

MEETING: PLANNING COMMITTEE

DATE: 13th January 2010

TIME: 6.30 pm

VENUE: Town Hall, Southport

Member

Councillor
Cllr Ian Moncur (Chair)
Cllr Daren Veidman (Vice-Chair)
Cllr Martyn Barber
Cllr James Byrne
Cllr Jack Colbert
Cllr Roy Connell (Spokesperson)
Cllr Mrs Maureen Fearn J.P.
Cllr Thomas Glover O.B.E.
Cllr Ms Carol Gustafson O.B.E.
Cllr James Mahon
Cllr Carmel Preston
Cllr Robert Roberts
Cllr Eric Storey (Spokesperson)
Cllr David Sumner
Cllr Paul Tweed

Substitute

Councillor
Cllr Owen Brady
Cllr Gordon Friel
Cllr David Pearson
Cllr Peter Hough
Cllr Richard Hands
Cllr John Gibson
Cllr John Dodd
Cllr Mark Bigley
Cllr Ms Doreen Kerrigan
Cllr Miss Veronica Webster
Cllr Simon Shaw
Cllr Terry Jones
Cllr Anne Ibbs
Cllr Andrew Tonkiss
Cllr Robert Brennan

COMMITTEE OFFICER: Olaf Hansen Committee Clerk
Telephone: 0151 934 2067 / 2033
Fax: 0151 934 2034
E-mail: olaf.hansen@legal.sefton.gov.uk or
lyndzay.roberts@sefton.gov.uk

If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

A G E N D A

1. **Apologies for Absence**
2. **Declarations of Interest**

Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.
3. **Minutes of Previous Meeting** (Pages 5 - 16)

Minutes of the meeting held on 16 December 2009
4. **Petitioned Applications** (Pages 17 - 20)
 - A **Application No.S/2009/0930 - 59 Cambridge Road, Southport** (Pages 21 - 30)
 - B **Application No.S/2009/1074 - Land Adjacent 21 Crown Close, Formby** (Pages 31 - 40)
5. **Applications for Planning Permission - Approvals** (Pages 41 - 44)
 - A **Application No.S/2009/0990 - Mews Cottage 38 Lancaster Road, Birkdale, Southport** (Pages 45 - 52)
 - B **Application No.S/2009/1001 - Cambridge Hall, Atkinson Library & Art Gallery and Bank Buildings, Lord Street, Southport** (Pages 53 - 60)
 - C **Application No.S/2009/1002 - Cambridge Hall, Atkinson Library & Art Gallery and Bank Buildings Lord Street, Southport** (Pages 61 - 70)
 - D **Application No.S/2009/1011 - Former Dairy, 5 Marsh Brows, Formby** (Pages 71 - 82)
 - E **Application No.S/2009/1019 - St John And St James Church 50a Monfa Road, Bootle** (Pages 83 - 92)
 - F **Application No.S/2009/1030 - Land Adjoining 12 Banks Road, Southport** (Pages 93 - 100)
 - G **Application No.S/2009/1064 - 221-223 Knowsley Road, Bootle** (Pages 101 - 106)
 - H **Application No.S/2009/1112 - Netherton Moss Primary School, Swifts Lane, Netherton** (Pages 107 - 112)
 - I **Application No.S/2009/1113 - Park Haven Trust Liverpool Road South, Maghull** (Pages 113 - 118)
 - J **Application No.S/2009/1136 - 21 Victoria Road, Formby** (Pages 119 - 126)
6. **Joint Waste Development Plan - Consultation on Preferred Options** (Pages 127 - 156)

Report of the Planning and Economic Regeneration Director
7. **Article 4(2) Direction for Moor Park Conservation Area** (Pages 157 - 164)

Report of the Planning and Economic Regeneration Director

- 8. Urgent Works Notices - 40 Lancaster Road, Birkdale and the International Hotel, Crosby Road South, Seaforth** (Pages 165 - 170)
Report of the Planning and Economic Regeneration Director
- 9. Tree Preservation Order - 2a Westcliffe Road, Southport** (Pages 171 - 174)
Report of the Planning and Economic Regeneration Director
- 10. Works in Default within Queens Road/Bedford Road HMRI Area - 1-3 Bedford Road, Bootle** (Pages 175 - 178)
Report of the Planning and Economic Regeneration Director
- 11. Works in Default at 15 Chetwood Avenue, Crosby** (Pages 179 - 182)
Report of the Planning and Economic Regeneration Director
- 12. Town and Country Planning Act 1990 - Appeals** (Pages 183 - 188)
Report of the Planning and Economic Regeneration Director

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THIS SET OF MINUTES IS NOT SUBJECT TO "CALL-IN"

PLANNING COMMITTEE

MEETING HELD AT THE TOWN HALL, BOOTLE ON 16 DECEMBER 2009

PRESENT: Councillor Moncur (in the Chair)
Councillor Veidman (Vice-Chair)

Councillors Barber, Byrne, Colbert, Connell, Glover,
Gustafson, Preston, Roberts, Storey, Sumner,
Tweed and Dodd

ALSO PRESENT: Councillors M.Dowd, Friel, Griffiths, Ibbs, Kerrigan,
Larkin, McGiure and Weavers

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M.Fearn and Mahon.

2. DECLARATIONS OF INTEREST

The following declarations of interest were received:-

Member / Officer	Item	Interest	Action taken
Councillor Gustafson	Application No.S/2009/0640 Alexandra Branch Dock No. 1, Regent Road, Bootle	Prejudicial – Had previously objected to the application	Made representations to the Committee, then left the room and took no part in consideration of the item and did not vote thereon
Councillor Preston	Application No.S/2009/0738 Market Hall, King Street, Southport	Prejudicial– Against the Southport Library closure	Left the room and took no part in consideration of the item and did not vote thereon
Councillor Dodd	Application No.S/2009/0738 Market Hall, King Street, Southport	Prejudicial– Against the Southport Library closure	Left the room and took no part in consideration of the item and did not vote thereon

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Councillor Sumner	Application No.S/2009/0738 Market Hall, King Street, Southport	Prejudicial– Against the Southport Library closure	Left the room and took no part in consideration of the item and did not vote thereon
Councillor Viedman	Application No.S/2009/0834 Alexander House, Montgomery House, and Churchill House, King Park, Seaforth	Prejudicial – Supported application on One Vision Housing Leaflets	Left the room and took no part in consideration of the item and did not vote thereon
Councillor Connell	Application No.S/2009/0834 Alexander House, Montgomery House, and Churchill House, King Park, Seaforth	Prejudicial – One Vision Housing Board Member	Left the room and took no part in consideration of the item and did not vote thereon
Councillor Connell	Application No.S/2009/0864 Ashworth Hospital, South School Lane, Maghull	Prejudicial – Had previously objected to the application	Left the room, and took no part in the consideration of the item and did not vote thereon.

3. MINUTES OF THE MEETING HELD ON 11 NOVEMBER 2009

RESOLVED:

That the Minutes of the meeting held on 11 November 2009 be confirmed as a correct record.

4. APPLICATION NO. S/2009/0874 - 61 & 63 ALBERT ROAD, SOUTHPORT

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for the erection of 11 townhouses (a block of 5 no. four-storey townhouses fronting Albert Road and a block of 6 no. part three-storey, part four-storey houses at the rear) following the demolition of the existing two Victorian villas on the site be refused for the reasons stated or referred to in the report.

RESOLVED:

That the recommendation be approved and the application be refused for the reasons stated within the report.

5. APPLICATION NO. S/2009/0943 - 19 WHITEFIELD CLOSE, HIGHTOWN

The Committee considered a report of the Planning and Economic Regeneration Director recommending that the above application for the erection of a two-storey side extension be granted subject to the conditions and reasons stated or referred to in the report.

RESOLVED:

That the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report.

6. APPLICATION NO. S/2009/0948 - ST. LUKES PRIMARY SCHOOL, COOKS ROAD, CROSBY

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for a car park to include security fencing, automated gates and lighting at St. Lukes C of E Primary School, Crosby be approved subject to the conditions and reasons stated or referred to in the report and Late Representations.

Prior to consideration of the application, the Committee received a petition from Miss Grunes on behalf of the objectors against the proposed development.

RESOLVED:

That the recommendation be approved and the application be approved subject to the conditions referred to in the report and Late Representations.

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(In accordance with Rule 18.5 of the Council and Committee Procedure Rules, Councillor Roberts requested that his vote against this resolution be recorded).

7. APPLICATION NO. S/2009/0958 - 19 BATH STREET, SOUTHPORT

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for the change of use of the premises to six self-contained flats involving alterations to the elevations after demolition of the existing rear conservatory and store be refused for the reasons stated or referred to in the report.

Prior to consideration of the application, the Committee received a petition from Mr Campbell on behalf of the objectors against the proposed development.

RESOLVED:

That the recommendation be approved and the application be refused for the reasons stated within the report.

8. APPLICATION NO. S/2009/0771 - CAR PARK, PENDLE VIEW, LITHERLAND

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for the erection of a total of 8 two-storey dwelling houses comprising of two pairs of semi-detached dwelling houses and one block of 4 town houses with associated landscaping and car parking, alternative to S/2009/0405 withdrawn 1/07/09, be approved subject to the conditions and reasons stated or referred to in the report and late representations.

Councillor M.Dowd as Ward Councillor, made representations against the proposed development.

RESOLVED:

That consideration of the above application be deferred to the next meeting of the Committee.

**9. ENFORCEMENT ACTION AT FORMBY FOOTBALL CLUB -
ALTCAR ROAD, FORMBY**

Further to the Minute No. 82 of the 14 October 2009, the Committee considered the report of the Planning and Economic Regeneration Director advising of the current position regarding alleged breaches in planning control at Formby Football Club.

Prior to consideration of the application, the Committee received a petition from Mr Cunningham opposing the actions proposed within the report.

Councillor Griffiths, as Ward Councillor, made representations against the proposed action.

RESOLVED: That

- (1) the actions as proposed within the report to remedy breaches of planning control at Formby Football Club, Altcar Road, Formby be approved; and
- (2) the Legal Director be requested to issue appropriate enforcement notices in consultation with the Planning and Economic Regeneration Director .

**10. APPLICATION NO. S/2009/0640 - ALEXANDRA BRANCH DOCK
NO. 1, REGENT ROAD, BOOTLE**

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for the development of an electricity generation facility on part of the existing metals recycling facility, comprising the erection of steel clad Main Processing Building, Turbine & Boiler Building, Un-Processed materials Storage Building , conveyer belt system, associated plant and machinery and perimeter fencing be approved subject to the conditions and for the reasons stated or referred to in the report.

Councillors Friel and Kerrigan, as Ward Councillors, made representations against the proposed development.

RESOLVED:

That consideration of the above application be deferred to allow for further consultation.

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11. APPLICATIONS FOR PLANNING PERMISSION - APPROVALS

RESOLVED:

That the following applications be approved, subject to:-

- (1) the conditions (if any) and for the reasons stated or referred to in the Planning and Economic Regeneration Director's report and/or Late Representations 1 and 2; and
- (2) the applicants entering into any legal agreements indicated in the report or Late Representations:

Application No.	Site
S/2009/0738	Market Hall King Street, Southport
S/2009/0766	Broadlands Nursing Home, 90 Windsor Road, Southport
S/2009/0834	Alexander House, Montgomery House & Churchill House, Kings Park, Seaforth
S/2009/0854	Rose Mount Nurseries, Pygons Hill Lane, Lydiate
S/2009/0864	Land to the Rear 226-228 Duke Street, Southport
S/2009/0865	Ashworth Hospital South, School Lane, Maghull
S/2009/0871	Bedford Queens Phase 3 Various Premises on Keble Road, Exeter Road, Hertford Road and Queens Road, Bootle
S/2009/0975	Former Leaf UK Site, 66 Virginia Street, Southport
S/2009/1004	Site of Former Southport General Infirmary, Scarisbrick New Road, Southport

(Councillor Weavers made representations as Ward Councillor opposing the applications S/2009/0975 and S/2009/1004 relating to the former Leaf UK site, 66 Virginia Street and the site of the former Southport General Infirmary, Southport respectively.

12. APPLICATION NO. S/2009/0765 - MOSS FARM, GORSEY LANE, HIGHTOWN

The Committee were advised that the above application had been withdrawn by the Applicant.

13. APPLICATION NO. S/2009/0828 - 48 STEPHENSON WAY, FORMBY

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for the change of use to a canine hydrotherapy centre to include a dog grooming salon be refused for the reasons stated or referred to in the report.

RESOLVED:

That the recommendation be not approved and the Committee, being minded to approve the application, requested and the Planning and Economic Regeneration Director be requested to submit a further report setting out any appropriate conditions.

14. APPLICATIONS TO BE INSPECTED BY THE VISITING PANEL ON 14 DECEMBER 2009

The Committee considered the report of the Planning and Economic Regeneration Director which advised that the undermentioned sites had been inspected by the Visiting Panel on 14 December 2009.

Application No.	Site
S/2009//0640	Alexandra Branch Dock 1, Regent Road, Bootle
S/2009/1019	St. John & James Church, 50a Monfa Road, Bootle
S/2009/0771	Car Park, Pendle View, Litherland
S/2009/0765	Moss Farm, Gorse Lane, Hightown
S/2009/0943	19 Whitefield Close, Hightown
S/2009/0958	19 Bath Street, Southport
S/2009/0874	61 & 63 Albert Road, Southport
S/2009/0930	59 Cambridge Road, Southport
S/2009/0828	48 Stephenson Way, Formby Formby Football Club, Altcar Road, Formby

RESOLVED:

That the report on the sites inspected by the Visiting Panel be noted.

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PLANNING COMMITTEE- WEDNESDAY 16TH DECEMBER, 2009

15. TOWN AND COUNTRY PLANNING ACT 1990 - APPEALS

The Committee considered the report of the Planning and Economic Regeneration Director on the results of the undermentioned appeals and progress on appeals lodged with the Planning Inspectorate.

Appellant	Proposal/Breach of Planning Control	Decision
Maghull Car Centre	Maghull Car Centre 1 Northway, Maghull – appeal against the application of the erection of 10 no. – 12 metre high lighting columns within the curtilage of the car display	Allowed 2/12/09
Maghull Car Centre	Maghull Car Centre, Northway, Maghull – appeal against the application for advertisement consent for the display of 1 freestanding banner sign, three non illuminated fascia sign and one internally illuminated fascia sign	Allowed 2/12/09
Maghull Car Centre	Maghull Car Centre 1 Northway, Maghull – appeal against the application for the erection of 10 no. – 12 metre high lighting columns within the curtilage of the car display area	Allowed 2/12/09
Primesight Ltd	779 Liverpool Road, Southport – appeal against the application for the advertisement consent for the display of 2 free-standing internally illuminated single sided display units at the front of the premises	Dismissed 17/11/09

RESOLVED:

That the report on the results of appeals and progress on appeals lodged with the Planning Inspectorate be noted.

16. GREEN BELT STUDY – PROPOSED METHODOLOGY

The Committee considered the report of the Planning and Economic Regeneration Director advising of the timescale and purpose methodology for carrying out the Green Belt Study; including the use of consultants, jointly appointed with Knowsley Borough Council, to validate the methodology and scrutinise the conclusions of the study prior to public consultation.

The report also advised that although West Lancashire would be following the same methodology as Sefton & Knowsley, their appraisals would be validated by Lancashire County Council, and not by independent consultants; and the complementary 'Overview' Study that would be carried out by the Greater Merseyside authorities and West Lancashire early next year.

RESOLVED:

That the proposed methodology and the use of consultants to validate the work, prior to public consultation on the draft results next year be approved.

17. RETAINED RETAIL CONSULTANTS – PROPOSED SELECTION PROCESS FOR THE APPOINTMENT OF NEW CONSULTANTS FOR THE PERIOD TO THE END OF 2014/15

The Committee considered the report of the Planning and Economic Regeneration Director updating on the current retained relationship with WYG and the need to seek expressions of interest for the appointment of new retail consultants from April 2010 onwards.

RESOLVED: That

- (1) the report updating on the current retained relationship with WYG and the need to seek expressions of interest for the appointment of new retail consultants from April 2010 onwards be noted; and
- (2) the Committee receive a further report once the selection process has been concluded in February 2010 to enable them to endorse the appointment of the preferred retail consultancy.

Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 16TH DECEMBER, 2009

18. 'DESTINATION KIRKBY' : LAND IN AND TO THE SOUTH OF KIRKBY TOWN CENTRE, KNOWSLEY – THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT'S DECISION

The Committee considered the report of the Planning and Economic Regeneration Director advising of the Secretary of State for Communities and Local Government's decision to refuse the 'called-in' planning application for 'Destination Kirkby'.

RESOLVED: That

- (1) the report advising of the Secretary of State for Communities and Local Government's decision to refuse the 'called-in' planning application for 'Destination Kirkby' be noted; and
- (2) thanks be extended to the staff within the Planning and Economic Regeneration and Legal Departments for their work on the project.

19. BUILDING CONTROL PERFORMANCE

The Committee considered the report of the Planning and Economic Regeneration Director that gave Building Control Services' performance in dealing with Building Regulation applications, for the third quarter of 2009; and an overview of how the down turn in construction activity had impacted on the Building Control Service.

RESOLVED: That

- (1) the Building Control Performance report be noted; and
- (2) the Building Control Team, be thanked for their sterling work.

