

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".

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

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.

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]

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).
-

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

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.

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.

- 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.

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

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.

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.

