

Report to: PLANNING COMMITTEE **Date of Meeting:** 29th June 2022

Subject: [DC/2021/01848](#)
[Land Adjacent To 16 Moorhouses Hightown Liverpool L38 9ER](#)

Proposal: Erection of a detached dwellinghouse with associated access and landscaping (Resubmission of DC/2020/01790 refused 24/6/2021).

Applicant: Mr John Baybut **Agent:** Ms Beatriz Ortiz
MBED ARCHITECTS LTD

Ward: Manor Ward **Type:** Full Application

Reason for Committee Determination: Call in by Cllr John J Kelly

Summary

This application is for a new house in the rear garden of No 16 Moorhouses. The proposal complies with the policies in the Local Plan and the Council's guidance on New Housing and is recommended for approval subject to compliance with conditions and the completion of a Section 106 legal agreement for a commuted sum of £1850 for offsite compensation for loss of dune grassland habitat.

Recommendation: Approve with Conditions and subject to the completion of a Section 106 legal agreement

Case Officer Carol Gallagher

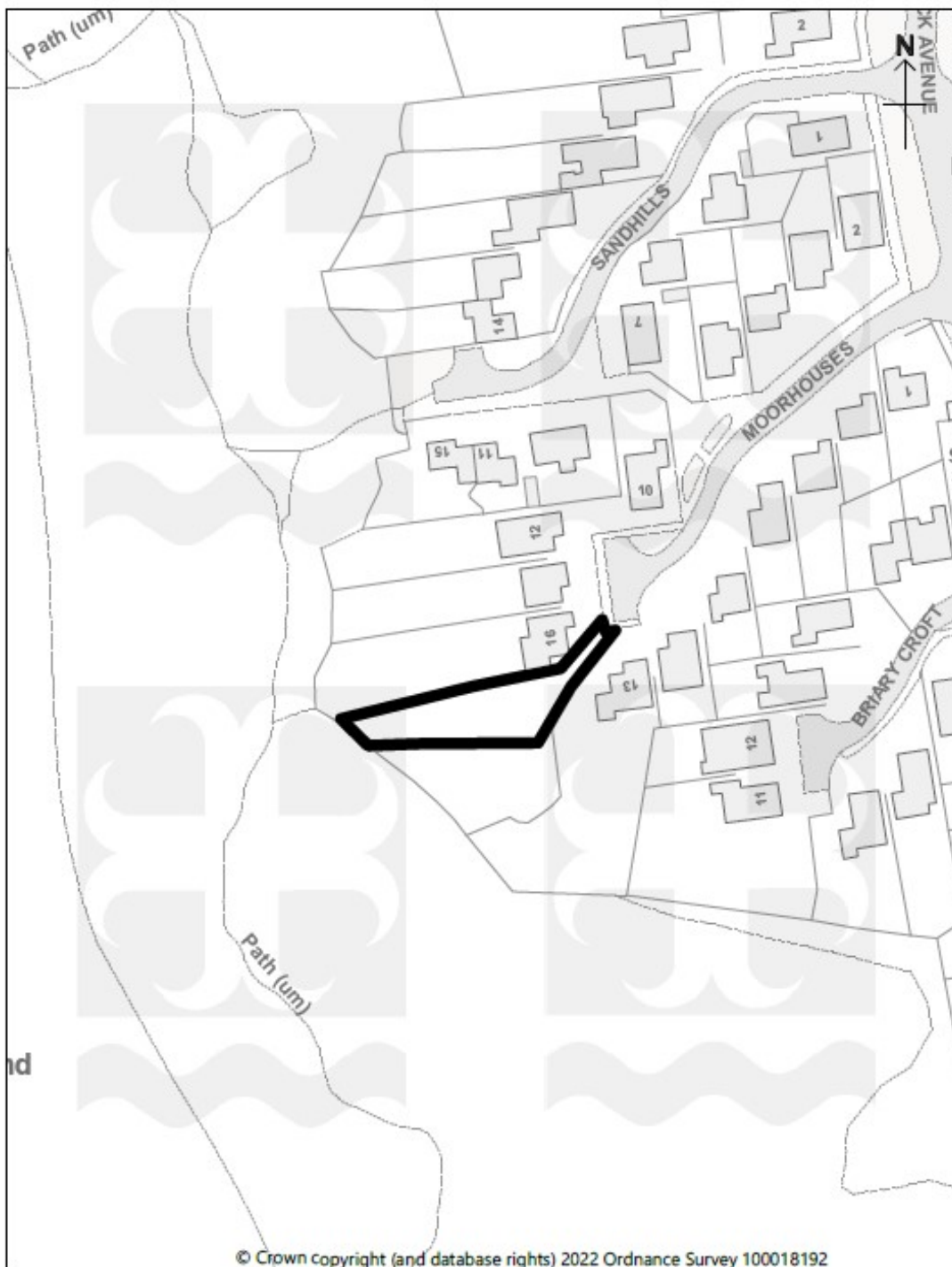
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QWC163NWL6T00>

