMP) in order to safeguard the amenity of adjacent residents and the environment. To address any on site contamination, conditions 4, 5, 13 and 14 are necessary. The Council suggested two differently worded conditions which relate to a remediation strategy. I have only imposed one to avoid duplication.
16. In the interests of highway safety, conditions 6 and 7 are required to ensure the implementation of a suitable site access and off site highway improvement works. I have amended the wording of the Council's suggested conditions to avoid duplication and for clarity. The submission of a noise report and a scheme of mitigation, acoustic glazing and ventilation is necessary to safeguard residential amenity (conditions 8, 25 and 26). Conditions 9, 11, 12 and 28 are necessary to require a foul drainage scheme, a surface water drainage scheme and its management and maintenance, as well as flood risk mitigation to ensure the site is properly drained and to manage flood risk and pollution.
17. I attach condition 10 to ensure appropriate waste management and recycling measures are in place during construction. In order to protect the character and appearance of the area and visual amenity, conditions 15, 17, 19, 20, 27 are necessary for the submission of the details of the proposed materials, details of finished floor levels, landscaping, street lighting and boundary treatments.
18. In the interests of ecology and biodiversity, conditions 16, 18 and 29 are required to protect water vole habitat, manage Japanese Knotweed should any be present on the site and to inform future residents about the Sefton Coast and the importance of European protected sites.
19. In the interests of highway safety, conditions are necessary to ensure appropriate visibility splays are provided, that adequate on site car parking and manoeuvring is put in place, and that a Travel Plan is prepared and implemented (conditions 21, 22 and 23). I attach condition 24 to promote energy efficiency and provide for electric vehicle charging points within the development.

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Conclusion

20. For the reasons given above, and having had regard to all other matters raised, I allow this appeal,

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 1328WHD/BLS-LP27 Rev A – Location Plan; 1328WHD/BLS-PL01 Rev LL Site Layout and Landscape Structure Plan; 3.113CB/P/BU/L10/300 Brancaster Plans and Elevations; CLPD013/PO1 Detailed Planting Plan; BRU-P2 Brunswick Plans and Elevations; HAV-P1 Havershaw Plans and Elevations; TRE-P1 Trevithick Plans and Elevations; Newton House type Plans and Elevations, no drawing ref, dated Feb 2019; SDG/SE/1.2/B Standard Double Garage Plans and Elevations; 1328WHD/BLS2-AC01 Rev A Access off Bankfield Lane.
- 3) No development shall take place until a site-specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust, water pollution, ecology and site lighting. The plan should include, but not be limited to:
 - a) Procedures for maintaining good public relations including complaint management, public consultation and liaison.
 - b) Proposed construction hours.
 - c) Proposed hours for delivery and removal of plant, equipment, machinery and waste from the site.
 - d) Measures to control the migration of mud from the site by vehicles during construction.
 - e) Mitigation measures to minimise noise disturbance from construction works.
 - f) Procedures for emergency deviation of the agreed working hours.
 - g) Control measures for dust and other air-borne pollutants, including a dust management plan in order to minimise the impacts of construction dust.
 - h) Measures to prevent pollution of control waters during construction.
 - i) Measures for controlling the use of site lighting whether required for safe working or for security purposes.
 - j) Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the development.
 - k) The control and removal of spoil and wastes.
 - l) Adequate provision for contractor parking.
 - m) Mitigation measures for the protection of water vole, breeding birds, water courses, hedgerows and retained vegetation.

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- n) A lorry routing schedule.
- o) Measures to control flooding on site during construction.

The development shall be implemented in accordance with the approved CEMP.

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

If the Preliminary Risk Assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a competent person (as defined in the DCLG National Planning Policy Framework, March 2012). The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority.

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

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

works for the proposed vehicular access onto Bankfield Lane shall be submitted to and approved in writing by the Local Planning Authority. No dwelling unit shall be occupied until the vehicular access to the site has been constructed in accordance with the details approved.