20. REVIEW OF THE HMRI PLANNING FRAMEWORK

Further to Minute No. 79 of the Cabinet Member – Regeneration meeting of 16 December 2009, the Committee considered the report of the Planning and Economic Regeneration Director that confirmed the extant planning framework provided by saved policies in the Unitary Development Plan (UDP), Supplementary Planning Guidance & Development Briefs was still relevant to the HMRI programme; and assessed the impact of changes that had taken place since this was put in place, including:

- changes to the housing market as a result of HMRI intervention, and the impact of the credit crunch;
- the adoption of the UDP and approval of the North West of England Plan, Regional Strategy to 2021 (RS);
- the work done and studies commissioned to support the preparation of the core strategy; and
- the implications of human rights legislation.

RESOLVED:

That the Cabinet be requested to confirm the existing planning framework is still appropriate and supportive of the Council's strategy for the HMRI (Housing Market Renewal Initiative) area.

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Committee: PLANNING

Date of Meeting: 13 January 2010

Title of Report: Petitioned Applications

Report of: Andy Wallis
Planning & Economic Regeneration Director

Contact Officer: S Tyldesley (South Area) Tel: 0151 934 3569
P Hardwicke (North Area) Tel: 0151 934 2201

This report contains	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972		✓
Is the decision on this report DELEGATED?	✓	

Purpose of Report

The items listed in are petitioned applications.

Recommendation

That the applications for planning permission, approval or consent set out in the following appendices are either APPROVED subject to any conditions specified in the list for the reasons stated therein or REFUSED for the reasons stated.

Corporate Objective Monitoring

Corporate Objective		Impact		
		Positive	Neutral	Negative
1	Regenerating the Borough through Partnership	✓		
2	Raising the standard of Education & Lifelong Learning		✓	
3	Promoting Safer and More Secure Communities	✓		
4	Creating a Healthier, Cleaner & Greener Environment through policies for Sustainable Development	✓		
5	Strengthening Local Democracy through Community Participation		✓	
6	Promoting Social Inclusion, Equality of Access and Opportunity		✓	
7	Improving the Quality of Council Services	✓		
8	Children and Young People		✓	

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Financial Implications

None

Departments consulted in the preparation of this Report

See individual items

List of Background Papers relied upon in the preparation of this report

The Background Papers for each item are neighbour representations referred to, history referred to and policy referred to. Any additional background papers will be listed in the item. Background Papers and Standard Conditions referred to in the items in this Appendix are available for public inspection at the Planning Office, Magdalen House, Trinity Road, Bootle, up until midday of the Committee Meeting. Background Papers can be made available at the Southport Office (9-11 Eastbank Street) by prior arrangement with at least 24 hours notice.

A copy of the standard conditions will be available for inspection at the Committee Meeting.

The Sefton Unitary Development Plan (adopted June 2006), the Supplementary Planning Guidance Notes, and the Revised Deposit Draft Unitary Development Plan are material documents for the purpose of considering applications set out in this list.

Petitions Index

A	S/2009/0930	59 Cambridge Road, Southport	Cambridge
B	S/2009/1074	Land Adj. 21 Crown Close, Formby	Ravenmeols

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Committee: **PLANNING**

Date of Meeting: **13 January 2009**

Title of Report: **S/2009/0930**
59 Cambridge Road, Southport
(Cambridge Ward)

Proposal: Outline Application with all matters reserved for the change of use from school to nursing home (Class C2) including the erection of a four storey extension to the rear and layout of car parking spaces to the front

Applicant: Mr Rimmer

Executive Summary

The proposal is for a change of use of this former school building to a nursing home (use class C2), together with a four-storey rear extension. The key issues for consideration are the effect of the proposal on the character of the area and the residential amenities of neighbouring occupiers. A petition to address Committee has been submitted and is endorsed by Cllr Glover. Planning Committee visited the site on 14 December 2009.

Recommendation(s) Approval

Justification

The proposed use and extension are appropriate to the character of the surrounding area and the street scene. The proposal will not result in a significant loss of residential amenity for neighbouring occupiers and complies with policies CS3, H10, AD2 and DQ1 of the adopted Sefton UDP.

Conditions

1. H-6 Vehicle parking and manoeuvring
2. P-5 Plant and machinery
3. P-8 Kitchen Extraction Equipment
4. Before any construction commences, samples of the facing and roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.
5. The premises hereby granted consent shall be used as a nursing home and for

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no other purpose (including any other purpose in C2 of the schedule to the Town and Country Planning Use Classes (Amendment) Order 2005, or any subsequent Order or statutory provision revoking or re-enacting that Order.

6. The single storey building to the rear of the site shall be used for purposes ancillary to the use of the site as a nursing home
7. T1 Time Limit - 3 years
8. X1 Compliance
9. L-4 Landscape Implementation
10. No part of the development shall be brought into use until space and facilities for cycle parking have been provided in accordance with details to be submitted to and agreed in writing with the Local Planning Authority. These facilities shall be retained thereafter for that specific use.
11. No part of the development shall be brought into use until full details of the proposed bin store have been submitted to and agreed in writing with the Local Planning Authority.

Reasons

1. RH-6
2. RP-5
3. RP-8
4. To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with policy DQ1 of the Sefton Unitary Development Plan.
5. In order to protect the character of the area and the residential amenities of nearby occupants and to accord with policies CS3 and H10 in the Sefton Unitary Development Plan.
6. To protect the residential amenities of the neighbouring occupiers and to comply with policy H10 of the adopted Sefton UDP.
7. RT1
8. RX1
9. RL-4
10. RH-7

11. In the interests of highway safety and to accord with policies CS3 and DQ1 in the Sefton Unitary Development Plan 2006

Notes

1. A minimum of one third of the frontage of the site should be soft landscaped.

Drawing Numbers

5474:100;1:1 and 5474A-E:50:1:1

Amended plans 407/1; 407/2A; 474A received on 29 December 2009

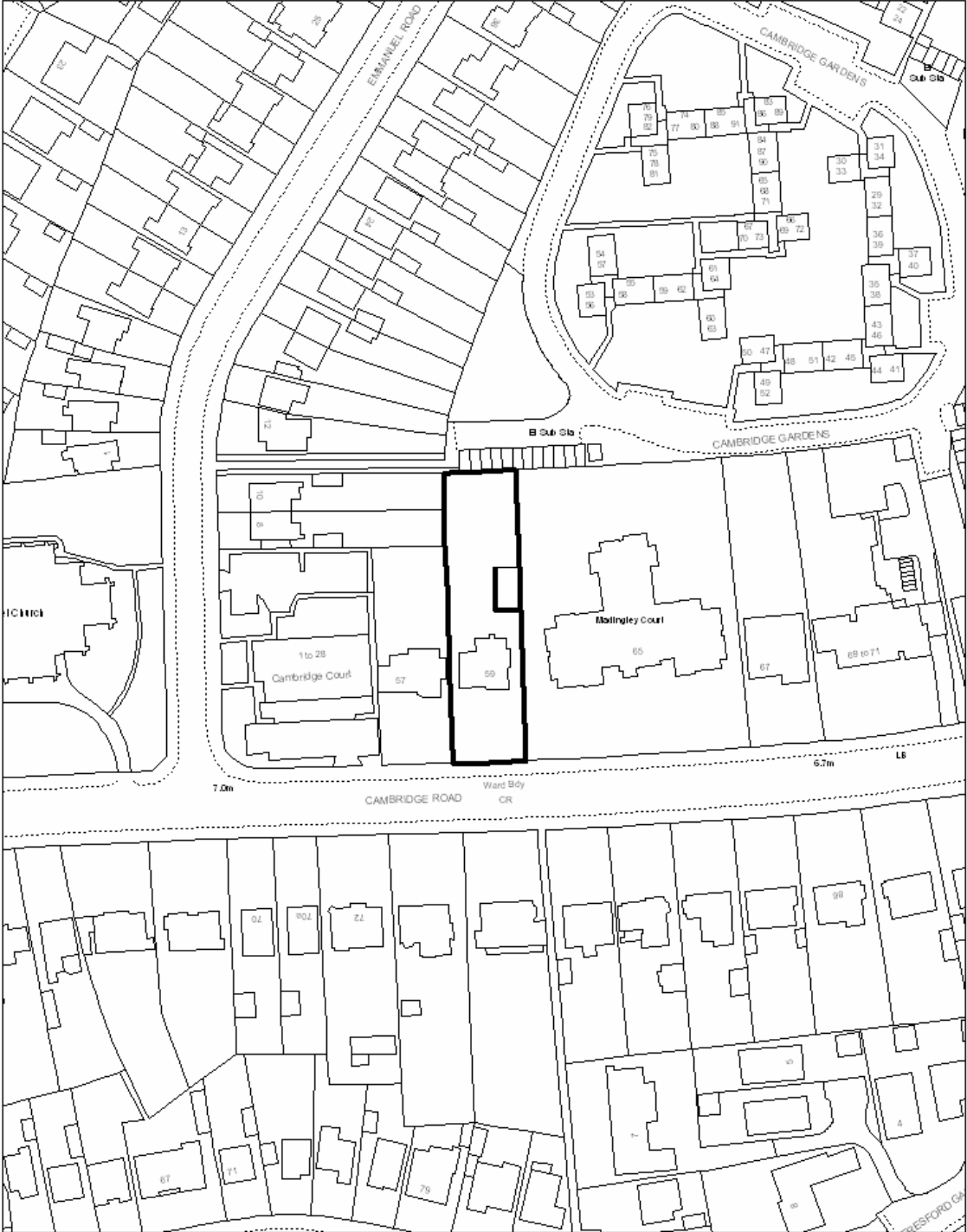
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Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2009/0930 59 Cambridge Road Southport PR9 9RJ OSGR: 335761, 418692 Sheet(s): 511C Area: 1352 sqm		Standard Site Plan Scale: 1:2250 Date: 30/12/2009 Drawn By: EBERTON	
<small>This map is reproduced from Ordnance Survey data with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 100018192</small>		<small>Sefton Council Planning & Economic Regeneration Department using MapInfo</small>		Ward(s): Cambridge Postcode Sector(s): PR9 9 Polling District(s): X2, X3 Parish(es): None Found	

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S/2009/0930

The Site

The site comprises a large 4-storey Victorian villa, including a basement. The premises was last used as a school and has remained unoccupied since 2005. There is a single storey building to the rear, positioned along the eastern boundary of the site. The rear (north) of the site is predominantly hard-surfaced with some small trees on the northern boundary.

Vehicular access and car parking is achieved at the front of the site.

The surrounding area is characterised by buildings of a similar scale, principally large Victorian villas, some of which have been replaced by more recent flat developments. Adjoining the application site to the west is a Victorian villa, which has been converted into flats and to the east, a large flat development, Madingley Court.

Proposal

Planning Application for the change of use from school to nursing home (class C2), including the erection of a four storey extension to the rear and layout of car parking spaces to the front

The proposed nursing home is to provide 18 rooms, accommodating 24 residents and employing 24 staff. Supporting information submitted with the application refers to a 'retirement home development' for the over 50's.

The proposed four-storey rear extension will necessitate the part-demolition of an existing rear extension. Overall the replacement extension will measure 12 metres wide by 6 metres and 12.7 metres to the ridge of a pitched roof.

It is also proposed to use the existing single storey building to the rear for ancillary uses including a hairdressers, and hobbies / arts and crafts activities.

History

N/2007/0604	Change of use of former school to dwellinghouse including extensions conservatory - Approved 27 July 2007
N/2008/0282	Conversion of former school to 7 flats including 2 storey extension and conversion of former gymnasium to garden residence - Approved 26 June 2006
N/2006/0232	Conversion of former school to 8 flats including 4 storey extension and conversion of former gymnasium to a self contained flat and car parking - Refused 28 April 2006

Consultations

Highways Development Control: The layout of 7 car parking spaces to the front is acceptable. The access is to be retained and this is acceptable. A condition should be attached to any approval in respect of vehicle parking and manoeuvring

Environmental Protection Director: No objection subject to the imposition of conditions in respect of plant and machinery and kitchen extraction equipment

Neighbour Representations

Last date for replies: 20 November 2009

A petition has been submitted to address Committee, signed by 25 Sefton residents and endorsed by Cllr Glover. The petition objects to the proposal on the grounds that:

1. An earlier application for conversion to flats was rejected by the Planning Committee with the stipulation that any improvements to the building must take place within the shell of the existing building. The present application extends beyond these parameters.
2. The proposal to raise the rear roof by 2 metres from 17 metres to 19 metres would have a detrimental effect on the passage of light to some west facing windows of Madingley Court.

Policy

The application site is situated in an area allocated as Primarily Residential Area on the Council's Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas

Comments

The site lies within a Primarily Residential Area and as such, the principle of a nursing home, is acceptable. Whilst there are similar uses along the street, the proposal will not result in a proliferation of nursing or care homes that would affect the residential character of the area.

The proposed use as C2 (Residential Institutions) does not require the provision of any affordable housing in accordance with policy H2.

The key issues for consideration are the effect of the proposed use on the residential amenity of neighbouring occupiers and the appearance of the proposed extension to the rear.

Intensity of use

The occupation of the building, as extended, by 24 residents with 24 staff will result in a more intensive use of the site than the neighbouring property to the west, which is occupied as a single dwellinghouse.

Agenda Item 4a

However, the former use of the site was as a school. Whilst the number of children attending the school is not known, this had the potential to be a relatively intense use of the site. Furthermore, the site is large and the existing building positioned at a distance of approximately 2 meters and 3.6 metres from the western and eastern boundaries respectively.

The single storey building to be used for ancillary facilities such as hobbies and hairdressing has no windows on the eastern boundary adjoining Madingley Court.

Overall the intensity of the use of the site is not considered likely to result in a loss of residential amenity for neighbouring occupiers.

Design of Extension

Full details of the proposed extension have now been submitted.

The proposed extension is large. Views of the extension would be achieved from the properties to the east, west and north.

However, the extension would be lower than the original building, with a lower ridge level. The eastern roofslope is shown as having a much shallower pitch, with a lift shaft protruding from this roofslope. This arrangement is not traditional in style but does minimise the potential impact of the extension on Madingley Court to the east.

Given the size of the extension and the significant gap to Madingley Court to the east (10 metres), the extension would be visible from Cambridge Road. Nevertheless, it would be well set back from the street frontage and read as an addition to the original building. The character of the street scene and surrounding area would be retained.

Overlooking, Outlook and Loss of Light

Side windows to the original building at ground floor and above are to en suite bathrooms or circulation areas and therefore will not result in overlooking of properties to the east or west. Windows in the proposed extension are all north-facing ie overlooking the garden of the proposed development and facing a parking court for an adjacent flat development beyond. Therefore there will be no overlooking of residential properties or gardens to the north.

The extension is positioned to the north of the building, extending approximately 5 metres from the rear elevation of 57 Cambridge Road to the west. Its position on the north (rear facing) elevation of the original building and its distance from the neighbouring properties is such that it will not result in a loss of direct sunlight to the neighbouring properties.

The distance between the proposed extension and habitable room windows in Madingley Court is 12.6 metres at its closest point. With regard to a potential loss of outlook from habitable rooms, there are two habitable room windows at second and third floor level in Madingley Court facing towards the proposed extension. However, given the height of these windows and the distance between the two buildings, outlook from these windows will not be unduly restricted. Other west facing windows in Madingley Court will not look directly onto the extension and whilst it will be visible, it will not block views of Emmanuel church tower beyond or affect amenity.

The extension will be clearly visible from the rear garden of 57 Cambridge Road. A development of similar proportions has been constructed to the west of 57 Cambridge Road

(flat development of Cambridge Court). However, given the large size of the garden of no. 57 and the distance between this building and the proposed extension (5 metres) this is not considered to result in a sufficient loss of outlook to warrant refusal of planning permission.

Garden Area for Occupiers

Guidance in SPG: New Housing Development seeks a minimum of 15 sq metres of garden area per resident at residential and nursing homes, ie a total of 360 sq metres in this case. The proposal allows for a garden area of 618 sq metres and therefore exceeds this minimum requirement.

Trees, Greenspace And Landscaping

As the proposal is for a non-housing use under 1000m² floorspace, no contribution towards offsite Greenspace will be required in accordance with policy DQ4. In respect of tree planting, one tree should be planted for every 50 sq metres of new floorspace. Allowing for the loss of some floorspace resulting from the part demolition of an existing extension to the rear, the total new floorspace equates to 210 sq metres, necessitating 5 trees to be planted on site. The submitted plans indicate 13 new trees are to be planted on site, exceeding the minimum required by policy DQ3.

Full landscaping details have not been submitted and should be the subject of conditions attached to any approval. However, the plans do demonstrate that a minimum of one third of the site frontage is to be soft landscaped.

Access and car and cycle parking arrangements are considered to be acceptable. Full details of cycle and bin stores should be required by condition.

Response to Neighbour Comments

A previous planning application for the conversion to 8 flats including a 4 storey extension and conversion of former gymnasium to a self contained flat (N/2006/0232) was refused on the basis of the size of the rear extension. However, this was in connection with the implementation of the housing restraint mechanism, policy H3 and the supporting guidance in SPG: Regulating the Supply of Residential Land. This sought to limit extensions to existing building to 'minor additions' and was later clarified by Planning Committee as only allowing for non-habitable rooms. The housing restraint mechanism has now been lifted and the guidance in the SPG is not now relevant to the consideration of this application.

This issue raised in the petition regarding the height of the rear extension has been raised in the comments above. The reference to 17 and 19 metres relates to measurements from datum rather than the adjacent ground levels.