Site Location Plan



The Site

The site is part of the garden area of No.16 Moorhouses in Hightown. This is a detached house with a west facing rear garden which is located at the end of the cul-de-sac with No.13 Moorhouses next door and the sand dunes, which form part of the Coastal Park, located to the rear of the site.

History (Relevant)

DC/2022/00711 Approval of details reserved by conditions 4 (Piling) and 5 (Construction Management Plan) attached to planning permission DC/2019/00571 approved on 05/06/2019. Refused 13th June 2022

DC/2020/01790 Erection of a detached dwellinghouse with associated access and landscaping. Refused on 24th June 2021 for lack of information.

DC/2019/00571 Erection of a detached dwellinghouse with associated access and landscaping, Approved with conditions 5th June 2019

Consultations

Flooding and Drainage Manager & United Utilities

No objections

Environmental Health Manger

No objection subject to a scheme of piling methodology, which provides justification for the method chosen and details of noise and vibration suppression methods proposed being submitted for prior approval. The agreed scheme should then be implemented throughout the development.

Highways Manager

No objections subject to a condition and informative being added.

Tree Officer

No objections.

Merseyside Environmental Advisory Service

The development will result in the loss of dune grassland habitat, which is 'Annex I habitat' (Habitats Regulations 2017, as amended). To compensate for this the applicant proposes to translocate an area of the grassland to a green roof and to offer a commuted sum to be payable to the North Merseyside Amphibian and Reptile Group (NMARG) to undertake scrub removal works from dune grassland within the adjacent Hightown Dunes. The proposed on and offsite compensation for loss of dune grassland habitat (Annex I Habitats Directive and Priority habitat) is acceptable.

The submitted HRA is acceptable.

A reptile survey of 16 Moorhouses has been submitted in support of this application (*Reptile survey report, Land adjacent to 16 Moorhouses, Tyrer Ecological Consultants Ltd, June 2021*). It did not record any reptiles on site, however, the survey does correctly identify that reptiles have been recorded within the surrounding area. Due to the potential for reptiles within the wider area reptile Reasonable Avoidance Measures (RAMS) are proposed within the submitted Method Statement in Relation to Fauna (*Tyrer Ecological Consultants, October 2021*). This approach is acceptable and the implementation of the Method Statement in relation to Fauna can be secured by a suitably worded planning condition. This method statement also includes protection measures for breeding birds, hedgehog and amphibians.

Natural England

No objection, subject to appropriate mitigation being secured.

Neighbour Representations

Neighbours consulted on 20th August 2021 and 16th May 2022.

4 letters of support have been received, one from the host property.

A petition opposed to the application signed by 29 Sefton residents and endorsed by Cllr John Joseph Kelly.

Individual letters of objection from nearby neighbouring properties on the grounds of:

Impact on ecology

- Removal of 2345 tons of sand will damage the flora and fauna of Hightown dunes
- Proposed development is situated on the boundary of a nationally and internationally important nature site, with no buffer zone – against Local Plan policies.
- Loss of Annex 1 Priority and Section 41 habitat without adequate mitigation/compensation.

Climate change and coastal erosion

- Any destabilisation is detrimental to the well-recorded process of erosion along the coast
- Dunes provide a vital buffer of protection from wind and rising sea levels/flood risks
- Would set a precedent of chipping away at natural dune barrier
- The Climate Change vulnerability assessment is incorrect.