- 7) Prior to commencement of development above ground level, details of the following off-site improvement works shall be submitted to and approved in writing by the Local Planning Authority:
- a) Traffic Regulation Order to deliver 'no waiting at any time' restrictions on the southern side of Bankfield Lane between the emergency access and The Grange, including junction protection markings on both sides of the proposed site access junction and The Grange
 - b) Introduction and upgrading of pedestrian crossings with dropped kerbs and new tactile paving at Bankfield Lane and Blundell Lane, The Grange, Merlewood Avenue and Verulam Road
 - c) Introduction of emergency access from Bankfield Road, which should be a minimum of 3.7m wide with appropriate provisions to prevent unlawful vehicular access. This should also have a 2m wide pedestrian access leading to The Grange for pedestrian permeability including installation of dropped kerbs across Bankfield Lane.

No part of the development shall be brought into use until a timetable for the required highway improvement works has been agreed in writing with the Local Planning Authority . The works shall then be constructed in accordance with the details approved and the agreed timetable of works.

- 8) Prior to the commencement of development, a noise report shall be submitted to the Local Planning Authority to identify which plots are likely to breach both the 50dB and 55dB noise levels for the private outdoor amenity space and a suitable scheme of appropriately designed acoustic barriers for plots that exceed these levels shall be agreed in writing with the Local Planning Authority. The approved scheme shall be implemented before the dwellings become occupied and thereafter retained.
- 9) Prior to the commencement of development, the details of a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The following foul water drainage details shall be agreed with the Local Planning Authority in liaison with the public sewerage undertaker:
- a) The location of the point of connection for foul water to the existing public sewer;
 - b) The timing arrangements for the pumped foul discharge;
 - c) The storage requirements for the pumped foul discharge; and
 - d) The rate of discharge for the pumped foul discharge.

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There shall be no connection of foul water to the public sewer other than in accordance with the agreement reached with the local planning authority in liaison with United Utilities.

Prior to occupation of the first dwelling, the development shall be implemented in accordance with the approved details.

- 10) No excavations shall commence on site until a detailed strategy and method statement for minimising the amount of construction waste resulting from the development has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the extent to which waste materials arising from the construction activities will be reused on site, and demonstrating that as far as reasonably practicable, maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal. All waste materials shall thereafter be reused, recycled or dealt with in accordance with the approved strategy and method statement.
- 11) No development shall commence above slab level until a sustainable surface water drainage scheme (including timetable for implementation), has been submitted to and approved in writing by the local planning authority. No surface water shall discharge into the public sewerage system either directly or indirectly. Any surface sustainable drainage features interacting with sewers offered for adoption should be designed in accordance with CIRIA C753 'The SuDS Manual'. The scheme shall be implemented in accordance with the approved details and timetable and retained thereafter in perpetuity.
- 12) No development shall commence above slab level until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include: i) a timetable for its implementation, and ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. The sustainable drainage system shall be implemented and thereafter, managed and maintained in perpetuity in accordance with the approved details.
- 13) The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation.

Following completion of the remedial works identified in the approved remediation strategy, a verification report that demonstrates compliance with the agreed remediation objectives and criteria must be produced and approved in writing by the Local Planning Authority, prior to commencement of use of the development.

- 14) 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 and agreed 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 13.

- 15) Notwithstanding the details shown on the approved plans, no final finish to any external elevation shall be applied unless it has previously been agreed in writing by the Local Planning Authority.
- 16) The mitigation and management of water vole shall be carried out in accordance with the recommendations as outlined in the Water Vole Survey and Mitigation Strategy [ERAP (Consultant Ecologist) Ltd: ref: 2020-324c] dated October 2021.
- 17)
 - i) No dwelling shall be constructed until full details of the existing and proposed ground levels (referred to as Ordnance Datum) within the site and on land and buildings around the site by means of spot heights and cross sections and proposed finished floor levels of all buildings and structures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved level details.
 - ii) Prior to the construction of external elevations above finished floor levels (FFL) on plots adjoining existing residential properties, the FFL shall be subject to a topographical survey to be submitted to and approved in writing by the Local Planning Authority. No property adjoining any existing residential property shall be occupied until cross sections based on a topographical survey of the level of rear gardens as completed have been submitted to and approved in writing by the Local Planning Authority.