Contact Officer: **Mrs S Tyldesley** **Telephone 0151 934 3569**

Case Officer: **Mrs A Dimba** **Telephone 0151 934 2202**

Agenda Item 4a

7/2009 12:41 01519342235

PAGE 03/03

MADINGLEY COURT, 61-65 CAMBRIDGE ROAD

PETITION RE SCHEME NO S/2009/0930 - TOWER QUENE

WE, THE UNDERSIGNED, OBJECT TO THE ABOVE SCHEME TO CONVERT 59 CAMBRIDGE ROAD INTO AN NURSING HOME ON THE FOLLOWING GROUNDS:-

- ① AN EARLIER APPLICATION FOR CONVERSION TO FLATS WAS REJECTED BY THE PLANNING COMMITTEE WITH THE STIPULATION THAT ANY IMPROVEMENTS TO THE BUILDING MUST TAKE PLACE WITHIN THE SHELL OF THE EXISTING BUILDING. THE PRESENT APPLICATION EXTENDS BEYOND THESE PARAMETERS.
- ② THE PROPOSAL TO RAISE THE ROOF BY 2 METRES, FROM 17 METRES TO 19 METRES, WOULD HAVE A DETRIMENTAL EFFECT ON THE PASSAGE OF LIGHT TO SOME WEST FACING WINDOWS OF MADINGLEY COURT.

NAME	FLAT No	NAME	FLAT No
R C Warden	46	Conrator	41
J D Schwartz	42	J. White	43
J Ashworth	42	A Suppell	12
M. Sylvester	34	J. Bell	29
W. Johnson	25	J. Bell	29
H. White	23	J. Brown	8
H. Gerrard	27	J. Bryan	35
G. K. Hudson	19	V. K. Butterworth	21
R. G. Cooper	11	C. Brooks	10
K. Cooper	11	J. G. G. G.	31
H. G. G.	7	J. G. G.	32
J. G. G.	1	J. G. G.	2
J. G. G.	40		

25

10 NOV 2009.

Committee: **PLANNING**

Date of Meeting: **13 January 2010**

Title of Report: **S/2009/1074**
Land Adjacent 21 Crown Close, Formby
(Ravenmeols Ward)

Proposal: Erection of a pair of semi detached dormer bungalows

Applicant: Mr John Tunna Sladelake Ltd

Executive Summary

The main issues to consider in respect of the proposed residential development are the impact upon the character of the area and the effect upon neighbouring residential amenity. When assessed against the policies within the Unitary Development Plan and all other material considerations, it is considered that the proposal responds harmoniously to the character of Crown Close and does not cause harm to neighbouring properties and is therefore acceptable.

Recommendation(s) Approval

Justification

When assessed against the policies within the Development Plan and all other material considerations, particularly policies CS3, AD1, AD2, DQ1, DQ3, H10, Supplementary Planning Guidance 'New Housing Development' and Supplementary Planning Document 'Green Space, Trees and Development', the proposed development by virtue of its siting, scale and appearance would not cause harm to the amenity of neighbouring residential properties nor to the character of the area and is therefore acceptable.

Conditions

1. T-1 Full Planning Permission Time Limit
2. Before any construction commences, samples of the roofing and facing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.
3. No part of the development shall be brought into use until a means of vehicular and pedestrian access to the development has been constructed. These works shall be in accordance with details, which have been approved in writing by the Local Planning Authority
4. H-6 Vehicle parking and manoeuvring

Agenda Item 4b

5. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works for the provision of 2 metre wide pedestrian footway adjacent to the site together with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details.
6. Before the development is commenced, a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including
 - i) the location, size and species of the 42 (forty two) trees to be planted;
 - ii) a schedule of implementation.
7. L-4 Landscape Implementation
8. The development permitted by this planning permission shall not be started by the undertaking of a material operation as defined in Section 56(4) (a-e) of the Town and Country Planning Act 1990 until a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 has been made and lodged with the Local Planning Authority and the Local Planning Authority has given its approval in writing. The planning obligation will provide that a commuted sum payment as required by Policy DQ3: Trees and Development of the Sefton Unitary Development Plan will be paid to the Local Planning Authority for amenity purposes.
9. The first floor windows to the side elevation of the semi-detached dwellings shall not be glazed otherwise than with obscured glass and thereafter be permanently retained as such.
10. X1 Compliance

Reasons

1. RT-1
2. To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with policy DQ1 of the Sefton Unitary Development Plan.
3. RH-2
4. RH-6
5. RH-5
6. In the interests of visual amenity and to comply with Unitary Development Plan

policies CS3, DQ1 and DQ3

7. RL-4
8. To ensure that the development provides appropriate tree planting and complies with Policies DQ3 of the Sefton Unitary Development Plan.
9. To safeguard the amenities of occupiers of adjoining properties and to comply with policies CS3 and DQ1 of the Sefton Unitary Development Plan.
10. RX1

Notes

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.

The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@technical.sefton.gov.uk for further information.

Drawing Numbers

418.01, 02, 03, 04, 05, 06

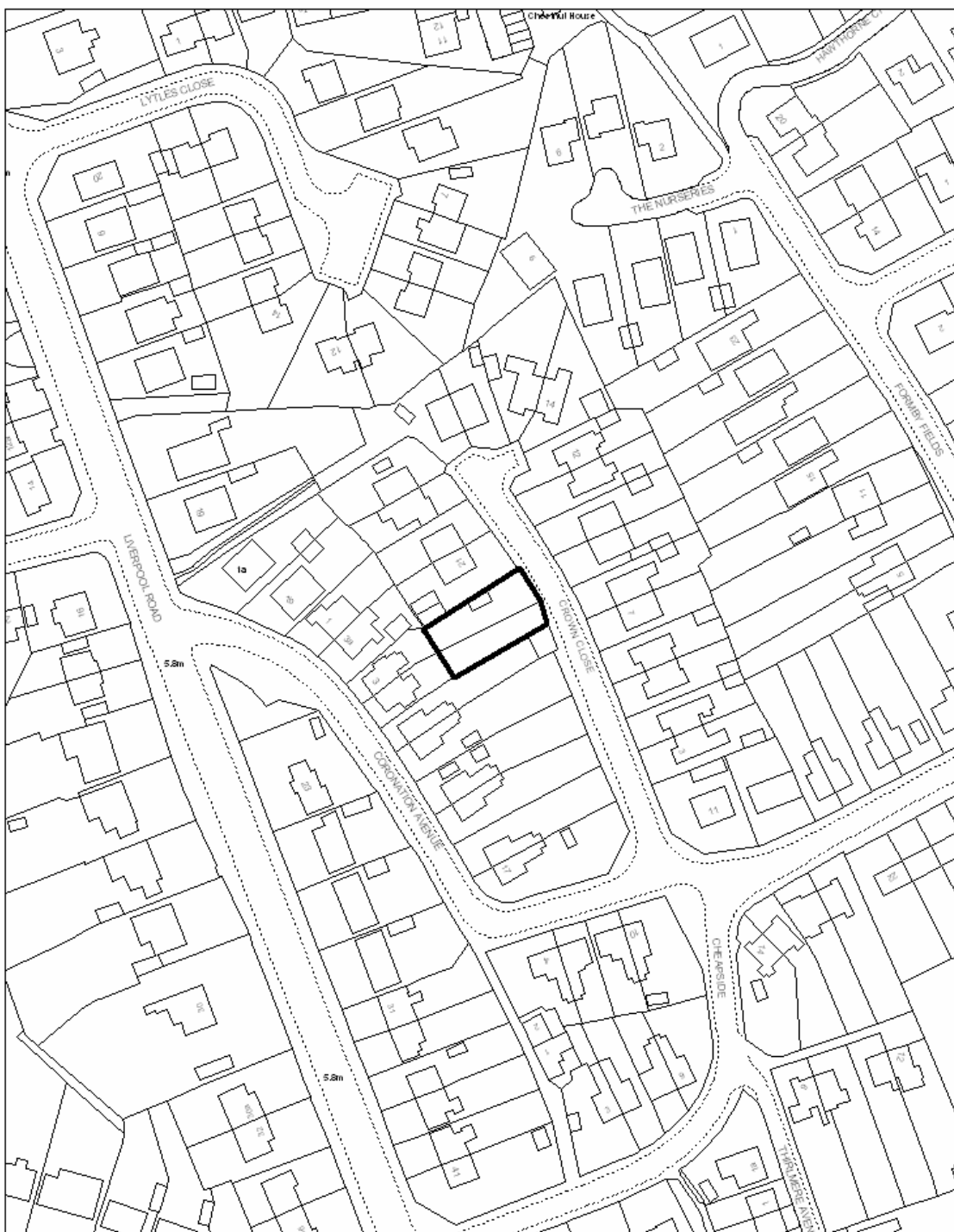
Agenda Item 4b

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2009/1074 Land Adjacent 21 Crown Close Formby L37 4ET OSGR: 330167, 406705		Elettg: 296A Area: 422 sqm		Standard Site Plan Scale: 1:1250 Date: 29/12/2009 Drawn By: EBERTON
	<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Regeneration Department using MapInfo Sefton Council Licence No. 100018192</small>		Ward(s): Ravenmeols Postcode Sector(s): L37 4 Polling District(s): P4 Parish(es): Formby Cp		

Agenda Item 4b

S/2009/1074

The Site

A backland site forming part of the rear gardens to Numbers 3 and 5 Coronation Avenue that will front onto Crown Close, Formby.

Proposal

Erection of a pair of semi detached dormer bungalows

History

None relevant to the proposal.

Consultations

Highways DC – Comments to be submitted as part of late representations.

Neighbour Representations

Last date for replies: 23rd December 2009.

Representations received: Letter of objection signed by 29 signatories from Crown Close and Cheapside and letters of objection from 7 & 11 Coronation Avenue. Points of objection relate to loss of trees and habitat, introduction of a poor outlook to habitable room windows, highway safety issues, overlooking of private amenity space and the principle of residential development at the site.

Policy

The application site is situated in an area allocated as Primarily Residential on the Council's Adopted Unitary Development Plan.

AD1	Location of Development
AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
H10	Development in Primarily Residential Areas
NC2	Protection of Species

Comments

Principle of Development

As the site lies within a Primarily Residential Area, new residential development is

acceptable in principle where it can be demonstrated that it would be consistent with the aims and objectives of the Unitary Development Plan, particularly, with this application, policies CS3, DQ1, Supplementary Planning Guidance notes 'Design' and 'New Housing Development'.

The main issues to consider in respect of this proposal are the impact of the semi-detached dwellings on the character and appearance of the area and their impact upon the amenity of neighbouring residential dwellings.

Scale, Siting and Appearance

Dormer bungalows are characteristic of Crown Close and of the wider area and the materials to be used in the external finish of the property match those found within neighbouring dwellings. In addition, the front boundary treatment echoes that at Number 21 in respect of its height, as the gate piers are to the same height as that at Number 21 (1.2 metres).

The proposed dwellings will have ridgeline 1.3 metres greater than that at Number 21 Crown Close, though the impact of this increase will be significantly lessened through the 7.8 metre separation between the side elevation of No 21 and the application site.

While the proposed dwellings are forward of the front elevation of Numbers 21 and 20 by 3.5 metres, Numbers 21 and 20 are forward of Numbers 18 and 19 by 2.5 metres. By virtue of this existing stagger and the separation distance to Number 21, it is not considered that the siting of the properties will cause harm to the street scene in respect of its impact upon the urban grain.

In respect for the amenity for future occupiers, the private space to the rear exceeds the minimum requirement set out in Supplementary Planning Guidance 'New Housing Development'. Furthermore, the rear gardens have a depth of over 10.5 metres and combined with the 21 metre separation distance to habitable room windows to Numbers 3 & 5 Coronation Avenue it is considered that the proposed properties will not be overlooked, or overlook neighbouring properties to an unreasonable degree.

In response to the objections from neighbouring properties, the front elevations of the proposed dwellings are over twenty four metres from the front elevations of Numbers 8 & 9 Crown Close, facing the site, and as such comfortably exceed interface distances as set out in SPG New Housing Development.

As the rear gardens of Number 3 & 5 Coronation Avenue are areas of private amenity, it is not considered appropriate to ensure the continued overlooking of this space by properties on Crown Close.

Highway Safety

With respect to highway safety, amended plans have been requested to indicate a two metre wide pedestrian footway to the front of the property, with land ceded to the Highways Authority. Comments from the Highways Authority will also be provided as late representations.

Trees & Development

18 trees are to be removed from site to enable development mainly self seeded and including several leylandii. The two trees of any note on the site, located on the frontage,

Agenda Item 4b

would be retained. To comply with Unitary Development Plan policy DQ3 and Supplementary Planning Document 'Green Space, Trees and Development', these trees must be replaced on a 2:1 basis. When added to the three trees per new dwelling required by policy DQ3, this provides a total requirement of 42 trees to be planted. An amended plan indicating the sum of trees that can be planted within the site, and species suitable for Red Squirrels has been requested. As it is unlikely that all 42 trees can be accommodated on site then in lieu of on site planting, a contributed sum of £447 per tree (2009/10 prices) must be paid for off site planting. The agent has stated that their client is willing to enter into a section 106 agreement for off-site planting.

For the reasons set out above, it is considered that the proposal complies with Unitary Development policies CS3, AD1, AD2, DQ1, DQ3, H10, Supplementary Planning Guidance 'New Housing Development' and Supplementary Planning Document 'Green Space, Trees and Development' and should be granted consent with conditions.

Reasoned Justification

When assessed against the policies within the Development Plan and all other material considerations, particularly policies CS3, AD1, AD2, DQ1, DQ3, H10, Supplementary Planning Guidance 'New Housing Development' and Supplementary Planning Document 'Green Space, Trees and Development', the proposed development by virtue of its siting, scale and appearance would not cause harm to the amenity of neighbouring residential properties nor to the character of the area and is therefore acceptable.

Contact Officer: **Mrs S Tyldesley Telephone 0151 934 3569**

Case Officer: **Neil Mackie Telephone 0151 934 3606**

REFERENCE NO. S109/1074

Name	Address
MR JOHN ASHCROFT MR JOHN ASHCROFT	8 CROWN CLOSE
NOEA MALONEY	3 CROWN CLOSE.
F. J. Maloney	3 CROWN CLOSE.
DR. P. S. CARLINE	4 CROWN CLOSE
M. CAREY (Wife)	7, CROWN CLOSE.
J. Morgan	21 Crown Close
M. Gillis	20 Crown Close
A. Stobbes	15 CROWN CLOSE.
e.g. Tucker	15 crown close
Mrs Roberts	6 Crown Close
Mr Roberts	6 Crown Close
P. A. Lloyd	11 crown close
Walter. S. EVANS	10 CROWN CLOSE
Mrs B. Ashcroft	8 CROWN CLOSE
A. C. HARRISON	12 CROWN CLOSE
K. Jacobson	19 crown close
P. Jacobson	19. crown Close.
T. Bond	14 CROWN CLOSE
S. A. Naylor	14 "
G. B. Evans	10 "

Received by Sefton Council Planning & Economic
 Regeneration Department, Town Office
 " Date
 Scanned by 15 DEC 2009

Agenda Item 4b

REFERENCE NO .5109/1074.

Name	Address
ANTHONY POTTS	11 CHEAPSIDE, FORMBY, L37 4EZ.
Mary R. Potts	11. CHEAPSIDE FORMBY. L37.4EZ.
G. Potts	9 CROWN CLOSE L37 4ET
G. Potts	✓
G Charnock	12 Crown Close L37 4ET
I BRADSHAW	17 CROWN CLOSE L37 4ET
E.S. Bradshaw	17 CROWN CLOSE L37 4ET
Mr Hell	18 CROWN CLOSE L37 4ET
A Davies	16 Crown Close L37 4ET

Received by: [Name] Council Planning & Economic
 Received by: [Name] Department Bottle Office
 Date
 Scanned by 15 DEC 2009

Agenda Item 5

Committee: **PLANNING**

Date of Meeting: **13 January 2010**

Title of Report: **Planning Approvals**

Report of: **Andy Wallis**
Planning & Economic Regeneration Director

Contact Officer: **S Tyldesley (South Area) Tel: 0151 934 3569**
P Hardwicke (North Area) Tel: 0151 934 2201

This report contains	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972		✓
Is the decision on this report DELEGATED?	✓	

Purpose of Report

The items listed in this Appendix are recommended for approval.

Recommendation

That the applications for planning permission, approval or consent set out in the following appendices be APPROVED subject to any conditions specified in the list for the reasons stated therein.

Corporate Objective Monitoring

Corporate Objective		Impact		
		Positive	Neutral	Negative
1	Regenerating the Borough through Partnership	✓		
2	Raising the standard of Education & Lifelong Learning		✓	
3	Promoting Safer and More Secure Communities	✓		
4	Creating a Healthier, Cleaner & Greener Environment through policies for Sustainable Development	✓		
5	Strengthening Local Democracy through Community Participation		✓	
6	Promoting Social Inclusion, Equality of Access and Opportunity		✓	
7	Improving the Quality of Council Services	✓		
8	Children and Young People		✓	

Agenda Item 5

Financial Implications

None

Departments consulted in the preparation of this Report

See individual items

List of Background Papers relied upon in the preparation of this report

The Background Papers for each item are neighbour representations referred to, history referred to and policy referred to. Any additional background papers will be listed in the item. Background Papers and Standard Conditions referred to in the items in this Appendix are available for public inspection at the Planning Office, Magdalen House, 30 Trinity Road, Bootle, up until midday of the Committee Meeting. Background Papers can be made available at the Southport Office (9-11 Eastbank Street) by prior arrangement with at least 24 hours notice.

A copy of the standard conditions will be available for inspection at the Committee Meeting.

The Sefton Unitary Development Plan (adopted June 2006), the Supplementary Planning Guidance Notes, and the Revised Deposit Draft Unitary Development Plan are material documents for the purpose of considering applications set out in this list.

Approvals Index

A	S/2009/0990	38 Lancaster Road, Birkdale	Dukes
B	S/2009/1001	Cambridge Hall, Southport	Dukes
C	S/2009/1002	Cambridge Hall, Southport (LBC)	Dukes
D	S/2009/1011	5 Marsh Brows	Harington
E	S/2009/1019	St John And St James Church Monfa Road, Bootle	Derby
F	S/2009/1030	Land Adj. 12 Banks Road, Southport	Meols
G	S/2009/1064	221-223 Knowsley Road, Bootle	Linacre
H	S/2009/1112	Netherton Moss Primary School	St Oswald
I	S/2009/1113	Park Haven Trust, Maghull	Park
J	S/2009/1136	21 Victoria Road, Formby	Harington

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Committee: **PLANNING**

Date of Meeting: **13 January 2010**

Title of Report: **S/2009/0990**
Mews Cottage 38 Lancaster Road, Birkdale
Southport
(Dukes Ward)

Proposal: Partial reconstruction of existing dwelling including extension to front to provide garage

Applicant: Mr S Cruikshanks

Executive Summary

This application seeks to regularise the reconstruction of this dwelling and to add a first floor extension and garage. The reconstructed dwelling follows the form of the consented renovation/extension scheme. The issues are the impact within the West Birkdale Conservation area, amenity impacts on neighbours and consideration of local objections.

Recommendation(s) Approval

Justification

The reconstruction of the dwelling and proposed extension and garage would preserve the character of the Conservation Area and cause no significant loss of amenity to local residents. Taking into account the requirements of UDP Policies and all other material considerations, the development is considered acceptable.

Conditions

1. The extensions hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. X1 Compliance
3. M1 Materials (matching)
4. Before the first floor extension is commenced details to show how the existing features on the front wall shall be retained and incorporated into the development shall be submitted to and agreed in writing with the Local Planning Authority and the development carried out in accordance with the approved details.
5. All new windows and doors (including the garage door) shall be constructed in

Agenda Item 5a

timber and painted. All new ground floor windows shall be flat, slightly recessed and of a design to be agreed in writing with the Local Planning Authority

6. Before the dwelling is first occupied , details of a scheme to provide an obscure screen to prevent overlooking from the rear bedroom patio doors and balcony shall be submitted to and agreed in writing with the LPA.The agreed scheme shall be implemented as agreed and retained at all future times,
7. The ground floor windows in the extension shall not be glazed otherwise than with obscured glass and thereafter be permanently retained as such.
8. R-2 PD removal garages/ extensions/outbuildings
9. R-3 PD removal windows

Reasons

1. RT-1
2. RX1
3. RM1
4. To preserve the character of the building within the West Birkdale Conservation Area and accord with Policy HC1.
5. To preserve the character of this building within the West Birkdale Conservation area and comply with UDP Policy HC1
6. RM-3
7. RM-3
8. RR-2
9. RR-3

Drawing Numbers

To be advised

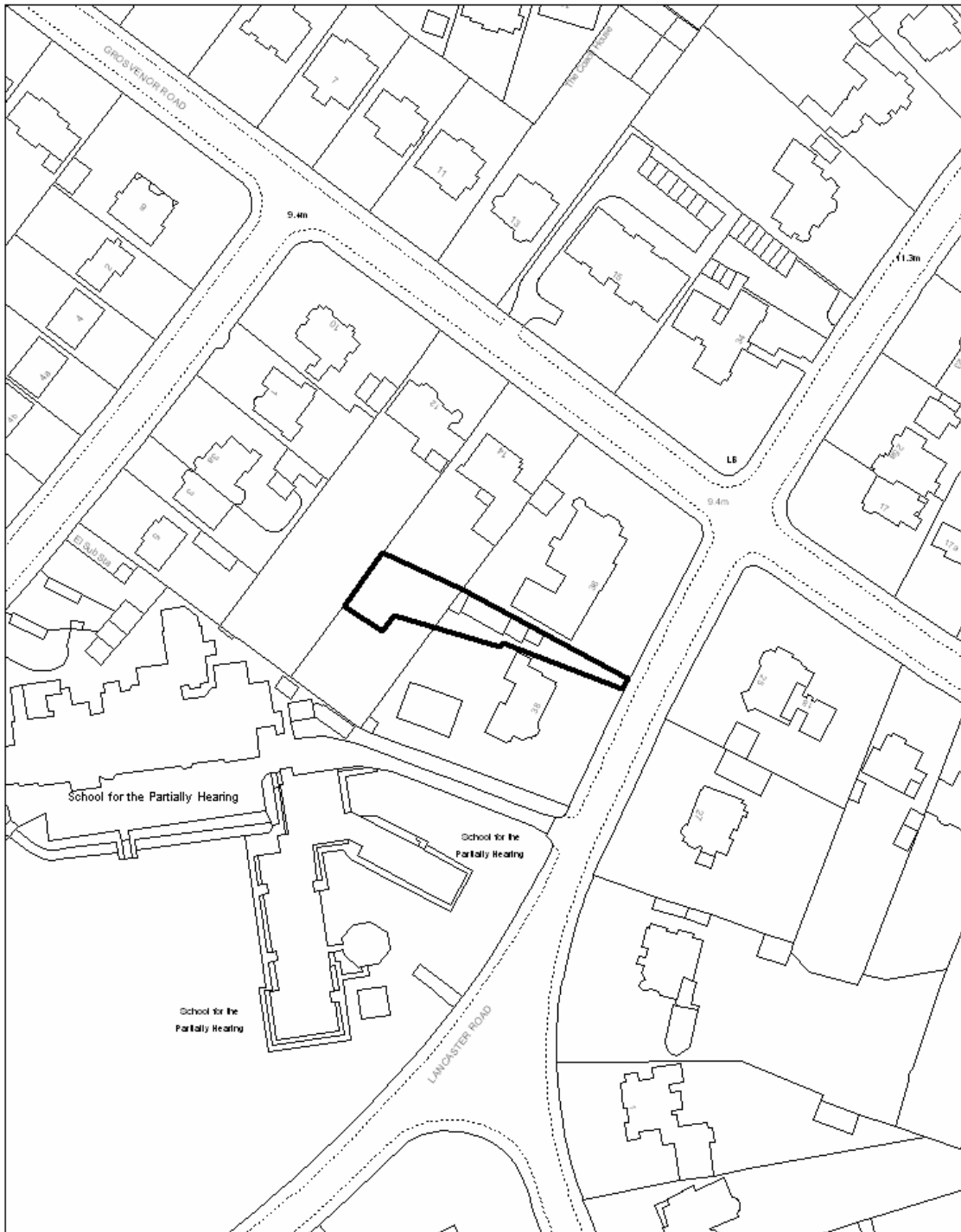
Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to

Agenda Item 5a



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2009/0990 Mews Cottage 38 Lancaster Road Southport PR8 2LQ OSGR: 332016, 415593		Sheets: 448A, 447C Area: 654 sqm		Standard Site Plan Scale: 1:1250 Date: 30/12/2009 Drawn By: EBERTon
	<small>This map is reproduced from Ordnance Survey data with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 100018192</small>			Ward(s): Dukes Postcode Sector(s): PR8 2 Polling District(s): W6 Parish(es): None Found	

S/2009/0990

The Site

This application concerns Mews Cottage which is one of three properties at 38 Lancaster Road within the West Birkdale Conservation Area.

Proposal

Partial reconstruction of existing dwelling including extension to front to provide garage

History

N/2006/0449 Erection of detached dwelling after demolition of existing -not determined

N/2006/0036 Erection of detached dwelling after demolition of existing withdrawn

N/2001/0452 Erection of a garage to the front and a single storey extension/alterations to the south elevation.—Approved 06/07/01

N/02001/188 Conversion of the dwellinghouse into 3 self-contained dwellings including a two storey extension (after demolition of the existing garage) to the south elevation, a two storey extension at the rear and a single storey extension to the north elevation (alternative in part to N/200/0792 granted 21/12/2000) – granted conditionally 23/04/01

N/2000/0792 Conversion of dwelling into 3 self –contained dwellings including 2 two storey side extensions and a single storey rear extension and alteration to the roof of the Mews Cottage – granted 21/12/2000

N/1999/0759 Conversion of house and outbuildings to provide 3 separate dwellings including a verandah and conservatory to the front of the coach-house and a two storey extension and garage to the side; a double garage to the rear of 38 Lancaster Road; and a single storey extension to the front of the pool house – granted 03/12/1999

Consultations

Environmental Protection –no objections

Highways Development control -no objections as no highway safety implications.

Neighbour Representations

Last date for replies:

Objections received from 27, The Mansion House and Mansion Gardens 38 Lancaster Road
-too close to Mansion Mews resulting in loss of light,
-overintensive use of the plot
-garage infringes right of way
-parking arrangements on plan superceded by legally agreed rights of way and allocated

Agenda Item 5a

parking

-no parking space left for visitors to Mews cottage resulting in parking on the road

Letter of support from 14 Grosvenor Road provided that balcony is completed with opaque material and applicant observes covenants.

Policy

The application site is situated in an area allocated as Primarily Residential and Conservation Area on the Council's Adopted Unitary Development Plan.

CS3	Development Principles
DQ1	Design
H10	Development in Primarily Residential Areas
HC1	Development in Conservation Areas
MD1	House extensions

Comments

This application seeks to regularise the reconstruction of Mews cottage. During the process of alteration and extension works (permitted under application N/2001/0452 and previous) the applicant has removed much of the original building to the extent that very little of the original structure remains. On this basis the present proposal must be effectively treated as a new dwelling. Conservation Area consent is also required and this has been drawn to the applicant's attention and an application is awaited.

With the exception of the garage and extension at the front, the reconstructed dwelling follows closely the form of the original dwelling with permitted extensions. As such, whilst the loss of original fabric is regrettable, the overall visual effect is little changed from the approved renovation scheme and is not out of keeping within the Conservation Area.

The proposed garage at the front would measure 5m by 3.6m by 4m high to ridge. The garage would be constructed of blockwork with render and clay tiles. The first floor extension would measure 4m by 3.5m and would be built above an existing structure, retaining the front and north facing walls but replacing the south facing wall which is not original. Subject to satisfactory detail, to be submitted in amended plans before the date of committee, the principle of both the garage and extension are acceptable and visually would preserve the character of the Conservation Area.

In amenity terms the proposed first floor extension is sited on the boundary and the care home at Number 36 is set close to the boundary with bedroom windows facing the application site. However the proposed extension would not significantly change the existing situation with regard to the outlook from these windows. There is already a single storey structure in this location and the additional height is marginally less than the existing height to the main building. The amenity impact is not considered sufficient to justify refusal. There is no loss of privacy as there are no windows in the side elevation. The garage is single storey in height and will have no significant impact on No 36. In amenity terms there would be no significant impact on the main house at 38 Lancaster Road. Whilst a balcony was always proposed at the rear, there is little detail as to how this would be treated to avoid loss of privacy to the dwelling to the side/rear (14 Grosvenor road) the details of this to ensure that a privacy screen is provided can be required by condition.

The main focus of objections relates to the parking arrangements on site. These

Agenda Item 5a

arrangements are a matter for legal discussion and are not relevant to the planning application. In planning terms there is sufficient space on the site for parking for the dwelling and indeed the arrangements are not changed by the present application except in replacing parking space by a garage. Highways Development control raise no concerns. There is on street parking available in Lancaster Road for visitors without giving rise to highway safety or amenity concerns.

Agenda Item 5a

Reasoned justification

The reconstruction of the dwelling and proposed extension and garage would preserve the character of the Conservation Area and cause no significant loss of amenity to local residents. Taking into account the requirements of UDP Policies and all other material considerations, the development is considered acceptable.

Contact Officer: **Mrs S Tyldesley Telephone 0151 934 3569**

Case Officer: **Mrs S Tyldesley Telephone 0151 934 3569**

Committee: **PLANNING**

Date of Meeting: **13 January 2010**

Title of Report: **S/2009/1001**
Cambridge Hall, Atkinson Library & Art
Gallery and Bank Buildings Lord Street,
Southport
(Dukes Ward)

Proposal: Creation of an integrated Cultural Centre involving a partial Change of Use of Bus Offices (B1) to Public Library (D1), erection of a three storey extension to the elevation facing Cambridge Arcade, erection of a glazed atrium linking the Art Gallery to Cambridge Hall, construction of a second floor foyer on the existing roof, installation of glazing to form an enclosed entrance foyer, erection of a goods lift at the rear facing Sharrock Street, erection of new plant at roof level and external alterations and refurbishment

Applicant: Mr John Taylor Sefton Council

Executive Summary

This is a full planning application involving alterations and refurbishment of Southport Arts Centre, the Atkinson Art Gallery and Library and the former Bank Buildings to provide a single integrated Cultural Centre. The main issues to consider include the acceptability of the change of use element, the scale, design and visual impact of the external changes, impact on the Conservation Area and on Listed Buildings as well as issues of highway safety.

Recommendation(s) Approval

Justification

The proposals are considered acceptable in terms of their impact on the retail function of Southport Town Centre, in terms of the scale, design and visual impact of the proposed extensions and external alterations, and in terms of the proposals' impact on the Lord Street Conservation Area and on the group of Grade II Listed Buildings. Issues of highway safety are also considered acceptable therefore approval is recommended.

Conditions & Reasons

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. M-2 Materials (sample)

Agenda Item 5b

4. H-7 Cycle parking
5. P-5 Plant and machinery
 1. RT-1
 2. RX1
 3. RM-2
 4. RH-7
 5. RP-5

Notes

Drawing Numbers

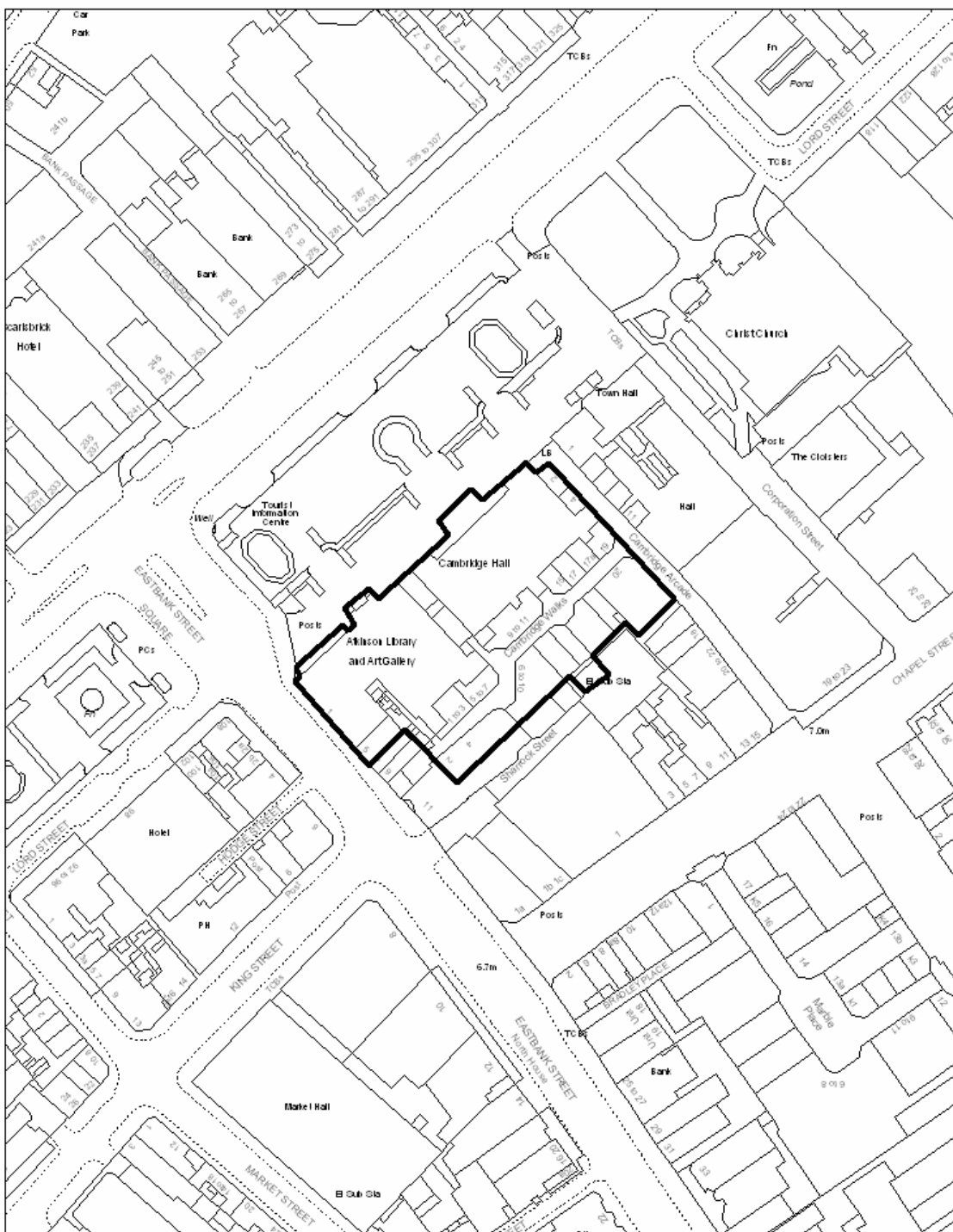
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Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2009/1002 Cambridge Hall Lord Street Southport		Standard Site Plan Scale: 1:1250 Date: 29/12/2009 Drawn By: BEERT on
	OSGR: 333596, 417198	Sheet(s): 489D	Area: 3990 sqm

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Agenda Item 5b

S/2009/1001

The Site

The site comprises the Southport Arts Centre, the Atkinson Library and Art Gallery together with offices contained in the former Bank Buildings. The site is bordered by Lord Street to the north west, Cambridge Arcade to the north east, Cambridge Walks to the south east, and Eastbank Street to the south west. The upper floors of the subject buildings extend over Cambridge Walks to Sharrock Street.

The site lies within a predominantly retail area within Southport Town Centre.

Proposal

Creation of an integrated Cultural Centre involving a partial Change of Use of Bus Offices (B1) to Public Library (D1), erection of a three storey extension to the elevation facing Cambridge Arcade, erection of a glazed atrium linking the Art Gallery to Cambridge Hall, construction of a second floor foyer on the existing roof, installation of glazing to form an enclosed entrance foyer, erection of a goods lift at the rear facing Sharrock Street, erection of new plant at roof level and external alterations and refurbishment.

History

S/2009/1002 Current. Listed Building Consent for the erection of a three storey extension to the elevation facing Cambridge Arcade, erection of a glazed atrium linking the Art Gallery to Cambridge Hall, construction of a second floor foyer on the existing roof, installation of glazing to form an enclosed entrance foyer, erection of a goods lift at the rear facing Sharrock Street, erection of new plant at roof level and internal and external alterations and refurbishment.

N/2008/0685 Layout of outside seating areas. Ap 20/10/08

N/2008/0497 Listed Building consent for the refurbishment of the Atkinson Art Gallery shop. Ap 12/8/08

N/1987/0324 Listed Building Consent to provide revised offices, booking office/foyer, bar/restaurant, picture gallery, access, toilet and service areas and alterations to Cambridge Arcade. Ap 6/4/88

N/1987/0323 Listed Building Consent for demolition of rear building of Cambridge Hall (known as Victoria Building) and part of the rear of the Atkinson Library and Art Gallery to allow redevelopment of the site. Ap 25/8/87

N/1987/0322 1) Demolition of buildings and alterations to the public library/arts centre; 2) provision of a youth theatre, assembly room, director's suite, booking office, picture gallery, stores, workshop. Ap 9/7/87

Consultations

Environmental Protection Director – no objection subject to condition requiring a scheme of noise control for any plant and equipment.

Lighting Engineer – the lighting proposals will serve to improve and enhance the night time appearance of the Cultural Centre. These luminaries are pointed at the building or certain parts of it to create an effect and are chosen specifically for this. Unlike area floodlighting which throws light from height over a great distance there should be no side effects like light spill or glare with these intended lanterns.

Southport Civic Society – totally unacceptable not to provide an alternative library facility during construction works; all the stained glass windows should be kept; the turnstile should be relocated on site; other historic features within the buildings should be recorded with reference to their future location.

English Heritage – the application concerns alterations to two listed buildings which together represent a significant element of the civic buildings on Lord Street in the heart of a conservation area and the proposals therefore have the potential to deeply influence the character of this important area of Southport. English Heritage is fully supportive of the aspiration to create a single cultural centre in Southport that will make literature and the arts more attractive and accessible to the public. We are grateful to have had the opportunity to have been involved in detailed pre-application discussions. Support the scheme but wish the following points to be taken into account:-

- Full justification is required for the removal of the staircase and art gallery turnstile – consider it should be possible to relocate the turnstile within the building.
- Concerned about reduction of the repairs budget and seek clarification on this matter.
- Current architects should be involved through to completion of the project to ensure a high quality project is delivered successfully.
- The glazing of the porte cochere requires a strict maintenance regime.

Recommend that the application is determined in accordance with national and local policy guidance and it is not necessary to consult us again on the application.

Neighbour Representations

Last date for replies: 8/12/09 (neighbours)
17/12/09 (site notice)
18/12/09 (press notice)

Letter received from 18 Cambridge Arcade concerned about the impact on trading over the two year construction period.

Policy

The application site is situated in an area allocated as Southport Town Centre & Conservation Area (the entrance projections onto Lord Street are within Urban Greenspace) on the Council's Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
G1	Protection of Urban Greenspace
HC1	Development in Conservation Areas
HC3	Development or Change of Use Affecting a Listed Building
R2	Southport Town Centre

Agenda Item 5b

R6 Development in District and Local Centres

Comments

This planning application involves alterations and refurbishment of the arts centre, library and art gallery to form a single integrated cultural centre. External alterations include an extension above existing retail units in Cambridge Arcade, a glazed link between the art gallery and Cambridge Hall, construction of a second floor theatre foyer, installation of a glazed entrance foyer to the existing arts centre building, and the provision of new plant on various parts of the buildings' roof. The existing library entrance on Lord Street closest to Eastbank Street is to be closed and relocated to the existing art gallery entrance also on Lord Street and a new goods lift is proposed at the rear of the site onto Sharrock Street. The application also involves a change of use of existing offices on the first floor of bank buildings (on the corner of Lord Street and Eastbank Street) to be used as first floor library accommodation in addition to that on the ground floor.

The main issues to consider include the suitability of the change of use proposal, the scale, design and visual impact of the proposed extensions, the impact of the proposals on the character and appearance of the Lord Street Conservation Area, and their impact on the special features and setting of the three Grade II Listed Buildings, the subject of this application. Issues of highway safety are also relevant.

The proposed change of use of the first floor of Bank Buildings from general offices to a library use is considered appropriate as the site lies within Southport Town Centre as identified in the adopted Sefton UDP and the proposal will not have a detrimental impact on the overall retail function of the area. In addition, the proposal will make a positive contribution to the vitality and viability of the Town Centre and therefore satisfies UDP Policy R2.

The scale of the proposed extensions are minor in relation to the scale of the existing buildings as a whole. The extension above Cambridge Arcade (constructed in patinated copper cladding) and the proposed glazed link between Cambridge Hall and the art gallery have a modern design in contrast to the traditional design of the listed Victorian buildings. The extensions are set back from the main front elevation of the buildings, they will be read as modern additions but will not be seen as dominant features on the group of buildings. The proposed foyer extension and new plant on the roof will generally be screened by the existing buildings and will not be readily visible from public view. The proposals to glaze the main entrance to provide an enclosed entrance foyer and the proposals to alter some of the external window and door openings are considered appropriate. Overall, the scale, design and visual impact of the extensions are not considered to harm the character and appearance of the Lord Street Conservation Area and are considered appropriate in terms of their visual impact in the street scene and on the group of Listed Buildings.

With regards to issues of highway safety, an amended plan has been received showing the provision of 12 Sheffield cycle stands close to the entrance to the art gallery and library on Lord Street. Discussions are ongoing regarding the impact of the proposed goods lift at the rear of the site as concerns have been expressed about a lack of manoeuvring space for delivery vehicles. The results of these discussions will be reported in the Late Representations document.

The Southport Civic Society express concern about the failure to provide an alternative library facility for the duration of the construction works. However, this matter is outside the

scope of this planning application and cannot affect its decision. Likewise, the points raised about internal features will be dealt with in the application for Listed Building Consent (S/2009/1002). Similarly, points raised by English Heritage relate to the application for Listed Building Consent.

One of the local traders has expressed concern about possible disruption to local businesses during the construction phase. The applicant's agent advises that there will be hoardings placed in front of the retail units in Cambridge Arcade close to the Lord Street entrance although access will not be totally restricted. He also advises that this matter will be discussed with local traders prior to the construction works.

The applicant has presented the application to the Access Forum which is concerned with access and mobility issues.

Reasoned Justification

The proposals are considered acceptable in terms of their impact on the retail function of Southport Town Centre, in terms of the scale, design and visual impact of the proposed extensions and external alterations, and in terms of the proposals' impact on the Lord Street Conservation Area and the group of Grade II Listed Buildings. Issues of highway safety are also considered acceptable therefore approval is recommended.

Contact Officer: **Mrs S Tyldesley Telephone 0151 934 3569**

Case Officer: **Mrs D Humphreys Telephone 0151 934 3565 (Tue, Thu & Fri)**

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Committee: **PLANNING**

Date of Meeting: **13 January 2010**

Title of Report: **S/2009/1002**
Cambridge Hall, Atkinson Library & Art
Gallery and Bank Buildings Lord Street,
Southport
(Dukes Ward)

Proposal: Listed Building Consent for the erection of a three storey extension to the elevation facing Cambridge Arcade, erection of a glazed atrium linking the Art Gallery to Cambridge Hall, construction of a second floor foyer on the existing roof, installation of glazing to form an enclosed entrance foyer, erection of a goods lift at the rear facing Sharrock Street, erection of new plant at roof level and internal and external alterations and refurbishment

Applicant: Mr John Taylor Sefton Council

Executive Summary

This is an application for Listed Building Consent for internal and external alterations at Southport Arts Centre, the Atkinson Library and Art Gallery and Bank Buildings in order to form a single Cultural Centre. The main issues to consider are the impact of the proposals on the architectural and historic interest of the buildings, on particular features of the building, on the buildings' setting, and any community benefits the proposals may bring.

Recommendation(s)

That the application be referred to Government Office North West with a recommendation for approval and the decision to grant Listed Building Consent be delegated to Officers of receipt of GONW's response.

Justification

The proposals will not have a detrimental impact on the architectural and historic interest of the Listed Buildings, on particular features of the Listed Buildings, and on their setting, and will assist in urban regeneration through significant investment in Southport's cultural facilities therefore approval is recommended.

Agenda Item 5c

Conditions

1. T-4 Listed Building Consent / Conservation Area Consent (Time Limit)
2. X1 Compliance
3. No poster signage shall be attached to the glazed port cochere.
4. M-2 Materials (sample)
5. M-4 Window Details
6. M-2 Materials (sample)
7. M-2 Materials (sample)
8. M-2 Materials (sample)
9. The port cochere glazing shall be sheer glazing and non-reflective.
10. The original bank vault door shall remain in situ in the bank basement.
11. M-4 Window Details
12. The removal of the stained glass windows shall be carried out with care and any damaged stained glass shall be replicated on a like for like basis.
13. M-2 Materials (sample)
14. M-2 Materials (sample)
15. All blocked up windows shall have a reveal of at least a bricks width internally and externally.
16. All intrusive work, such as electrical and plumbing work, shall be carried out in accordance with the guidance in Annex C of PPG15.
17. The art gallery turnstile shall be removed and stored and its location retained within a public space within the building unless written confirmation is agreed for its new location.
18. M-2 Materials (sample)
19. M-2 Materials (sample)
20. M-2 Materials (sample)
21. The second floor windows in Bank Buildings to be blocked up shall remain in situ internally.
22. All works shall be carried out in accordance with the details given in Chapter 18.0 A. Outline Scope of Works of the submitted Design and Access Statement.
23. M-2 Materials (sample)

Reasons

1. RT-4
2. RX1
3. LBR2
4. RM-2
5. LBR2
6. LBR2
7. LBR2
8. LBR2
9. LBR2

10. LBR2
11. LBR2
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20. LBR2
21. LBR2
22. LBR2
23. LBR2

Notes

Drawing Numbers

Drawing number L/100/P3, L/101/P3, L/102/P3, L/103/P3, L/104/P4, L/105/P3, L/106/P3, L/107/P3, L/221/P1, L/222/P1, L/223/P1, L/224/P1, L/225/P1, L/226/P1, L/227/P1, L/228/P1, L/229/P1, L/230/P1, L/231/P1, L/241/P1, L/242/P1, L/243/P1, L/244/P1, L/246/P, A/600/P1, A/601/P1, A/602/P1, A/605/P1, A/606/P1, A/610/P1, A/611/P1, A/612/P1, A/620/P1, A/630/P1, A/631/P1, A/632/P1, A/633/P1, A/634/P1, A/635/P1, A/636/P1, A/637/P1, A/641/P1, A/642/P1, A/645/P1, A/646/P1, A/650/P1, A/655/P1, A/660/P1, A/680/P1, A/690/P1

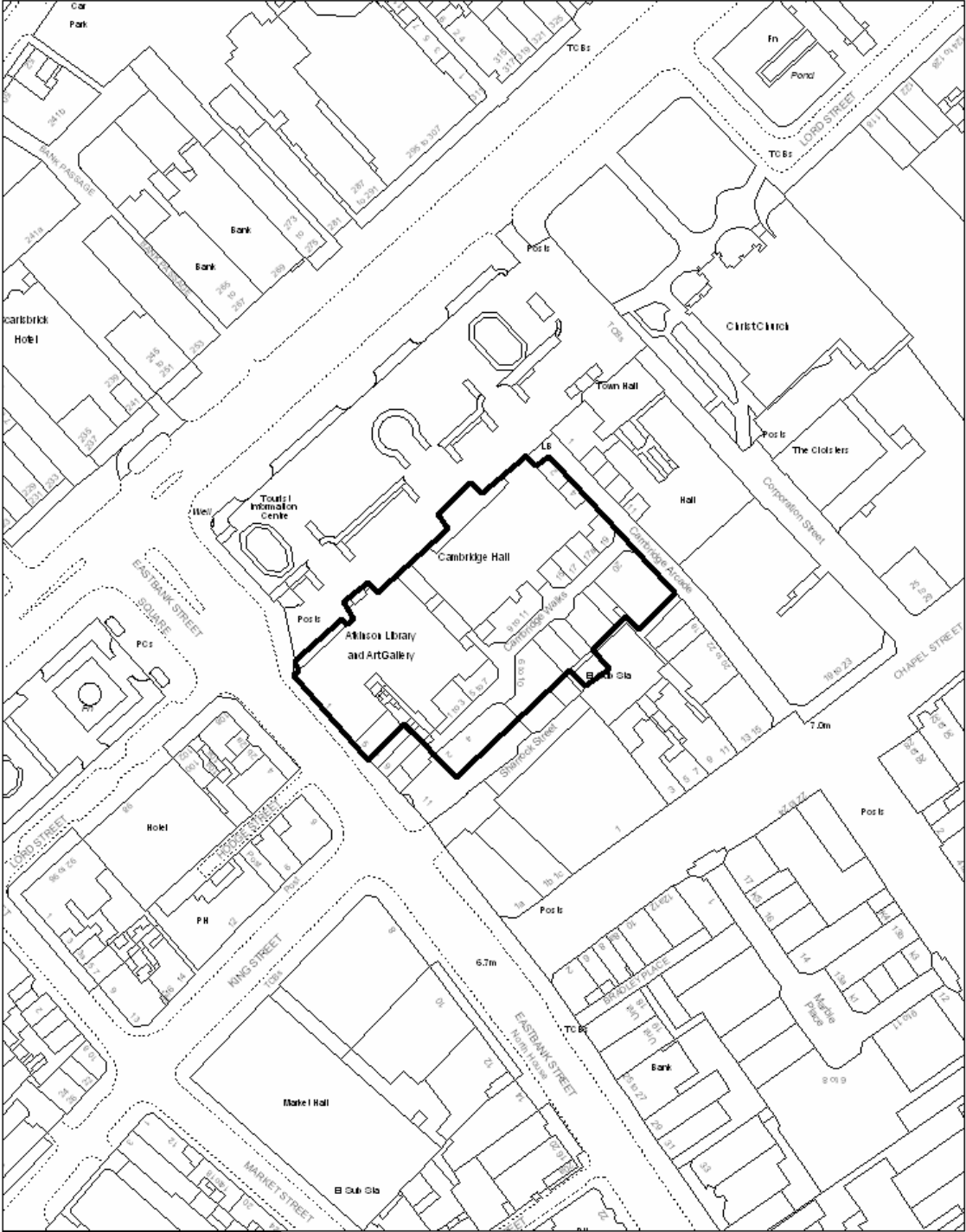
Agenda Item 5c

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2009/1002 Cambridge Hall Lord Street Southport	Standard Site Plan Scale: 1:2250 Date: 29/12/2009 Drawn By: EBERTON
	OSGR: 333596, 417198 Sheets: 489D Area: 3980 sqm	Ward(s): Dukes Postcode Sector(s): PR8 1 Polling District(s): W2 Parish(es): None Found

Agenda Item 5c

S/2009/1002

The Site

The site comprises the Southport Arts Centre, the Atkinson Library and Art Gallery together with offices contained in the former Bank Buildings. The site is bordered by Lord Street to the north west, Cambridge Arcade to the north east, Cambridge Walks to the south east, and Eastbank Street to the south west. The upper floors of the subject buildings extend over Cambridge Walks to Sharrock Street.

The site lies within a predominantly retail area within Southport Town Centre.

Proposal

Listed Building Consent for the erection of a three storey extension to the elevation facing Cambridge Arcade, erection of a glazed atrium linking the Art Gallery to Cambridge Hall, construction of a second floor foyer on the existing roof, installation of glazing to form an enclosed entrance foyer, erection of a goods lift at the rear facing Sharrock Street, erection of new plant at roof level and internal and external alterations and refurbishment.

History

S/2009/1001 Current. Creation of an integrated Cultural Centre involving a partial change of use of bus offices (B1) to public library (D1), erection of a three storey extension to the elevation facing Cambridge Arcade, erection of a glazed atrium linking the Art Gallery to Cambridge Hall, construction of a second floor foyer on the existing roof, installation of glazing to form an enclosed entrance foyer, erection of a goods lift at the rear facing Sharrock Street, erection of new plant at roof level and external alterations and refurbishment.

N/2008/0497 Listed Building consent for the refurbishment of the Atkinson Art Gallery shop. Ap 12/8/08

N/1987/0324 Listed Building Consent to provide revised offices, booking office/foyer, bar/restaurant, picture gallery, access, toilet and service areas and alterations to Cambridge Arcade. Ap 6/4/88

N/1987/0323 Listed Building Consent for demolition of rear building of Cambridge Hall (known as Victoria Building) and part of the rear of the Atkinson Library and Art Gallery to allow redevelopment of the site. Ap 25/8/87

Consultations

Southport Civic Society – totally unacceptable not to provide an alternative library facility during construction works; all the stained glass windows should be kept; the turnstile should be relocated on site; other historic features within the buildings should be recorded with reference to their future location.

English Heritage – the application concerns alterations to two listed buildings which together represent a significant element of the civic buildings on Lord Street in the heart of a

conservation area and the proposals therefore have the potential to deeply influence the character of this important area of Southport. English Heritage is fully supportive of the aspiration to create a single cultural centre in Southport that will make literature and the arts more attractive and accessible to the public. We are grateful to have had the opportunity to have been involved in detailed pre-application discussions. Support the scheme but wish the following points to be taken into account:-

- Full justification is required for the removal of the staircase and art gallery turnstile – consider it should be possible to relocate the turnstile within the building.
- Concerned about reduction of the repairs budget and seek clarification on this matter.
- Current architects should be involved through to completion of the project to ensure a high quality project is delivered successfully.
- The glazing of the porte cochere requires a strict maintenance regime.

Recommend that the application is determined in accordance with national and local policy guidance and it is not necessary to consult us again on the application.

Neighbour Representations

Last date for replies: 8/12/09 (neighbours)
17/12/09 (site notice)
18/12/09 (press notice)

Letter received from 18 Cambridge Arcade concerned about the impact on trading over the two year construction period.

Policy

The application site is situated in an area allocated as Southport Town Centre & Conservation Area on the Council's Adopted Unitary Development Plan.

HC1 Development in Conservation Areas
HC3 Development or Change of Use Affecting a Listed Building

Comments

This is an application for Listed Building Consent for various internal and external alterations to Cambridge Hall, Atkinson Library and Art Gallery and bank buildings which are Grade II Listed Buildings situated within the Lord Street Conservation Area.

External alterations include an extension above existing retail units in Cambridge Arcade, a glazed link between the art gallery and Cambridge Hall, construction of a second floor theatre foyer, installation of a glazed entrance foyer to the existing arts centre building, and the provision of new plant on various parts of the buildings' roof. The existing library entrance on Lord Street closest to Eastbank Street is to be closed and relocated to the existing art gallery entrance also on Lord Street and a new goods lift is proposed at the rear of the site onto Sharrock Street.

The application also involves refurbishment works to the interior of the buildings including the removal and/or relocation of various features as well as the introduction of new features in an attempt to improve the circulation space within the buildings and to improve its appearance.

Agenda Item 5c

The application should be considered against Policy HC3 of the adopted Sefton UDP and in accordance with Government advice given in PPG15 Planning and the Historic Environment.

The main issues to consider are the impact of the proposals on the architectural and historic interest of the buildings, on particular physical features of the building, on the buildings' setting, and any community benefits the proposals may bring.

The scale of the proposed extensions are minor in relation to the scale of the existing buildings as a whole. The extension above Cambridge Arcade (constructed in patinated copper cladding) and the proposed glazed link between Cambridge Hall and the art gallery have a modern design in contrast to the traditional design of the listed Victorian buildings. The extensions are set back from the main front elevation of the buildings, they will be read as modern additions but will not be seen as dominant features on the group of buildings. The proposed foyer extension and new plant on the roof will generally be screened by the existing buildings and will not be readily visible from public view. The proposals to glaze the main entrance to provide an enclosed entrance foyer and the proposals to alter some of the external window and door openings are considered appropriate. Overall, the scale, design and visual impact of the extensions are considered appropriate in terms of their impact on the external architectural and historic interest of the group of Listed Buildings.

The internal alterations seek to improve circulation within the proposed single cultural centre and to open up some areas in order to provide more visual awareness of new space. The following internal proposals are of particular interest:-

- the removal of the art gallery staircase;
- the removal of the art gallery turnstile;
- the removal of the mezzanine within the existing foyer area;
- the extension to the main staircase; and
- the relocation of the coloured glass windows.

English Heritage have requested a full justification for the proposal to remove the art gallery staircase. The applicant advises that the configuration of the existing staircase results in a cramped, disorientating and restricted approach to the art gallery and its retention would compromise the future viability of the art gallery. Having discussed various options with English Heritage, the applicant feels that the present scheme provides a balance between conservation, transformation and accessibility to create an economically viable Cultural Centre.

The applicant advises that consideration has been given to retaining the art gallery turnstile within the public areas of the building, however no suitable location has been identified. This is because the turnstiles occupy a significant area and provide a barrier to public access when the project seeks to remove such visitor barriers and space within the Cultural Centre is at a premium. Furthermore, the turnstiles are not believed to be an original feature of the building. The applicant advises that the turnstiles will be relocated to the Southport Pier Pavilion where they will be protected and interpreted in a way that is not possible within the new Cultural Centre.

The proposal to remove the mezzanine floor within the existing foyer area of the arts centre is welcomed as this is not an original feature of the building and its removal will help to reinstate the historic volume and detailing of the foyer.

The proposal to extend the main staircase in order to give central access to the new

museum space and upper part of the theatre on the second floor is also considered acceptable.

It is proposed to relocate three of the existing coloured glass windows to the west side of a new void formed at second floor level above the main stairs. The fourth coloured glass window is to be relocated within the new glazed atrium link between Cambridge Hall and the art gallery.

The above internal proposals are considered acceptable and the scheme as a whole is not considered to have a detrimental impact on the architectural and historic interest of the buildings provided conditions are imposed.

The proposals represent a significant investment in Southport's cultural facilities and will bring community benefits which will assist in regeneration of the area.

With regards to concerns raised by English Heritage about a reduction in the repairs budget, the applicant advises that additional stonework repairs are now considered unnecessary and that the repairs budget is actually unchanged.

As this is an application for Listed Building Consent by Sefton Council, the application must be referred to GONW, with a recommendation for approval, prior to its determination.

Reasoned Justification

The proposals will not have a detrimental impact on the architectural and historic interest of the Listed Buildings, on particular features of the Listed Buildings, and on their setting, and will assist in urban regeneration through significant investment in Southport's cultural facilities therefore approval is recommended.

Contact Officer: **Mrs S Tyldesley Telephone 0151 934 3569**

Case Officer: **Mrs D Humphreys Telephone 0151 934 3565 (Tue, Thu & Fri)**

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Committee: **PLANNING**

Date of Meeting: **13 January 2010**

Title of Report: **S/2009/1011**
Former Dairy, 5 Marsh Brows, Formby
(Harington Ward)

Proposal: Erection of a four storey block of 12 apartments and associated car parking and amenity space following demolition of existing buildings

Applicant: Formby Hall Investments

Executive Summary

The proposal is for the construction of 12 flats on the former dairy site at Marsh Brows. The principal issues relate to the layout, design and external appearance having regard to the character of the surroundings, the impact on neighbouring dwellings and the effects on highway safety.

Recommendation(s) Approval

Justification

The scheme complies with the aims and objectives of the Sefton UDP and, in the absence of any other overriding material considerations, the granting of planning permission is therefore justified for the reasons set out in the committee report.

Conditions

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. M-4 Window Details
4. M8 Boundary Treatment
5. M-6 Piling
6. L-1 Protection of trees
7. Landscaping (scheme)
8. L-4 Landscape Implementation
9. H-1 Remove existing vehicular/pedestrian access
10. H-2 New vehicular/pedestrian access
11. H-5 Off-site Highway Improvements
12. H-6 Vehicle parking and manoeuvring
13. H-7 Cycle parking
14. P-2 Acoustic glazing
15. Passive ventilation
16. Con-1 Site Characterisation
17. Con- 2 Submission of Remediation Strategy

Agenda Item 5d

18. Con-3 Implementation of Approved Remediation Strategy
19. Con-4 Verification Report
20. Con-5 Reporting of Unexpected Contamination
21. X1 Compliance
22. S-106 Standard S106

Reasons

1. RT-1
2. RM-2
3. RM-4
4. RM8
5. RM-6
6. RL-1
7. RL-3
8. RL-4
9. RH-1
10. RH-2
11. RH-5
12. RH-6
13. RH-7
14. RP-2
15. RP-2
16. RCON-1
17. RCON-2
18. RCON-3
19. RCON-4
20. RCON-5
21. RX1
22. RS-106

Notes

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.

The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@technical.sefton.gov.uk for further information.

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 16 to 20 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition

Con-5 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.

Planning permission is granted subject to an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in relation to trees and public greenspace.

The applicants attention is drawn to the attached advice and guidance from Network Rail.

Drawing Numbers

A/258/LP, 06, 07, Desk Study

Agenda Item 5d

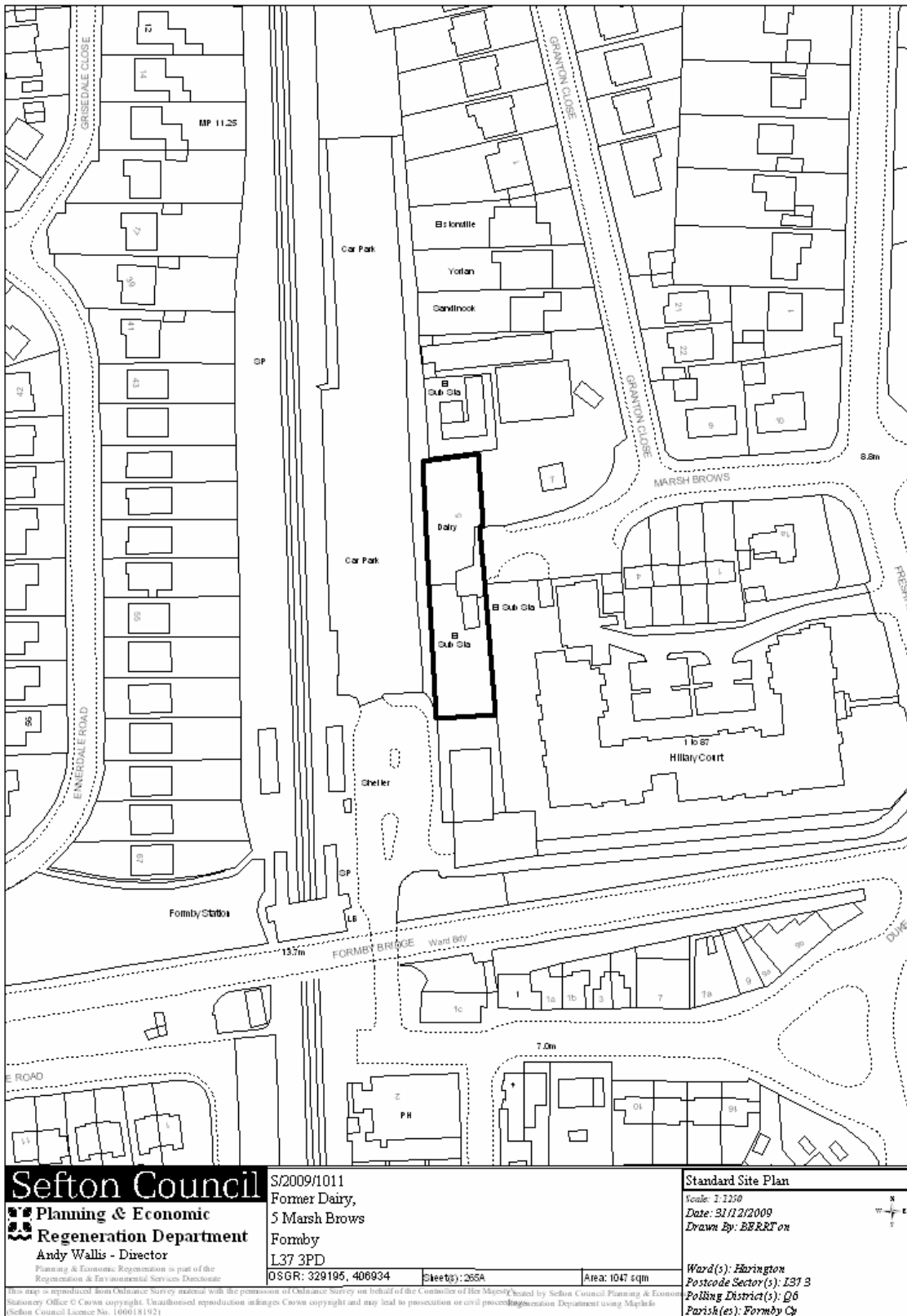
Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to

Agenda Item 5d



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2009/1011 Former Dairy, 5 Marsh Brows Formby L37 3PD OSGR: 329195, 406934 Sleep(s): 265A Area: 1047 sqm		Standard Site Plan Scale: 1:1250 Date: 31/12/2009 Drawn By: BBERT on	
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S/2009/1011

The Site

The site comprises a former dairy building on the west side of Marsh Brows. The site is narrow and its length runs north to south parallel to the Formby Railway station car park on the west side. The access is on the eastern side of the site direct from Marsh Brows.

The former dairy aside, the character is generally a mix of residential property of two storey scale with the exception of the three/four storey retirement apartments at the corner of Freshfield Road/Kirklake Road.

There are electric substations adjacent to both the north and the south/east boundaries.

Proposal

Erection of a four storey block of 12 apartments and associated car parking and amenity space following demolition of existing buildings

History

Most relevant recent history is as follows:

N/2003/0369 – Outline application for two blocks of three two storey terraced houses and layout of 6 car parking spaces – refused 13 May 2003.

N/2004/1241 – Erection of two pairs of two storey semi-detached dwellinghouses with car parking spaces to front – refused 12 January 2005.

S/2009/1007 (7 Marsh Brows) – Erection of 3 terraced houses – approved 31/12/09

Consultations

Highways Development Control – no objections

Environmental Protection Director – no objections subject to piling and contaminated land conditions

Network Rail – no objections

Scottish Power – comments awaited

Police Architectural Liaison Officer – final comments awaited

Agenda Item 5d

Neighbour Representations

Last date for replies: 9 December 2009

Site/Press notice expiry: 23 December 2009.

Formby Civic Society object as follows:

The architectural style would be at variance with that of other buildings in the vicinity, poor transition between more traditional form of development and that now proposed;

Site too small to accommodate building of proposed size, lack of outdoor space;

Building would be excessively dominant in the street scene, would tower over three terraced dwellings proposed adjacent, impact accentuated by rectangular form of building;

Insufficient size of bin store, poor cycle storage and living facilities for occupiers, and lack of regard to SPG guidance on sustainability/Eco Homes.

Letter of objection from 49, 51 Ennerdale Road, 5, 6 Granton Close, 10 Marsh Brows, 42 Hillary Court,

- parking problems/traffic congestion,
- building too big and imposing,
- inappropriate design for the area,
- 3 storey block would be more in keeping,
- Likely noise impact for occupants and proximity of substations,
- Loss of views.

Letter of support from 9 Marsh Brows but would wish to see trees retained.

Policy

The application site is situated in an area allocated as Primarily Residential Area on the Council's Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
EDT18	Retention of Local Employment Opportunities
EP3	Development of Contaminated Land
H10	Development in Primarily Residential Areas
H12	Residential Density
H3	Housing Land Supply

Comments

Planning History

The two previously refused applications are important material considerations albeit the types and numbers of dwellings are less than now proposed.

In the case of the 2003 application, the reasons for refusal were based on the housing restraint mechanism prevalent at that time and issues over the amenity for occupiers. In particular, several main windows had direct outlooks onto the existing substation.

The sole reason for the 2004 refusal was based on housing restraint and the absence of sufficient regeneration benefit to justify approval. The layout itself was considered acceptable. There were no issues of concern that related to the impact on the amenity of nearby residents.

There are no matters arising from the history as set out above that would influence a similar decision to refuse on this application.

Design and Layout

The proposal is for a four storey building comprising a mix of render and brick, with metal roofing. The building would have appreciable balconies and afford overlooking of all public areas surrounding it. The top floor would be set back slightly from the main brick and render and would be fully glazed to reduce the bulk and mass of the building. Discussion is ongoing with the applicant to try and reduce this even further.

The building has sharp glazed corners and though the building will be prominent, it is not substantially taller than the adjacent Hillary Court, with its ridge exceeding the main bulk of that building by 0.8 metres, and the eaves height broadly identical, with a substantially smaller footprint. The prevailing character of the area in respect of design plot layout is very mixed and the proposal will maintain that mix.

It may reasonably be expected that the prominent position demands a building of scale and presence. The current approach from Marsh Brows is of a substantial roller shutter door whereas the design seeks to provide a windowed arrangement directly addressing the street scene presenting excellent surveillance of the immediate surroundings.

The site has differing characteristics to its neighbours and demands a specific design approach which is more dominant.

There is no issue with the size and scale of the building provided the requirements of occupiers in respect of parking and amenity can be reconciled.

The scheme provides for a limited amenity area on the northern side, which will be in

Agenda Item 5d

shadow for large parts of the day and measures 130 sq metres. There is also following amendment of the drawings a grassed area adjacent to the parking court which is secure and useable. This area is slightly larger and measures 140 sq metres. The total amenity area provided is therefore 270 sq metres.

It should be emphasised that whilst this is short of the required standard, 7 of the 12 flats have their own external balconies which provide reasonable external space, and there is easy access to Duke Street Park for those occupying the flats.

The repositioning of the building to another part of the site to provide better external space would make for undue interference with the residents of Hillary Court, whilst presenting significant difficulty in respect of parking layout and the need to maintain an existing substation accessed from Marsh Brows.