Impact on living conditions of neighbours

- Scheme doesn't minimise the risks of adverse impacts including amenity, damage to health and well being, property
- Concerns over sand accumulation/removal from drains/driveways/gardens, and parking which is currently very difficult
- Concern that green roof may become a roof garden
- Adjoining property will be overshadowed from the afternoon to late evening.

Structural concerns

- The gabions shown are not substantial enough to hold the load on their own, without a backing of permanent sheet piling.

Design

- The design is totally out of character with the rest of the estate
- Length of building considerably larger than approved scheme.

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

The main planning issues for consideration include the principle of development, design and impact on character of area, effect on living conditions of neighbouring properties, and ecology.

The Proposal

The proposal is for a detached dwelling in the existing garden area of No.16 Moorhouses in Hightown, which is a modern design. The access is proposed off Moorhouses and will be shared with the existing property.

Principle of Development

The site is located within a Primarily Residential Area, therefore the proposal is acceptable in principle subject to complying with other Local Plan Policies.

Design and relationship with the character of the area.

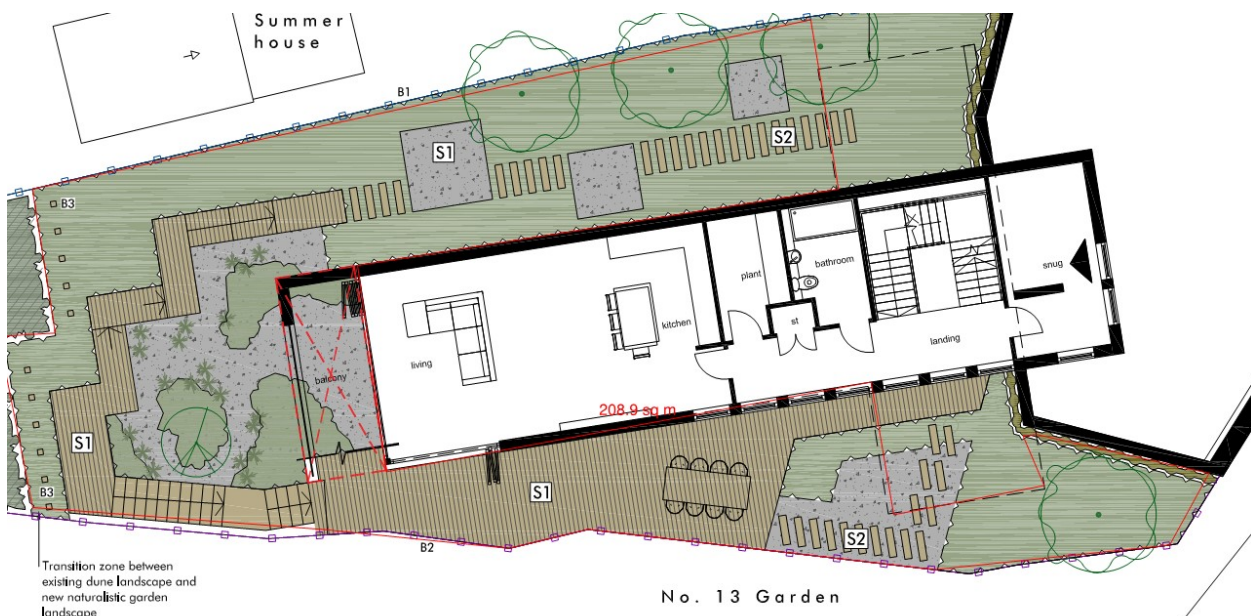
The existing house No 16 Moorhouses backs on to the sand dunes at Hightown and has a shallow level garden to the immediate rear of the house and then a substantial rear garden of differing levels that leads to the sand dunes. This is similar to all the houses that back on to the Hightown sand dunes with No 16 Moorhouses having one of the biggest plots within the immediate area.

The proposal consists of a 2-storey house with the ground floor cut into the existing sand dune which will make the lower part of the dwelling subterranean. The upper floor consists of a rendered clad block which will cantilever over the driveway to provide an entrance canopy.

The roof will be a “green roof” which will consist of translocated dune grassland.

The original submission showed an elevated “roof box” with windows and a door to access the roof. This was considered unnecessary, as it would have given easy access to the roof which could have been used for sitting out, thus leading to overlooking of adjoining properties. Amended plans have now been received which removes this element and replaces it with a sealed flush roof light, with a much smaller access hatch in the middle of the roof.

The proposed severing of the plot will leave No 16 Moorhouses with a substantial garden area and will provide in excess of 208m² rear and side garden area for the proposed dwelling.



The existing dwelling, No 16 Moorhouses, has a side garage which will be forward of the front elevation of the proposed house.

Due to the infill nature of the development and the footprints of the existing houses which are at an angle to the site, the lower level of the property will be barely visible from the street, and the upper floor will blend in with the differing levels of the rear gardens.

It is considered that the proposal is making the best use of the land available and will have minimal impact in the street scene owing to it being set back behind the main front elevations of adjoining properties.

The proposal meets the requirements of Policy EQ2 'Design' of the Local Plan.

Living conditions of future occupiers

Future Occupiers

In relation to amenity to be provided to future occupiers, all habitable room windows have a good outlook and the private amenity space to the side and rear is approximately 208m².

Neighbouring Properties

The north elevation will face the rear elevated garden area of the host property No 16 Moorhouses. This elevation has been designed with no windows, with all the main windows in the south elevation.

No 16 Moorhouses has a conservatory to the rear but due to the orientation of both properties the proposed dwelling will not overshadow this property.

Only the upper floor of the property will be visible from the garden area of No 16 Moorhouses and as the property will be located further west it is not considered it will affect the outlook or privacy of this neighbour.

The other neighbour, No 13 Moorhouses, is side on to the application site and has an immediate shallow rear garden with the substantive garden at a raised level.

This property has a garage and a gable wall at an angle to the proposed development and two secondary windows to the gable elevation.

The proposed house will be west of No 13 Moorhouses and at a higher level and will not be visible from any habitable rooms in this property. This property also has raised gardens that back on to the sand dunes.

Due to the orientation of this property and garden area it is not considered there will be any impact to this resident in terms of loss of amenity through overshadowing or overlooking.

The proposal meets the requirements of Policy EQ2 'Design' of the Local Plan and the Council's guidance on New Housing in relation to impact on future and adjoining residents.

Ecology

The garden area backs onto the Sefton Coast, which is designated as a Site of Special Scientific Interest (SSSI). The SSSI forms part of the Ribble & Alt Estuaries Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA) and the Sefton Coast Special Area of Conservation (SAC).

Merseyside Environmental Advisory Service (MEAS) and Natural England have reviewed the ecological reports and confirm that sufficient information has been submitted to determine the application and that the reports and recommendations are acceptable.

The green roof will not fully compensate for loss of the dune grassland and therefore a commuted sum of £1000 is proposed for the purpose of funding scrub removal from dune grassland habitat within the adjacent Hightown Dunes.

An additional sum of £850 has been agreed should the green roof fail as detailed within the submitted Hightown Dunes Habitat Management Plan, (*Hightown Dunes Habitat Management Plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, March 2022*).

Given the difficulty of defining "failure" it has been agreed that the payment of the total £1850 should be secured by a Section 106 legal agreement. This will allow the North Merseyside Amphibian and Reptile Group to undertake scrub removal works from dune grassland within the adjacent Hightown Dunes.

Planning conditions are attached to secure appropriate safeguards during the construction phase.

The proposal meets the requirements of Policy NH2 in the Local Plan.

Piling

Concern has been expressed about the structural stability of the proposed gabions walls for the development.

The National Planning Policy Framework advises that planning decisions '*should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability ... this includes ... any proposals for mitigation including land remediation*' (para 183).

It also advises that '*where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner*' (para 184).

The applicant has provided a piling intention statement that addresses the issues but lacks a detailed methodology providing justification for the method chosen. These details can be secured by condition.

Highway safety and drainage

There are no concerns in relation to either highway safety or drainage.

Other matters

Due to this application being a backland development it is considered necessary to restrict permitted development rights to prevent any future buildings/windows/walls/fencing being built. This will be controlled by conditions.