In the event that the surveys identified in (i) and ii) above, fail to confirm that the FFL and site levels correspond to the levels as approved, or are not within 100mm of those levels, a new planning application shall be submitted for those plots to which the variation relates.

- 18) In the event that any previously unidentified Japanese Knotweed 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 with immediate effect in that area and within a 7m buffer of the area. A remediation strategy shall be submitted to the Local Planning Authority for approval in writing. The approved strategy must be applied to the affected area.

A validation report confirming that the remediation treatment has been carried out and that that part of the site has been free of Japanese Knotweed for 12 consecutive months shall be submitted to and approved in writing by the Local Planning Authority. No works shall take place within a 7m buffer of the affected area, until the validation report has been approved in writing by the Local Planning Authority.

- 19) All hard and soft landscaping works shall be carried out in accordance with the details hereby approved. All landscaping applicable to each

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relevant plot shall be completed within the next planting season following the plot occupation.

- 20) No dwelling shall be occupied until details in respect to the proposed street lighting has been first submitted to and approved in writing by the Local Planning Authority, and thereafter each development phase shall be implemented in full accordance with the approved details.
- 21) No dwelling shall be occupied until visibility splays of 2.4 metres by 43 metres have been provided clear of obstruction to visibility at or above a height of 1 metre above the carriageway level of Bankfield Lane. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 22) No dwelling shall be brought into use until the associated areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.
- 23) The development shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The provisions of the approved Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.
- 24) No dwelling shall be occupied until a scheme for the provision of measures to reduce greenhouse gas emissions, including a timetable for implementation, has been submitted to the Council for approval in writing. The scheme shall include, as a minimum, details of electric vehicle charging points to be installed on each dwelling with a dedicated parking space and for communal parking areas. The development shall be implemented in accordance with the approved details and agreed timetable.
- 25) A suitable scheme of acoustic glazing for all dwellings shall be agreed in writing with the Local Planning Authority. The approved scheme shall be implemented before the dwellings become occupied and retained thereafter.
- 26) A suitable scheme of acoustically treated ventilation for all dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the dwellings become occupied and retained thereafter.
- 27) No dwelling shall be occupied until details in respect to the proposed boundary treatment has been first submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in full accordance with the approved details.
- 28) The approved scheme shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed with the FRA:

Finished floor levels are set no lower than 3.01m above Ordnance Datum (AOD) or lower than 0.15m above adjacent ground level.

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The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied with the scheme, or within any period as may be agreed in writing by the Local Planning Authority.

- 29) Prior to occupation of the dwellings hereby approved, a colour copy of a leaflet, produced by MEAS and approved by Natural England, to inform residents about the Sefton Coast and the importance of the European sites, and responsible user code and the locations of suitable alternative natural greenspaces shall be included in the sales pack.

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Planning Committee
Visiting Panel Schedule

Date Monday 14th October 2024

Start: 10:00 am at BOOTLE TOWN HALL

Agenda Item	Time	Application Details	Ward
5A	10:20	<p style="text-align: center;">DC/2023/01492 Former Old Roan Public House Copy Lane, Netherton L30 8RD</p>	Molyneux
5B	10:40	<p style="text-align: center;">DC/2024/01359 Dental Surgery 44 Northway, Maghull L31 5LJ</p>	Molyneux
4A	11:10	<p style="text-align: center;">DC/2024/01463 102 The Serpentine North, Blundellsands L23 6TJ</p>	Blundellsands
4B	11:35	<p style="text-align: center;">DC/2024/01275 1-11 Mersey View, Brighton Le Sands L22 6QA</p>	Blundellsands

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