

Appeal Decision

Hearing held on 15 November 2016

Site visit made on 15 November 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 20th December 2016

Appeal Ref: APP/M4320/W/16/3155439

Land and Buildings at 2 Oxford Road, Southport PR8 2JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nigel Franklin, CLS Care Services Limited/Belong against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2015/01601, dated 15 September 2015, was refused by notice dated 10 March 2016.
 - The development proposed is erection of a part three, part four storey building to be used as a specialist care facility comprising 74 bedrooms and 30 supervised apartments with ancillary facilities, associated car parking and landscaping and demolition of the existing building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a part three, part four storey building to be used as a specialist care facility comprising 74 bedrooms and 30 supervised apartments with ancillary facilities, associated car parking and landscaping and demolition of the existing building at Land and Buildings at 2 Oxford Road, Southport PR8 2JT in accordance with the terms of the application, Ref DC/2015/01601, dated 15 September 2015, subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

2. The site address on the original application form differs from that given on the appeal form. It was agreed at the Hearing that a more accurate address would be that which I have used in the banner hearing and formal decision above.
 3. The original description of development on the application form omits reference to the scale of the proposed building. It was agreed at the Hearing that the description on the Council's decision notice is more accurate. The formal decision above reflects this.
 4. Additional plans have been provided in support of the appeal. The plans largely provide visual renders for illustrative purposes and do not alter the proposed scheme. The Council confirmed at the Hearing it had no objection to my consideration of the plans. I do not believe any party would be unfairly prejudiced by my having regard to the additional plans and I have therefore determined the appeal on that basis.
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Main Issue

5. The Council's reasons for refusal included concerns regarding the effect of the proposal on protected species. However, it is indicated in the Statement of Common Ground, and was further confirmed at the Hearing, that the Council no longer contest the matter.
6. On that basis, the main issue is whether the proposal would preserve or enhance the character or appearance of the West Birkdale Conservation Area.

Reasons

7. Policy HC1 of the Sefton Unitary Development Plan 2006 (UDP) permits development within conservation areas where the appearance and character of the area will be preserved or enhanced. Paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of designated heritage assets. Conservation areas are identified as designated heritage assets.
8. Policy NH11 of the emerging Local Plan for Sefton, Proposed Modifications 2016 (LP) seeks to ensure that development within conservation areas will preserve or enhance the character or appearance of the conservation area. Whilst the policy does not carry the full weight of the development plan, it is at an advanced stage. It is, therefore, a consideration of some weight.
9. Policy DQ1 of the UDP states that development will not be permitted unless it responds positively to the character and form of its surroundings. This is reflected in emerging Policy EQ2 of the LP.
10. The appeal site lies within the predominately residential West Birkdale Conservation Area. The West Birkdale Conservation Area Appraisal 2008 (CA) identifies that the historical significance of the conservation area lies in its links with the wider area, in particular the planned Victorian developments nearby in the Birkdale Park and Birkdale Village Conservation Areas. West Birkdale subsequently grew from a desire to expand the original Birkdale Park development. As a result, the area grew rapidly from the 1890's onwards.
11. Accordingly, the properties here are generally late Victorian, with some examples of early Edwardian buildings. There is a common palette of red brick, tiles and timber windows throughout the conservation area. Paragraph 5.1.2 of the CA indicates that most buildings in the conservation area are of consistent height, whilst it identifies the topography of the area as broadly flat. Although properties are generally two-and-a-half storey in height, there are some variations. For example, the properties on the south side of Oxford Road, including the appeal site, are between 2 and 3 storeys, with a gently sloping topography providing greater variance in the scale of the buildings.
12. The spatial character of the conservation area is largely defined by the perpendicular streets of the nearby Westbourne Road and the more distant Grosvenor Road. The prevailing grain and density of the area can be found in the regularly spaced, deep plots which are narrow in width and contain generously proportioned detached houses. This is reflected most notably on Westbourne Road - a long and wide avenue characterised by large, detached houses sited on narrow plots of considerable depth. The character of Westbourne Road makes a positive contribution of some importance to the significance of the conservation area.

13. In contrast, the south side of Oxford Road contains just three buildings. The appeal site is located at the uncton of Oxford Road and Palace Road. It is a large plot of land, occupied by a large building previously used as a school, along with an associated outbuilding, hard standing, car parking and landscaping. The building is relatively modern in character. It was indicated at the Hearing that it sits in a similar location to a Victorian-era villa which was demolished in the 20th century.
14. Adjacent is 4 Oxford Road, which is a modern building of little historical or aesthetic value. On the corner of Westbourne Road and Oxford Road is 6 Oxford Road. This is a building of considerable architectural merit. The CA identifies it as a property which contributes to the character of the conservation area, whereas No 2 and No 4 have a neutral effect. Nevertheless, it is pre-eminently read in the context of views along Westbourne Road. To that end, Oxford Road is characterised rather more by the modern housing on the north side which extends into the modern housing located on Palace Road.
15. These houses do not reflect the spacious pattern of development found within the conservation area. Several properties on Palace Road which were previously within the conservation area have been removed from its boundaries due to their negative contribution. Evidence was presented at the Hearing which suggests that a large hotel known as the Palace Hotel previously existed on the north side of Oxford Road. The hotel was demolished in the 1960's following a gradual diminution in the extent of its grounds due to the introduction of modern housing development.
16. The views along streets such as Westbourne Road are important in contextualising the significance of the conservation area. The gradual curve of streets progressively reveals the buildings and the open, spacious context which their pattern conveys. Nevertheless, given the distinct linear pattern, the views which best expose the significance of the asset are largely confined to vantage points within the streets themselves.
17. Given the distance from the junction of Westbourne Road and Oxford Road, the appeal site is read more within the context of the properties outside of the conservation area than with the historical grain and pattern of Westbourne Road. Whilst the appeal site is located on a large corner site at the boundary of the conservation area, the route along Palace Road and Oxford Road is not a main thoroughfare into the area. Indeed, the CA identifies this as a secondary route. The Council agreed at the Hearing that it is not a key site. In my view, the appeal site is not one of any particular prominence within the conservation area nor does it have any overarching role as a gateway site.
18. The majority of the properties along Westbourne Road are identified as contributing towards the character of the area. In contrast, the appeal site, along with the adjacent property, 4 Oxford Road, is identified as being of neutral interest. Paragraph 5.1.6 of the CA identifies the existing building in its current condition as detrimental to the character of the conservation area. At the Hearing, the Council indicated that it has no concerns with regard to the loss of the building, agreeing that, whilst architecturally it makes a neutral contribution, its condition makes a negative contribution.
19. I recognise that the building is not the only solution to remedying the harmful effects of the building's current condition, although the appellant has indicated that such betterment does not form part of their case. Nevertheless, I agree

that, given its condition and its lack of significant architectural merit, the loss of the building would not harm the character and appearance of the conservation area. Indeed, in my view, it does not, along with its immediate surroundings on Oxford Road, play a particularly important role in defining the significance of the West Birkdale Conservation Area.

20. The CA recognises that views of specific buildings are not generally important to the conservation area, as there is very little hierarchy between the older buildings. The only 'feature' building is Terra Nova located towards the southern boundary of the conservation area. It does, however, identify undeveloped areas to the north and west as having views towards the conservation area. I was able to see from my visit that views across the appeal site from Palace Road and beyond offer a perspective of the rear of several properties on Westbourne Road. Within these views, the scale of the properties, the spacing between them, as well as some of their ornate architectural characteristics are apparent.
21. However, these views are limited in their extent, being partially obscured by topography, vegetation and other buildings outside of the conservation area. They do not expose the sweeping curves or the considerably greater aesthetic value of the front elevations of Westbourne Road. Nor do they offer a particularly cohesive insight into the kinetic experience of the historical, spacious and linear characteristics of the conservation area.
22. There is no doubt the proposed building would be of considerable scale and would be notable within those aforementioned views. However, the inability to appreciate the aspects of the heritage asset which are obtainable in those views due to the building would not, in my opinion, unduly detract from the overall significance of the conservation area.
23. The CA identifies that buildings generally fill a maximum of around 10% of their plots. The proposal would occupy a proportion of its plot well in excess of this. However, the CA identifies typical plots as 15-20m wide and 90-110m depth. That is not the case here. The appeal site is considerably larger than typical plots in the area. The CA also identifies corner plots as square shaped with buildings positioned centrally with 3 prominent elevations. Again that is not the case here. Furthermore, the CA identifies that the building line is consistently set back around 8-10m from the road within the conservation area. Paragraph 5.1.3 of the CA identifies properties as having an equivalent set back from the road with repeated spacing. The proposal would be set back to this extent on the Oxford Road frontage, with an equally considerable, staggered set back in the building line on Palace Road. Ultimately, the proposal would result in a large building on a large plot. Consequently, it would generally reflect the overarching pattern of the area.
24. I note that the proposal would reduce the openness of the site. I also note that the existing level of space on the site references back to the historical origins of the Victorian villa. However, the proposal would still retain a significant level of open space and landscaping, including dense vegetation and planting. Moreover, I agree with the appellant that the spaciousness of the site in itself does not make any particular contribution to the significance of the conservation area. The appeal site is somewhat dishevelled in its appearance and does not reflect the ornamental planting found elsewhere in the area.

25. I also note that the proposal would generally appear as a single building and that it would be higher than properties on Palace Road which, due to the topography, have a lower ground level than a large proportion of the appeal site. I too recognise that its massing would be in excess of other buildings in the area, with a considerable proportion of the site's frontage on Palace Road consumed by built form.
26. Nonetheless, the building would be only one storey higher than adjacent properties on Palace Road. Moreover, the topography of the site slopes down along Palace Road. In addition, the scheme would incorporate design features such as dormer windows, lowered eaves and step backs in the front elevation which would assist in breaking up the massing of the building. Indeed, it would adhere to the building line of the adjacent properties on Palace Road and would be set back a considerable distance on approach to the corner with Oxford Road. Furthermore, the visual impact of the Palace Road element would be softened by trees and vegetation. This would, as a result, reduce any perception of dominance.
27. The Council raised no substantive concerns at the Hearing with regard to the scale and massing of the scheme in respect of its Oxford Road aspect. I agree that, whilst it would have an increased scale of frontage than the existing building, it would be broadly similar in height to the adjacent properties on Oxford Road. Indeed, it would be lower than No 6 when taking into account ground levels. Furthermore, the extent of the frontage would be broken up by the access point, hard and soft landscaping either side of the building.
28. The proposal would be distinctly contemporary in its appearance, and to some extent functional in its use of materials. However, the scheme would adopt a modern approach to traditional details and would not, in my view, appear as a pastiche. It would incorporate details such as red brick, render and horizontal white banding strips which are found elsewhere in the area, as well as the use of small balconies. Paragraph 6.3 identifies that the use of such features is prevalent across the conservation area. To that end, I am satisfied that, on the whole, the scheme is an appropriate design response to its context.
29. I conclude, therefore, that the proposal would preserve the character and appearance of the West Birkdale Conservation Area. The proposal would, consequently, accord with Policy HC1 of the UDP. I have also found that it would comply with the design aims of Policy DQ1 of the UDP. The proposal would also accord with the provisions of the Framework in respect of conserving and enhancing the historic environment. Furthermore, the proposal would comply with emerging Policies NH11 and EQ2 of the LP.
30. Considerable discussion was held at the Hearing regarding the public benefits of the scheme, including the contribution of the proposal towards meeting an acute need for specialist accommodation in the Borough. However, as I have found that the proposal would preserve the character and appearance of the conservation area, there would be, by definition, no harm to the designated heritage asset. There is therefore no need to undertake a balancing exercise in line with paragraph 134 of the Framework.

Other Matters

31. I have considered the concerns of local residents regarding the effect of the proposed access and parking arrangements on highway safety and heard representations from a local resident at the Hearing regarding the matter.
32. I note that the proposal would result in a material increase in the number of vehicular movements in the area due to residents, staff and visitors. However, the Local Highway Authority has raised no substantive concerns with the proposal and it is noted that the level of off-street car parking would be appropriate given the location of the site. The proposal would generate around one additional vehicle every 5 minutes during peak hour periods. This would have little impact on the local network. The site also has reasonably good public transport links with bus stops nearby, as well as Birkdale Rail Station which is within cycling and walking distance. Moreover, there is no compelling evidence which suggests that there are existing problems with on-street parking that would be exacerbated as a result of the proposal. I am, therefore, satisfied the proposal would not have a severe effect on highway safety.
33. I have had regard to the concerns of neighbouring residents in respect of the effect of the proposal on their living conditions, in particular the occupants of 37 Palace Road which is adjacent to the site. I note that the proposed building would be set back behind the rear wall of No 37, would be three storeys in height and would not contain any significant fenestration in its flank elevation.
34. Nevertheless, the building would be in line with the front of No 37 and, whilst it would project beyond the rear elevation of No 37, it would be set in a considerable distance from the shared boundary. In addition, significant landscaping and vegetation would be introduced between the building and the adjacent property. Whilst there are windows to the rear, there are no windows which serve habitable rooms in the side elevation of the main house of No 37.
35. Taking that all into account, the proposal would be unlikely to result in a significant effect on the outlook from the rear garden of No 37. Moreover, it would not result in any particular loss of privacy for the adjacent residents and the orientation of the proposal is such that it would not result in any significant loss of light in the rear windows of No 37.
36. I am further satisfied that the building would be sited sufficient distance from other neighbouring dwellings to avoid any harmful effects in respect of loss of privacy, loss of daylight or outlook to those residents. There is no compelling evidence that the proposed use, which is largely residential, would give rise to significant levels of noise and disturbance or light pollution that would be harmful to surrounding residents.
37. I note the concerns raised, both in writing and at the Hearing, from local residents regarding the effect of the proposal on ecology. Whilst the Council originally refused the application on the lack of information regarding ecology impacts, an updated Phase 1 Habitat Survey was subsequently provided. The survey indicates that the appeal site is considered suitable for the foraging and commuting requirements of bats. However, it identifies recommendations and mitigation measures for the scheme which would avoid any significant impacts.
38. In the absence of any compelling evidence to the contrary, and subject to conditions to secure the measures set out in the survey, I am satisfied that on the evidence before me, the proposal would not have any harmful impact on ecology.

39. It has been put to me that there is no need for additional care facilities in the area. However, I have no substantive evidence to that effect. Indeed, it was evident from the discussions at the Hearing that the proposal would contribute to an acute need in the supply of specialist care housing in the area.
40. I note concerns regarding ground stability and drainage. However, I have been presented with little evidence that the proposal would have harmful effects in respect of these matters. In any event, I am satisfied that any such impacts would be suitably addressed by conditions.
41. In terms of the potential effect of the proposal on the capacity of local services, facilities and infrastructure, I have not been given any detailed evidence which quantifies the extent of any local shortage or the need for any new facilities nor indeed the capacity of existing infrastructure. As a result, I afford this matter little weight.
42. Paragraph 7 of the Framework states that there are three dimensions to sustainable development – an economic role, a social role and an environmental role. These roles are mutually dependent. On the evidence before me, I consider the proposal would have some economic benefits in terms of job creation during construction and operation of the facility. There would also be social benefits in the provision of specialist housing for which there is an identified need in the Borough. It would also contribute to the environmental role as it would preserve the character and appearance of the West Birkdale Conservation Area and would be located in an accessible location. The appeal proposal would, as a result, constitute sustainable development in accordance with the principles of the Framework.
43. I note the level of opposition from local residents in the form of a petition, as well as opposition from a local Councillor. However, the Planning Practice Guidance¹ states that local opposition to a proposal is not in itself a ground for refusing planning permission, unless it is founded upon valid material planning reasons. For the reasons above, that is not the case here.

Conditions

44. In addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty. Conditions requiring samples of the proposed materials, the landscaping of the site and details of the proposed scooter and bin stores and substation are necessary to preserve the character and appearance of the West Birkdale Conservation Area.
45. A condition requiring mitigation measures in the event that piling works are to be carried out at the site is necessary to prevent harm to the living conditions of neighbouring residents. For the same reason, a condition in respect of demolition works is also necessary. To protect the health of retained trees on the site and the contribution they make to the character and appearance of the conservation area, a condition requiring protection measures during construction is necessary.
46. To ensure the proposal does not result in harmful effects on highway and pedestrian safety on Oxford Road or Palace Road, conditions relating to the construction of the proposed accesses, vehicle parking, visibility splays and the agreement of a construction management plan are necessary. Conditions

¹ PPG Paragraph 016 Reference ID: 21b-016-20140306

relating to cycle parking and the requirement for a Travel Plan are necessary to encourage the use of alternative modes of transport other than the private car, in line with Section 4 of the Framework.

