
Report to: Planning Committee **Date of Meeting:** 24th August 2011

Subject: TOWN AND COUNTRY PLANNING ACT 1990 APPEALS

Report of: Jane Gowing
(Head of Planning Services) **Wards Affected:** All

Is this a Key Decision? No **Is it included in the Forward Plan?**
No

Exempt/Confidential No

Purpose/Summary

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

Recommendation(s)

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

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Jobs and Prosperity		✓	
3	Environmental Sustainability		✓	
4	Health and Well-Being		✓	
5	Children and Young People		✓	
6	Creating Safe Communities		✓	
7	Creating Inclusive Communities		✓	
8	Improving the Quality of Council Services and Strengthening Local Democracy		✓	

Reasons for the Recommendation:

What will it cost and how will it be financed?

(A) Revenue Costs – N/A

(B) Capital Costs – N/A

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	
Human Resources	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

None.

What consultations have taken place on the proposals and when?

None.

Are there any other options available for consideration?

No.

Implementation Date for the Decision

N/A

Contact Officer: Neil Fleming
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Background Papers:

Background documents can be viewed for each application at www.sefton.gov.uk/planapps.

Appeals Received and Decisions Made

From 15 July 2011 to 11 August 2011

Planning Appeal Decisions

139 Eastbank Street, Southport

S/2010/1586 - 2147825

Retention of a non-illuminated box sign at first floor level fronting onto the Bridge Street elevation

Appeal Type: Written
Lodged Date: 03/03/2011
Decision: Dismissed
Decision Date: 20/07/2011

Pavement opposite Bethel Baptist Church Southport Road, Bootle

S/2010/1212 - APP/M4320/A11/2151060/NWF

Prior Notification Procedure for the erection of a replacement telecoms mast (maximum height 12.5 metres) and associated streetworks cabinet

Appeal Type: Written
Lodged Date: 26/04/2011
Decision: WITHDRAWN
Decision Date: 19/07/2011

New Planning Appeals

1 Cobden Road, Southport

S/2011/0526 - 2156706

Erection of a first floor extension to the rear/side of the dwellinghouse

Appeal Type: Written
Lodged Date: 20/07/2011
Decision: PENDING
Decision Date: 20/07/2011

8 Geves Gardens, Waterloo

S/2011/0028 - APP/M4320/A/11/2155815

Retrospective application for the erection of a detached outbuilding to the front / side of the dwellinghouse

Appeal Type: Written
Lodged Date: 18/07/2011
Decision: PENDING
Decision Date: 18/07/2011

10 Hester Close, Hightown

S/2011/0390 - 2156729

Erection of a part single, part two storey extension to the rear; installation of a pitched roof over existing bay at the front and an extension to the porch at the side of the dwellinghouse (Alternative to S/2011/0121 refused 23/03/2011)

Appeal Type: Written
Lodged Date: 22/07/2011
Decision: PENDING
Decision Date: 22/07/2011

Site for Mast Fleetwood Hesketh Social Club Fylde Road, Southport

S/2011/0362 - 2156968

Prior Notification Procedure for the erection of a 12.5 metre high telecommunications mast and associated ancillary equipment

Appeal Type: Written
Lodged Date: 26/07/2011
Decision: PENDING
Decision Date: 26/07/2011

15 Ryeground Lane, Formby

S/2011/0640 - 2158040

Erection of a part single part two storey extension to the side / rear together with a porch to the front of the dwellinghouse (Alternative to S/2011/0318, approved 04/05/2011)

Appeal Type: Written
Lodged Date: 08/08/2011
Decision: PENDING
Decision Date: 08/08/2011

New Enforcement Appeals

7 Blundellsands Road East, Crosby

2155751 - CLB/ENF0412

Fences/Walls/Outbuildings etc.

Appeal Type: Written
Lodged Date: 08/08/2011
Decision: PENDING
Decision Date: 08/08/2011

2 Clovelly Drive, Birkdale

APP/M4320/C/11/2154626 - CLB/ENFO408

Domestic - fences/sheds/extensions etc

Appeal Type: Written
Lodged Date: 27/07/2011
Decision: PENDING
Decision Date: 27/07/2011



The Planning
Inspectorate

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Ms Collette Robertson
Sefton Metropolitan Borough
Council
Planning Appeals Officer
Magdalen House
30 Trinity Road
Bootle
Liverpool
L20 3NJ

Your Ref: S/2010/1212
Our Ref: APP/M4320/A/11/2151060/NWF
Date: 18 July 2011

Dear Ms Robertson

**Town and Country Planning Act 1990
Appeal by Vodafone Limited
Site at Land At, Southport Road, Bootle, L20 9NS**

I am writing to tell you that the appeal, reference number APP/M4320/A/11/2151060 has been withdrawn and the file is closed.

The arrangements have been cancelled.

Yours sincerely

Nadia Hussain

208B





Appeal Decision

Site visit made on 19 July 2011

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 July 2011

Appeal Ref: APP/M4320/H/11/2147825

139 Eastbank Street, Southport, Merseyside, PR8 1DQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr John Parker Nealis (Quick Loans Ltd T/A Automoney) against the decision of Sefton Metropolitan Borough Council.
 - The application Ref: S/2010/1586 dated 1 October 2010 was refused by notice dated 14 January 2011.
 - The advertisement proposed is "retention of a non-illuminated box sign at first floor level fronting onto the Bridge Street elevation".
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the one main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

3. The sign, which was in place at the date of my site visit, is displayed at first floor level on the side elevation of the appeal premises facing Bridge Street. It is non-illuminated, has an aluminium frame and perspex face. The site is within a mixed commercial and residential area within the town centre.
4. The Council has referred to Policy MD7 of the Sefton Unitary Development Plan, and I have taken this into account as a material consideration. It requires advertisements not to be obtrusive or dominant, not to create clutter on the building, and to respect the building's scale and proportions. However, powers under the Regulations to control advertisements require decisions to be made only in the interests of amenity, and where applicable, public safety. Therefore, the Council's policies alone cannot be decisive.
5. By reason of its size, elevated position on the building, and strident colour scheme, I consider the sign appears unacceptably obtrusive and dominant in the general street scene. It also has a bulky appearance which fails to respect the building's proportions and scale. The projection of about 170mm from the face of the building further emphasises its prominence. Taken together with the extensive existing signage on the premises, I agree with the Council that it adds to the visual clutter of advertising material, and the cumulative effect is harmful to visual amenity.

6. I also consider the sign creates a significant visual intrusion in the direct outlook from flats and dwellings in Bridge Street opposite the appeal premises, and this adds to my concerns.
7. The appellant says the sign replaced a similar one in the same position displayed by a previous occupier of the building. However I have no other information relating to details of this or how long it was in place. In any event, Planning Policy Guidance 19: *Outdoor Advertisement Control* (PG19) says the decision maker is not bound to follow previous decisions where advertisements are considered harmful, or where additional signs would harm the area.
8. I conclude that the display of the appeal sign is unacceptably intrusive in this location, is detrimental to the general interests of amenity, and harms the character and appearance of the area. I find it would conflict with the relevant advice in PPG19, Circular 03/2007, and the aims of UDP Policy MD7.
9. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR