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## Appeal Decision

Site visit made on 11 July 2022

**by C Rafferty LLB (Hons), Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> July 2022**

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### **Appeal Ref: APP/Z4310/W/22/3292042**

### **Woodhouse Close, Liverpool L4 4HY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Tom Field (Modern Homes Designs) against the decision of Liverpool City Council.
  - The application Ref 20DIS/1002 dated 6 April 2020, sought approval of details pursuant to condition Nos 3, 4, 5, 8, 10, 11, 12 and 15 of a planning permission Ref 16F/2269, granted on 18 April 2018.
  - The application was refused in respect of conditions 10 and 12 by notice dated 17 January 2022.
  - The development proposed is to erect 7 dwelling houses in one terraced block and a 3 storey block comprising of 24 flats with vehicular access off Woodhouse Close and associated works.
  - The details for which approval is sought are: a scheme for the disposal of foul and surface waters and the design of the surface water drainage of the site.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is whether the details submitted in relation to conditions 10 and 12 of planning permission 16F/2269 are acceptable.

### **Reasons**

3. The appeal site comprises land at the junction of Walton Road and Woodhouse Close in Liverpool. It is situated in an area characterised by a range of uses, but with numerous terraced and semi-detached dwellings in the immediate locality. I observed on my visit that construction of townhouses and apartments has commenced on site.
4. Planning permission 16F/2269 for 7 dwelling houses and a 3 storey block comprising of 24 flats with vehicular access was granted at the site, subject to numerous conditions. This includes conditions 10 and 12, which state:  
  
10) Prior to commencement of development, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and completed to the satisfaction of the local planning authority before the development is occupied/brought into use.

Reason: To ensure a satisfactory means of drainage in accordance with Policy EP12 of the Liverpool Unitary Development Plan.

12) The development shall not be implemented until the surface water drainage of the site has been designed to prevent the discharge of water on to the public highway. The drainage design shall be submitted to and approved in writing by the Council as Local Planning Authority.

Reason: To prevent unnecessary surface water from being deposited on to the highway thus causing a potential source of danger to other road users.

5. The Council has refused to discharge conditions 10 and 12, stating the details submitted were not satisfactory. A Drainage Plan was provided, showing the location of the existing and proposed surface water and foul water sewers at the site, relative to the proposed townhouses and apartments.
6. However, conditions 10 and 12 require submission of a scheme and design, respectively. Due to this precise wording, I consider they seek specific details on the nature and workings of the foul water disposal and surface water drainage and disposal at the development. The plan provided does not adequately address this, merely showing the location of proposed sewers.
7. I acknowledge that a surface water drainage scheme has been submitted with the appeal. This confirms that new surface water drainage will be installed to collect water from the roofs and hardstanding areas. However, the layout provided at Appendix C does not relate to the proposed development that is the subject of this appeal, instead showing only 6 townhouses alongside the apartment block. As such, no surface water drainage scheme has been submitted in respect of the proposed development before me.
8. For the reasons given, I do not have sufficient information before me to discharge conditions 10 and 12 of planning permission 16F/2269.

### **Other Matters**

9. Due to the proximity of the proposed townhouses to a sewer at the site, a second application was submitted for 6 townhouses and no apartments. The appellant has stated that this application was approved under reference 20F/1925 and the details provided in respect of drainage were acceptable. I do not have a copy of this permission, the drainage details submitted in respect of it, or any evidence of the Council's acceptance of such details.
10. It appears the appellant now wishes to build 6 townhouses and a 3 storey block of 24 apartments at the site. However, I am unable to sever the site to discharge conditions of 16F/2269 in respect of the apartment block only. The scheme before me is for 7 townhouses and 24 apartments, and I must consider the appeal on this basis.

### **Conclusion**

11. For the reasons given, the appeal should be dismissed.

*C Rafferty*

INSPECTOR