47. I consider it reasonable to impose conditions regarding surface and foul water drainage to ensure the site is appropriately drained and does not contribute towards the risk of flooding. A condition preventing the removal of vegetation during breeding bird season is necessary to ensure their protection, as are conditions requiring implementation of the mitigation measures and recommendations contained in the Phase 1 Habitat Survey. Conditions are also necessary to ensure that risks from potential land contamination to the future users of the site and surrounding land are minimised to acceptable levels.
48. Finally, as the scheme seeks to meet a specific, identified housing need and would not, as a result, require a contribution towards affordable housing, it is necessary to impose a condition which restricts the use of the approved development to that proposed.

Conclusions

49. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Jason Whitfield

INSPECTOR

SCHEDULE

- 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 the following approved plans: P3866-001 Rev A; P3866-002 Rev A; P3866-003 Rev A; P3866-100 Rev B; P3866-101 Rev A; P3866-102 Rev A; P3866-103 Rev B; P3866-104 Rev A; P3866-105 Rev A; P3866-106 Rev B; P3866-107 Rev B; P3866-108 Rev B; P3866-109 Rev A; P3866-110 Rev B; P3866-111 Rev A; P3866-112; P3866-120 Rev A; P3866-121 Rev A; P3866-122; 14.574-100; 14.574-101; 14.574-102 Rev P.2; 14.574-103; 14.574-104 Rev P.2; 14.574-105; 14.574-106; 14.574-107; 14.574-108; 14.574-109; 14.574-110; P3866-130; P3866-131; P3866-132 and P3866-133.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) 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 agreed in writing by the local planning authority prior to work commencing on site. All piling/ground compaction works shall be carried out in accordance with the agreed details.
- 5) Prior to the demolition of the existing buildings, a schedule of demolition works shall be submitted to and agreed in writing by the local planning authority. All demolition shall then be carried out strictly in accordance with the agreed schedule.
- 6) Prior to the commencement of the development hereby permitted, a method statement detailing measures to be taken during construction to protect the health of the existing trees shall be submitted to and agreed in writing by the local planning authority. Thereafter, the measures contained within the agreed statement shall be implemented in full throughout the construction phase of the development hereby permitted.
- 7) Prior to the commencement of the development hereby permitted, a scheme of works for the vehicular and pedestrian accesses shall be submitted to and approved in writing by the local planning authority. No part of the development hereby permitted shall be brought into use until a means of vehicular and pedestrian access to the development has been constructed in accordance with the agreed scheme of works.
- 8) No part of the development hereby permitted 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 plans set out under Condition 2. The areas shall be retained in perpetuity thereafter for that specific use.
- 9) No part of the development hereby permitted shall be brought into use until visibility splays of 2m x 2m measured down each side of the access

and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 0.9m above the footway level of Oxford Road and Palace Road. The visibility splays shall be maintained clear of any obstruction and retained for the intended purpose at all times.