Therefore, whilst the standards are not met, it is considered there are other factors that override the need to adhere slavishly to the 30 sq metre criterion.

There is a need to secure the car park where it adjoins that belonging to the railway station and a condition is attached requiring fencing to the western side of the car park. The boundary treatment adjacent to the outdoor amenity areas will require acoustic protection.

The building will require acoustic/thermal glazing for all windows with line of sight across the car park and acoustically treated passive ventilation to protect residents from noise adjacent to the railway.

Bin storage and cycle storage is provided on site and is concealed from public viewpoints.

The scheme is acceptable in respect of design and layout.

Parking/Highway Safety

There are 12 parking spaces in total and this is considered appropriate on the basis of it being one per flat. The plans also comprise a cycle store and Sheffield stands will be provided at the front of the premises for visitors.

The street is considered capable of accommodating the additional traffic likely to be generated by the proposals. The flats are also likely to appeal to non-car users given their proximity to other available modes of transport. It is not considered that the scheme will give rise to traffic hazards.

Amenity of neighbours

Planning permission was granted on 31 December 2009 for the construction of three terraced dwellings at no. 7. The windows proposed in this scheme will not cause direct overlooking of their private garden spaces and bedrooms within the scheme are specifically orientated to maximise outlook whilst at the same time not compromising the privacy of the future occupiers of those properties.

The scale of the building is likely to give rise to views from a high level over the communal areas of Hillary Court, but there will be no direct views between the habitable rooms of either. The north western corner of Hillary Court will be a minimum of 30 metres from the south and east facing windows of the new building and are also offset also at an angle.

The building will not impact on any other residents of Marsh Brows.

Trees and Greenspace

The proposal will require a total of 36 trees to be planted on site with 2 for each one to be removed. It is most likely that all of the final amount will be planted on site but the final number will be reported by way of late representation.

The original submission indicated that no trees are present on site, however, following a site inspection, a number of trees were identified and the applicant has been asked to undertake a full tree survey and the outcome of this will be reported by way of late representation. The plans do make for the retention of key trees nevertheless as part of the improved amenity area and some of these fall just outside the applicant's ownership but will not interfere with residential outlook.

There is a requirement under Policy DQ4 for public greenspace of £20,208. The applicant is agreeable to this payment and any further payment that may be required by way of a DQ3 contribution.

Employment Land Availability

As the site has most recently been in employment use, Policy EDT18 would apply with the presumption that employment land should not usually be released for other uses. However, in this instance, it is considered that exceptional circumstances apply that would allow this site to go for residential development.

This site was submitted to the Sefton Housing Land Availability Assessment 'Call for Sites' exercise, and as such has been commented on by the Council's retained consultants. As a Call for Sites site in employment use, it was also assessed as part of our Employment Land & Premises Study.

In this regard, the consultants' recommendation for this site was that it could be "released for other uses", and given that the Study is now approaching a conclusion it is considered that considerable weight can be given to this view.

Furthermore, the lawful use of the site remains B2 general industrial and consequently, the existing buildings could readily be occupied for a purpose which might in some quarters be regarded as unneighbourly and over which there would be no planning control. This is an important albeit not overriding consideration which weighs further in favour of the principle.

There is no objection on this basis to the site being released for residential purposes.

Agenda Item 5d

Other matters

The site is contaminated from previous usage and a full remediation exercise will be required.

The potential loss of private views is noted but this is not a material planning consideration.

Approval is recommended in anticipation of resolving all of the outstanding matters discussed in the report.

Reasoned Justification

The scheme complies with the aims and objectives of the Sefton UDP and, in the absence of any other overriding material considerations, the granting of planning permission is therefore justified.

Contact Officer: **Mrs S Tyldesley** **Telephone 0151 934 3569**

Case Officer: **Steve Faulkner** **Telephone 0151 934 3081**

Committee:	PLANNING
Date of Meeting:	13 January 2010
Title of Report:	S/2009/1019 St John And St James Church 50a Monfa Road, Bootle (Derby Ward)
Proposal:	Erection of 16 dwellings following demolition of existing church
Applicant:	Mr Andrew Garnett McInerney Homes & The Parochial Church Council of Orrell Hey

Executive Summary

The proposal is for the demolition of the existing church and replacement with two storey dwellinghouse fronting Kirby Road, Monfa Road and Netherton Road. The issues relate primarily to the quality of layout and design, impact on amenity of neighbours and prospective occupiers and the implications for highway safety.

Recommendation(s) Approval

Justification

The scheme complies with the aims and objectives of the Sefton UDP and having had regard to all other material planning considerations, the granting of planning permission is therefore justified.

Conditions

1. T-1 Full Planning Permission Time Limit
2. S-106 Standard S106
3. X1 Compliance
4. M2 Materials (details)
5. M-3 Obscure Glazing
6. R-2 PD removal garages/ extensions/outbuildings
7. M-6 Piling
8. L5 Landscaping (scheme)
9. L-4 Landscape Implementation
10. H-1 Remove existing vehicular/pedestrian access
11. H-5 Off-site Highway Improvements
12. H-6 Vehicle parking and manoeuvring
13. Con-1 Site Characterisation
14. Con- 2 Submission of Remediation Strategy
15. Con-3 Implementation of Approved Remediation Strategy
16. Con-4 Verification Report

Agenda Item 5e

17. Con-5 Reporting of Unexpected Contamination
18. At least 30% of the dwellings hereby permitted shall be used exclusively for social rented housing for which guideline target rents will be determined in accordance with the Housing Corporation Regulatory Circular 'Rent influencing regime - implementing the rent restructure framework' or any such changes/updates to it as are subsequently approved by the Housing Corporation.
19. The proposed development shall meet Code 3 Sustainable Homes.

Reasons

1. RT-1
2. RS-106
3. RX1
4. RM1
5. RM-3
6. RR-2
7. RM-6
8. RL1
9. RL-4
10. RH-1
11. RH-5
12. RH-6
13. RCON-1
14. RCON-2
15. RCON-3
16. RCON-4
17. RCON-5
18. To meet the requirements of UDP Policy H2.
19. To provide sustainable development and comply with UDP Policies CS3 and DQ1 and the South Sefton Interim Planning Guidance.

Notes

1. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@technical.sefton.gov.uk for further information.

The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.

Planning permission is granted subject to an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in relation to trees and greenspace.

Drawing Numbers

Location Plan, 1168/L01A, L02A, L03, L04, L05A, L06A, Utilities Statement

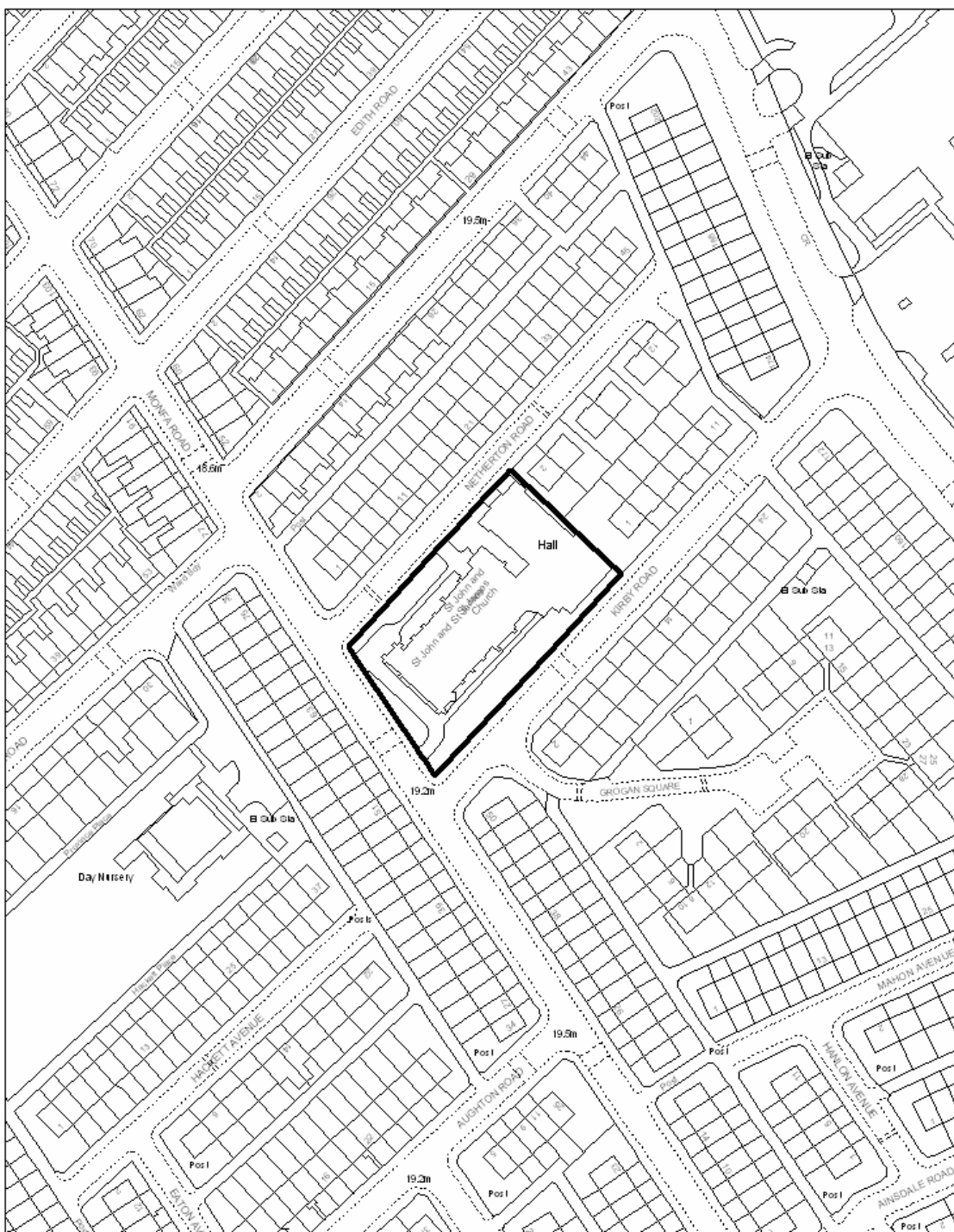
Agenda Item 5e

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2009/1019 St John And St James Church 50a Monfa Road Bootle		Standard Site Plan Scale: 1:1250 Date: 29/12/2009 Drawn By: BERRTON
	<small>OSGR: 334710, 396633</small>	<small>Elect: 70C</small>	<small>Area: 2508 sqm</small>

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Agenda Item 5e

S/2009/1019

The Site

The site is the St.John/St. James' Church, principally fronting Monfa Road but with longer elevations addressing Netherton Road to the north and Kirby Road to the south. The site is surrounded by residential property of two storey terraced nature. There has been recent development of residential property on the site adjacent to the east.

The site slopes slightly upwards when traversing in a west-east direction and is surrounded by railings of generally dilapidated nature.

Proposal

Erection of 16 dwellings following demolition of existing church

History

S/1991/0909 – Erection of a new entrance hall to the existing church and church hall premises – approved 16 January 1992.

Also of relevance is the recent (implemented) development as described on the adjacent site to the north east.

S/2004/1359 – Erection of 12 no. 2 storey dwellinghouses – approved 10 February 2005.

S/2005/0938 – Alternative to above – approved 20 October 2005.

Consultations

Highways Development Control – no objections subject to conditions including scheme for reconstruction of footways

Environmental Protection Director – contaminated land and piling conditions required

Merseyside Environmental Advisory Service – comments awaited

Environment Agency – condition required to guard against unexpected contamination.

Police Architectural Liaison – comments awaited

United Utilities – no objections subject to site being drained on separate system.

Neighbour Representations

Last date for replies: 10 December 2009

Press and Site Notice expiry 25 December 2009

One comment from 6 Kirby Road relating to scheme of demolition and ensuring no spread of noise and dust.

Policy

The application site is situated in an area allocated as Primarily Residential Area on the Council's Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
AD4	Green Travel Plans
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
DQ5	Sustainable Drainage Systems
EMW1	Prudent Use of Resources
EP3	Contaminated Land
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
H3	Housing Land Supply
NC2	Protection of Species
UP1	Development in Urban Priority Areas

Comments

The proposal is to develop the land in question for 16 residential dwellings. This would take place following the demolition of the existing church.

The scheme is 100% affordable and all dwellings will be built to Code 3 Sustainable Homes standard. The applicant will also seek to achieve Secured by Design (SBD). All dwellings are either 2 or 3 bedroom and add to the mix of development in the area.

The application links directly to planning permission S/2009/0555 for the change of use of the garage on Linacre Lane to a church, which is intended to be the long term location for the relocated church. However, this cannot occur without the delivery of a residential scheme at this site.

The congregation have been unable to worship in the existing church since 2004 and this currently takes place in the hall to the rear which in itself is in poor condition.

The potential for conversion has been investigated repeatedly but it is clear that from

Agenda Item 5e

a cost and practicality point of view, this would be difficult to achieve and the intended solution would appear acceptable in principle whilst achieving a range of design and regeneration objectives.

The site is 0.27 hectares giving a residential density of 59 dwellings per hectare.

The site design and layout is acceptable, providing for dwellings all addressing the street scene with secure front and back gardens to each. The layout closely follows that on the adjacent site granted permission in 2005. The pattern is of individual dwellings to Netherton Road, terraced dwellings to Kirby Road and a terrace fronting Monfa Road.

Corners are appropriately dealt with, with overlooking of public areas from side elevations, and there is clear ownership of corner sites and no areas potentially subject to long term maintenance issues. Discussion is ongoing with the applicants to fine-tune some of the boundary treatments, for example softening the higher walling to the Kirby Road/Netherton Road elevations. Further plans will be presented following the comments of the Police Architectural Liaison Officer.

The impacts for prospective and existing occupiers are exactly as per the approval referred to above. The layout clearly falls short of the normal standard of 21m interface distance outlined in the New Residential SPG. The separation distance between proposed dwellings is only 16m.

However, like the adjacent scheme, rooms are organised so that only bathrooms, halls and landings are facing to the rear at first floor level, which is considered acceptable and enables obscure first floor glazing to the rear of properties. The proposal therefore enables the prevailing pattern of built form to be continued,

It is accepted that not all gardens particularly to Kirby/Netherton Road achieve the full 70 square metre private garden space required, but where depth is limited, the width compensates and all properties have useable private space. There is a degree of weight to be attached to the fact that all properties have secure front gardens.

Concern has been expressed relating to demolition but the nature of the building is such that the materials are sufficiently valuable to warrant a very careful demolition. A Site Waste Management Plan (SWMP) is required by condition and will need to ensure that all materials are as far as practicable salvaged and reused in future development.

The scheme requires a Section 106 contribution towards trees and public greenspace. An indicative landscaping plan has been supplied to demonstrate the planting of 50 trees on site (16 x 3 plus 2 for the single tree to be removed). This would comply with Policy DQ3 subject to further clarification.

Under Policy DQ4 (greenspace) each dwelling will bring a requirement for a commuted sum contribution towards public greenspace. At 2009/10 rates, this amounts to £26,944, based on £1,684 per dwelling. A condition is attached to

secure this.

Conditions are attached to ensure that all dwellings are built to Code 3 level, and whilst the scheme is being proposed by a Registered Social Landlord (RSL), it is still the case given that 16 dwellings are provided that a minimum of 30% of these (5) must be affordable over the longer term and a condition is attached to that effect.

Reasoned Justification

The scheme complies with the aims and objectives of the Sefton UDP and having had regard to all other material planning considerations, the granting of planning permission is therefore justified.

Contact Officer: **Mrs S Tyldesley** **Telephone 0151 934 3569**

Case Officer: **Steve Faulkner** **Telephone 0151 934 3081**

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Committee: **PLANNING**

Date of Meeting: **13 January 2010**

Title of Report: **S/2009/1030**
Land Adjoining 12 Banks Road, Southport
(Meols Ward)

Proposal: Erection of a dormer bungalow in the garden adjacent to no. 12 Banks Road

Applicant: Mrs N Grocott

Executive Summary

The main issues to consider in respect of the proposed residential development are the impact upon the character of the area and the effect upon neighbouring residential amenity. When assessed against the policies within the Unitary Development Plan and all other material considerations, it is considered that the proposal responds harmoniously to the character of Banks Road and does not cause harm to neighbouring properties and is therefore acceptable.

Recommendation(s) Approval

Justification

When assessed against the Development Plan and all other material considerations, particularly policies CS3, DQ1, H10 and Supplementary Planning Guidance 'New Housing Development', the proposal, by virtue of its siting, scale and appearance is acceptable as it responds harmoniously to the character of the street scene and does not cause harm to neighbouring amenity.

Conditions

1. T-1 Full Planning Permission Time Limit
2. Before any construction commences, samples of the roofing and facing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.
3. The two roof lights to the front elevation shall not be glazed otherwise than with obscured glass and fixed shut, and thereafter be permanently retained as such.
4. The first-floor window to the south west elevation serving the en-suite bathroom shall not be glazed otherwise than with obscured glass and top hung and thereafter be permanently retained as such.