Conclusion

The proposal is acceptable and complies with the relevant Local Plan Policies and the Council's guidance on New Housing and the requirements of the National Planning Policy Framework.

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: Site outlined in red as shown on the location plan 20.1018 SU (00) 200 and Drwg No`s 20.1018 P (00) 201, 202 Rev A, 203 Rev A, 204 Rev A, 205 Rev A, 206 Rev A, 207 Rev A, 210 Rev A, D192.001, 002, 003 and 004.

WML Consulting Piling Intention Statement. Dated June 2021
Construction traffic management plan. Updated plan dated 18th June 2022

Ecological Appraisal, Land Adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, October 2021.

Method Statement in relation to fauna, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, October 2021.

Method Statement in relation to Invasive plant species, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, October 2021.

Habitats Regulations Assessment, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, October 2021.

Green Roof translocation and management plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, October 2021.

Dune Scrub management plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, October 2021

And the following addendums to the original reports:

Habitats Regulations Statement, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, February 2022.

Green Roof translocation and management plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, February 2021 received on 28th February 2022.

Hightown Dunes Habitat Management Plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, March 2022.

Reason: For the avoidance of doubt.

Prior to commencement

- 3) (a) A scheme of piling methodology, which provides justification for the method chosen and details noise and vibration suppression methods proposed, should be submitted to the Local Planning Authority for prior approval. The agreed scheme should then be implemented throughout the development.

Should any part of the development incorporate piling works or ground compaction, details of the works, proposed duration and hours of piling/ ground compaction and details of mitigation methods for the suppression of dust shall be submitted to and approved by the Local Planning Authority prior to work commencing on site.

- b) Piling/ ground compaction works shall then be carried out in accordance with the details approved under (a) above.

Reason: To ensure that the amenities of nearby residents are not unduly harmed by noise and dust from piling/ ground compaction works.

During Building Works

- 4) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the house 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.

- 5) The requirements and recommendations as detailed in the following reports shall be implemented at all times during the construction period.

Habitats Regulations Statement, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, February 2022.

Green Roof translocation and management plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, February 2021 and October 2021.

Hightown Dunes Habitat Management Plan, Land adjacent to 16 Moorhouses, Hightown, Tyrer Ecological Consultants Ltd, March 2022.

Reason: To ensure no adverse effects on the integrity of the Sefton Coast SAC and Ribble and Alt Estuaries Ramsar and SPA sites.

- 6) The requirements and recommendation of paragraph 4.12 of the Habitats Regulations Statement dated February 2022 to limit noise shall be followed on site.

Reason: To minimise the effect of noise on overwintering bird species using the designated site.

- 7) The construction working area, together with any storage areas, will be kept clear of debris and any stored materials will be kept off the ground on pallets. Any open excavations (e.g., foundations/footings/service trenches) shall be covered with plywood sheeting (or similar) at the end of each working day.

Reason: To prevent amphibians/reptiles from seeking shelter or protection within them.

- 8) No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations shall take place during the period 1st March to 31st August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present details of how they will be protected are required to be submitted for approval to the Local Planning Authority.

Any approved scheme must be implemented on site.

Reason: To protect birds during their breeding season.

- 9) The areas of land which include the invasive plant species of: grey poplar, Japanese rose, sea buckthorn and montbretia must be fenced off at all times during the construction period. Any removal of these species is to include removal of roots to prevent regrowth. Cut material must be disposed of through removal to landfill.

Reason: To prevent machinery entering these areas and spreading the species further across the site.

Before the Development is Occupied

- 10) No part of the development shall be brought into use until 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.

Reason: In the interests of highway safety

Ongoing Conditions

- 11) The details as shown on the approved document Green Roof Translocation and Management Plan February 2021 and October 2021 shall be implemented on site and permanently retained thereafter.

Reason: To partially compensate for the loss of the dune grassland.

- 12) 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.

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

Reason: In order to protect the character of the area/ residential amenities of nearby occupants.

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window shall be added to the property unless expressly authorised.

Reason: In order to protect the residential amenities of nearby occupants.

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no walls, fences or any other means of enclosure shall be erected unless expressly authorised.

Reason: In order to protect the character of the area/ residential amenities of nearby occupants.

Informative

- 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.