- 10) Prior to the commencement of the development hereby permitted, a Construction Management Plan (CMP) shall be submitted to and agreed in writing by the local planning authority. The CMP shall contain details of measures to ensure that mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance. Thereafter the CMP shall be implemented and adhered to throughout the period of construction of the development hereby permitted.
- 11) No part of the development hereby permitted shall be brought into use until space and facilities for cycle parking have been provided on site in accordance with the approved plan ref: P3866-100 Rev B. The cycle parking facilities shall be retained in perpetuity thereafter for that specific use.
- 12) No part of the development hereby permitted shall be occupied until a Travel Plan for the development has been submitted to and agreed in writing by the local planning authority. Thereafter, the provisions of the Travel Plan shall be implemented as agreed and operated throughout the lifetime of the development hereby permitted.
- 13) Prior to the commencement of the development hereby permitted, a surface water drainage scheme, based on the hierarchy of drainage options set out in National Planning Practice Guidance, along with evidence of an assessment of the site conditions shall be submitted to and agreed in writing by the local planning authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national standards and no surface water shall discharge to the public sewerage system either directly or indirectly. The development hereby permitted shall be carried out in accordance with the agreed details and maintained as such for the lifetime of the development.
- 14) Foul and surface water shall be drained on separate systems.
- 15) No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1st March to 31st August inclusive.
- 16) The landscaping of the site shall be carried out in accordance with approved plan ref: 14.574-104 Rev P.2 within either the first planting and seeding season following the first occupation of the development hereby permitted or following the completion of the development hereby permitted, whichever is the sooner. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or are confirmed by the local planning authority as seriously damaged or diseased, shall be replaced with others of similar size and species in the next planting season.

- 17) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- a survey of the extent, scale and nature of contamination;
 - the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.
- 18) No development shall take place where land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out in accordance with the approved details (and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority) before the development is commenced.
- 19) Any contamination that is found during the course of construction of the development permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 20) All recommendations detailed within Section 12 of the Extended Phase 1 Habitat Survey by the Tyrer Partnership dated 7th September 2016, including the provisions in respect of external lighting, shall be implemented prior to the development being brought into use in accordance with a scheme to be first submitted to and agreed in writing by the local planning authority.
- 21) All mitigation measures detailed within Section 13 of the Extended Phase 1 Habitat Survey by the Tyrer Partnership dated 7th September 2016 shall be carried out prior to the first occupation of the development and

thereafter retained in accordance with those details for the lifetime of the development hereby permitted.

- 22) The building hereby permitted shall be occupied as a combination of specialist residential care accommodation and retirement apartments and for no other purposes defined with Class C2 of the schedule to the Town and Country (Use Classes) (Amendment) (England) Order 2015 (or any subsequent amending legislation). The specialist care element identified in the approved plans under Condition 2 shall be occupied by those with a range of care and support needs including older people with dementia. The hereby approved apartments shall not be occupied other than by persons who have attained the age of 55 years with a care or support need, together with the spouse or partner of such persons, including a widow or widower who may be under 55 years of age.
- 23) Prior to their construction, full elevation details of the hereby permitted scooter and bin stores, and substation shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the agreed details.

-----END OF SCHEDULE-----

APPEARANCES

FOR THE APPELLANT:

Leon Armstrong BA(Hons) DipTP MRTPI	Associate, Mosaic Town Planning
John Barrett of Counsel	Kings Chambers, Manchester
Peter De Figueiredo Dip Arch MA	Independent Heritage Consultant
(Urban Design) RIBA IHBC	
Tracey Stakes FCA	Finance Director, CLS Care Services Ltd
Emma Tanti BA(Hons) BARch RIBA	Associate, Pozzoni Architecture

FOR THE LOCAL PLANNING AUTHORITY:

Kevin Baker MRTPI	Development Management Team Leader, Sefton Metropolitan Borough Council
Daniel Byron MRTPI	Principal Planning Officer, Sefton Metropolitan Borough Council
Ian Ponter of Counsel	Kings Chambers, Manchester

INTERESTED PERSONS:

Anne Hillman	Local resident
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DOCUMENTS

- 1) *Secretary of State for the Environment v South Lakeland District Council* [1992] 1 PLR 143
- 2) *R (on the application of The Forge Field Society et al) v Sevenoaks District Council* [2014] EWHC 1895
- 3) Statement of Common Ground.
- 4) West Birkdale Conservation Area Appraisal Adopted March 2008.
- 5) Ordnance Survey Maps of Appeal Site and Surroundings Dated 1892, 1893, 1909, 1928 and 1938.
- 6) Planning permission DC/2014/02199 approved plans Ref: A(200)01 and A(300)07.
- 7) E-mail dated 11 November 2016 from NLP Planning.
- 8) Sefton Council 5 Year Supply Statement 2015 Updated, December 2015.

PLANS

- 1) A3 copies of plans submitted with original application.
- 2) A3 copies of additional plans submitted with the appeal.
- 3) Additional Plans Ref: 127 and 128.