Agenda Item 5f

5. L-4 Landscape Implementation
6. X1 Compliance

Reasons

1. RT-1
2. To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with policy DQ1 of the Sefton Unitary Development Plan.
3. To safeguard the amenities of occupiers of adjoining properties and to comply with polices CS3 and DQ1 of the Sefton Unitary Development Plan.
4. To safeguard the amenities of occupiers of adjoining properties and to comply with polices CS3 and DQ1 of the Sefton Unitary Development Plan.
5. RL-4
6. RX1

Drawing Numbers

1990-10 C, 1990-11 A

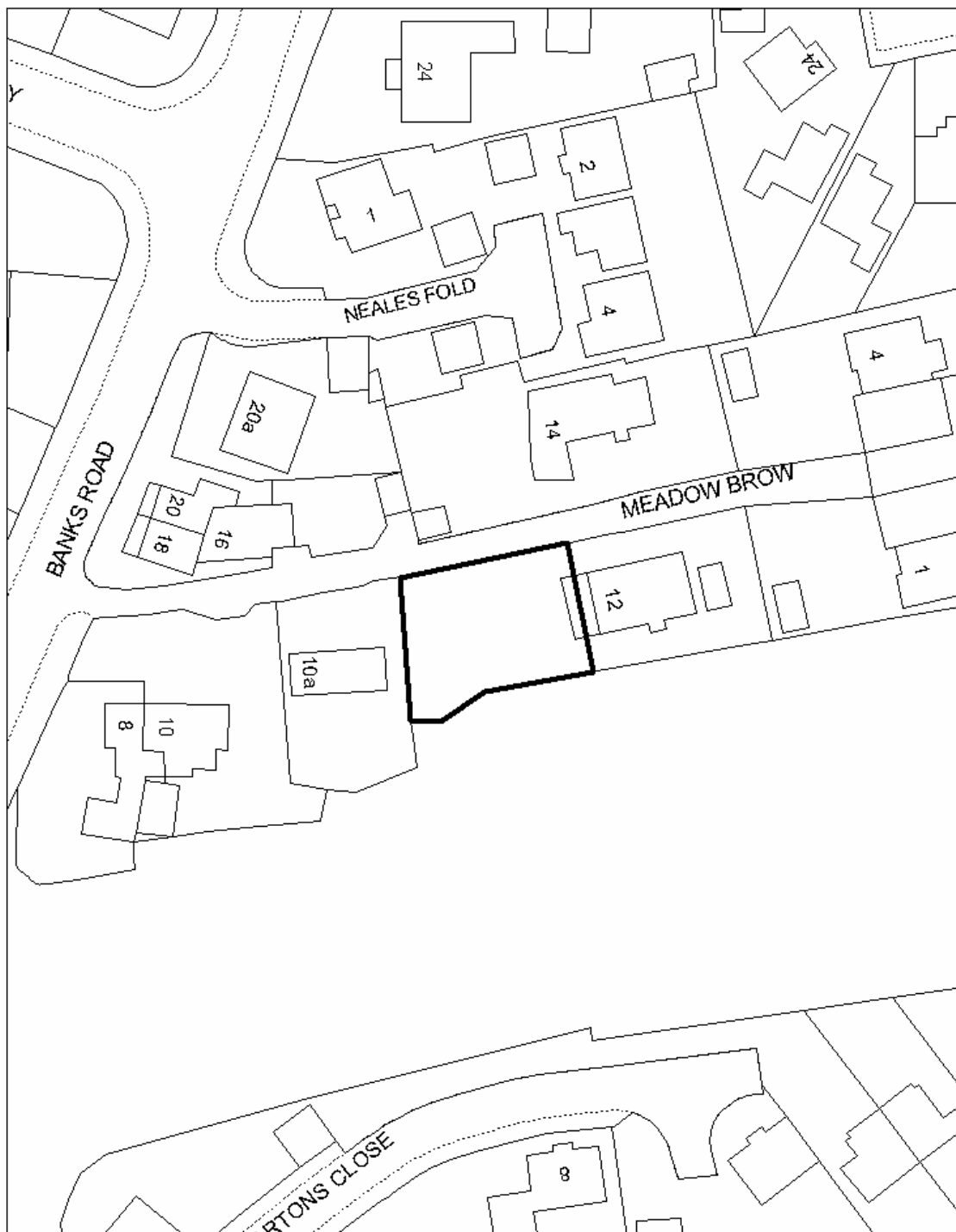
Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to

Agenda Item 5f



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2009/0672 Land Adjacent to 12 Banks Road Southport PR9 8JG OSGR: 337601, 420394		Sheets: 553D	Area: 387 sqm	Standard Site Plan Scale: 1:2250 Date: 29/12/2009 Drawn By: EBERTON
	<small>This map is reproduced from Ordnance Survey data with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 100018192</small>		Ward(s): Meols Postcode Sector(s): PR9 8 Polling District(s): VI Parish(es): None Found		

S/2009/1030

The Site

Land forming private amenity space to the side of Number 12 Banks Road that is accessed from the private road to the front with open land to the rear.

Proposal

Erection of a dormer bungalow in the garden adjacent to no. 12 Banks Road

History

S/2009/0672 – Erection of a dormer bungalow in the garden adjacent to no. 12 Banks Road. Withdrawn 8th October 2009.

Consultations

Highways DC – Despite the SPG ‘New Housing Development’ specifying an access road of 4.5 metres for a development of more than 5 homes, the existing access arrangement of a road 4 metres wide for much of its length has been in place for many years and there have been no recorded injury accident in the latest three year period. The addition of one further dwelling is unlikely to have any significant affect on the existing arrangements and as such there are no objections on the grounds of highway safety.

Environmental Protection Director – No objection to the proposal subject to the attachment of a condition to any approval.

Neighbour Representations

Last date for replies: 15th December 2009.

Representations received: Letter from 14 Banks Road objecting to the proposal on the grounds of highway safety through generation of additional traffic and that the property will be overbearing to the detriment of the character of the area and its relationship to neighbouring dwellings, while also causing harm to neighbouring amenity through overlooking of private amenity space.

Policy

The application site is situated in an area allocated as Primarily Residential on the Council’s Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
H10	Development in Primarily Residential Areas

Agenda Item 5f

Comments

As the application site lies within a Primarily Residential Area where the principle of residential development is acceptable subject to details.

The appearance of the proposed development accords with the existing property at Number 12 through matching eaves and ridge heights along with a rendered finish to external walls to echo that at Number 14 and 10a Banks Road.

The property will be forward of the front elevation of Number 10a by 2 metres to the garage, and by 4 metres at the front elevation. However, it is separated from this neighbouring dwelling by over 5 metres and is consistent with the positioning of Number 12.

Although the depth of the private space to the rear of the property is 4.5 metres, the use of a hit and miss timber boundary fence, and the views over open land to the rear, will ensure that harm will not be caused to the amenity of future occupiers in respect of the outlook from the habitable room windows. The private amenity space to the property is over 170 square metres in size and as such comfortably exceeds the minimum required by Supplementary Planning Guidance note 'New Housing Development'.

By virtue of the separation to Number 10a and the siting of Number 12, it is not considered that the first floor habitable room windows will cause harm to neighbouring properties through overlooking. The two skylights to the front roof slope are to be obscurely glazed and fixed shut so as to remove any harm to the amenity of the facing property, Number 14, through overlooking of private amenity space. A condition will be attached to approval to address this issue.

In addition, the window to the right hand side elevation at first floor level will be obscurely glazed and top hung, to be secured through condition, to minimise the potential harm to the amenity of Number 10a.

So as to accord with UDP policy DQ3, 3 (three) new trees are to be planted within the curtilage of the property.

After considering all of the above, it is considered that the proposal complies with the criteria of UDP policies CS3, DQ1, H10 and SPG New Housing Development as the proposal responds harmoniously to the character of the area and will not cause harm to the amenity of neighbouring residential properties or to the amenity of future occupiers.

As such, it is recommended that the application be granted consent with conditions.

Reasoned Justification

When assessed against the Development Plan and all other material considerations, particularly policies CS3, DQ1, H10 and Supplementary Planning Guidance 'New Housing Development', the proposal, by virtue of its siting, scale and appearance is acceptable as it responds harmoniously to the character of the street scene and does not cause harm to neighbouring amenity.

Contact Officer: **Mrs S Tyldesley Telephone 0151 934 3569**

Case Officer: **Neil Mackie Telephone 0151 934 3606**

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Committee: **PLANNING**

Date of Meeting: **13 January 2010**

Title of Report: **S/2009/1064**
221-223 Knowsley Road, Bootle
(Linacre Ward)

Proposal: Change of use from offices (B1a) to Health & Wellbeing Centre (D1)

Applicant: Sefton MBC Health & Social Care

Executive Summary

The proposed use is considered acceptable when assessed against the policies within the Development Plan and all other material considerations, particularly policies AD1, CS3, DQ1 and H10 as the proposed location is an area of mixed character and not in close proximity to residential properties.

Recommendation(s) Approval

Justification

The proposed use is considered acceptable when assessed against the policies within the Development Plan and all other material considerations, particularly policies AD1, CS3, DQ1 and H10 as the proposed location is an area of mixed character and not in close proximity to residential properties

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. The Premises shall not be open to the public outside the following hours
0800-2100 weekdays , 0800-1300 Saturdays and at no time on Sundays or Bank holidays unless otherwise agreed in writing by the Local Planning Authority.

Reasons

1. RT-1
2. RX1
3. In the interests of amenity/ residential amenity and to accord with policy H10 in the Sefton Unitary Development Plan.

Agenda Item 5g

Notes

Drawing Numbers

SSKRDA-1/001, 002

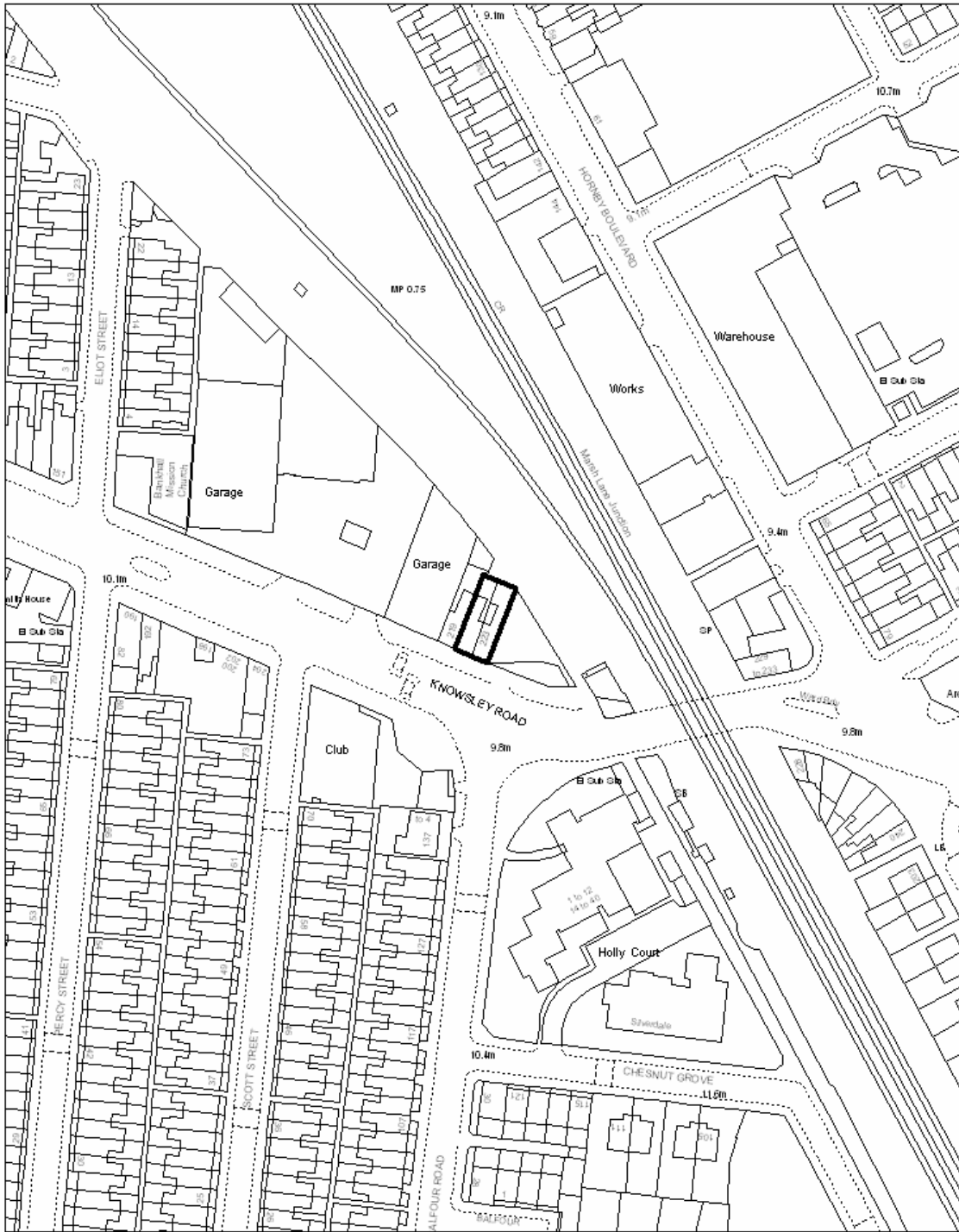
Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to

Agenda Item 5g



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2009/1064 221-223 Knowsley Road Bootle L20 4NU OSGR: 333748, 396306		Standard Site Plan Scale: 1:1250 Date: 29/12/2009 Drawn By: BBERT on	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921</small>		Sheet(s): 69D	Area: 179 sqm	Ward(s): Inshore Postcode Sector(s): L20 4 Polling District(s): J2 Parish(es): None Found	

S/2009/1064

The Site

Two vacant properties adjacent to Ryders car sales and a railway embankment on the north side of Knowsley Road, Bootle.

Proposal

Change of use from offices (B1a) to Health & Wellbeing Centre (D1)

History

None.

Consultations

Highways DC – No objections.

Environmental Protection Director – No objections.

Neighbour Representations

Last date for replies: 25th December 2009.

Representations received: Letter of objection signed by 28 residents of Holly Court and Silverdale retirement complexes and Anchor Retirement Housing, operators of Holly Court and Silverdale. Points of objection relate to the opening hours of the proposal, users of the service contributing to anti social behaviour and insufficient information relating to the operational activities of the proposal.

Policy

The application site is situated in an area allocated as Primarily Residential on the Council's Adopted Unitary Development Plan.

AD1	Location of Development
CS3	Development Principles
DQ1	Design
H10	Development in Primarily Residential Areas

Comments

The main issues to consider in respect of this application are whether the proposed D1 use is compatible with the character of this area which is designated as a Primarily Residential Area in the adopted UDP.

The proposal is for use of these two units, which re presently offices, as a new base for the Health and Social Care Directorate and the Health and Wellbeing Centre. Essentially, this will provide a range of services for members of the public, their carers and families affected

Agenda Item 5g

by substance misues. The building will accommodate 8 permanent staff and hotdesks for other agencies involved in the service provision. Hours of opening would be 8am -9pm weekdays and 9am-1pm on Saturdays.

The two units are currently vacant and as such, the roller shutters to the frontage are permanently closed so as to create a blank frontage to the detriment of the appearance of the area. The proposed D1 operation will bring these units back into use to the benefit of the vitality of the Knowsley Road area.

Though not well served by rail transport, a number of bus routes operate through this area and as such, this is an appropriate use as it can be accessed by a means of transport; both public and private.

To the left hand side of the site is an adjoining commercial property and then Ryders car sales and as such, the site is well separated from residential properties. Facing the site is Holly Court accessed off Balfour Road, which is over 40 metres from the application site and divided by a 17 metre wide vehicle highway.

To the south side of Knowsley Road near to the application site are a club and a public house, both of which are open beyond the hours requested as part of this proposal. In light of the opening hours upon these nearby properties and further hot food takeaways and public houses to Knowsley Road, it is not considered that operational hours of 08:00 to 21:00 are unacceptable.

The concerns of the objectors relate mainly to the client group and the potential for their behaviour off site to exacerbate antisocial behaviour in the area. This is a management issue . This area is mixed in character and the proposed centre is not in close proximity to residential uses. In planning terms proposed use complies with adopted UDP policies.

Reasoned Justification

The proposed use is considered acceptable when assessed against the policies within the Development Plan and all other material considerations, particularly policies AD1, CS3, DQ1 and H10 as the proposed location is an area of mixed character and not in close proximity to residential properties

Contact Officer: **Mrs S Tyldesley Telephone 0151 934 3569**

Case Officer: **Neil Mackie Telephone 0151 934 3606**

Committee: **PLANNING**

Date of Meeting: **13 January 2009**

Title of Report: **S/2009/1112**
Netherton Moss Primary School, Swifts Lane, Netherton
(St Oswald Ward)

Proposal: Erection of 2 metre high fencing to the perimeter of the school site

Applicant: Sefton MBC Childrens Services

Executive Summary

Having taken all of the above into account, it is my opinion , that this fencing will improve the appearance of the site replacing older fencing which is dangerous, will improve the security of the site and will have no significant detrimental affect on the adjoining residential premises , on highway safety or on the Urban Greenspace and therefore I recommend that planning permission be granted subject to conditions.

Recommendation(s) Approval

Justification

It is considered that this proposal, by reason of its siting and design, would have no significant detrimental affect on the Urban Greenspace, on highway safety or on the amenities of the adjoining premises and therefore it complies with UDP Policies CS3, DQ1 and G1.

Conditions

1. T1 Time Limit - 3 years
2. X1 Compliance
3. The fencing shall be colour coated and maintained as such thereafter.

Reasons

1. RT1
2. RX1
3. In the interests of visual amenity, to ensure a satisfactory form of development and to comply with UDP Policies CS3, DQ1 and G1.

Notes

Agenda Item 5h

Drawing Numbers

Drawing 1AE-0192 and ED-NM-F -001 submitted on 3rd December, 2009.

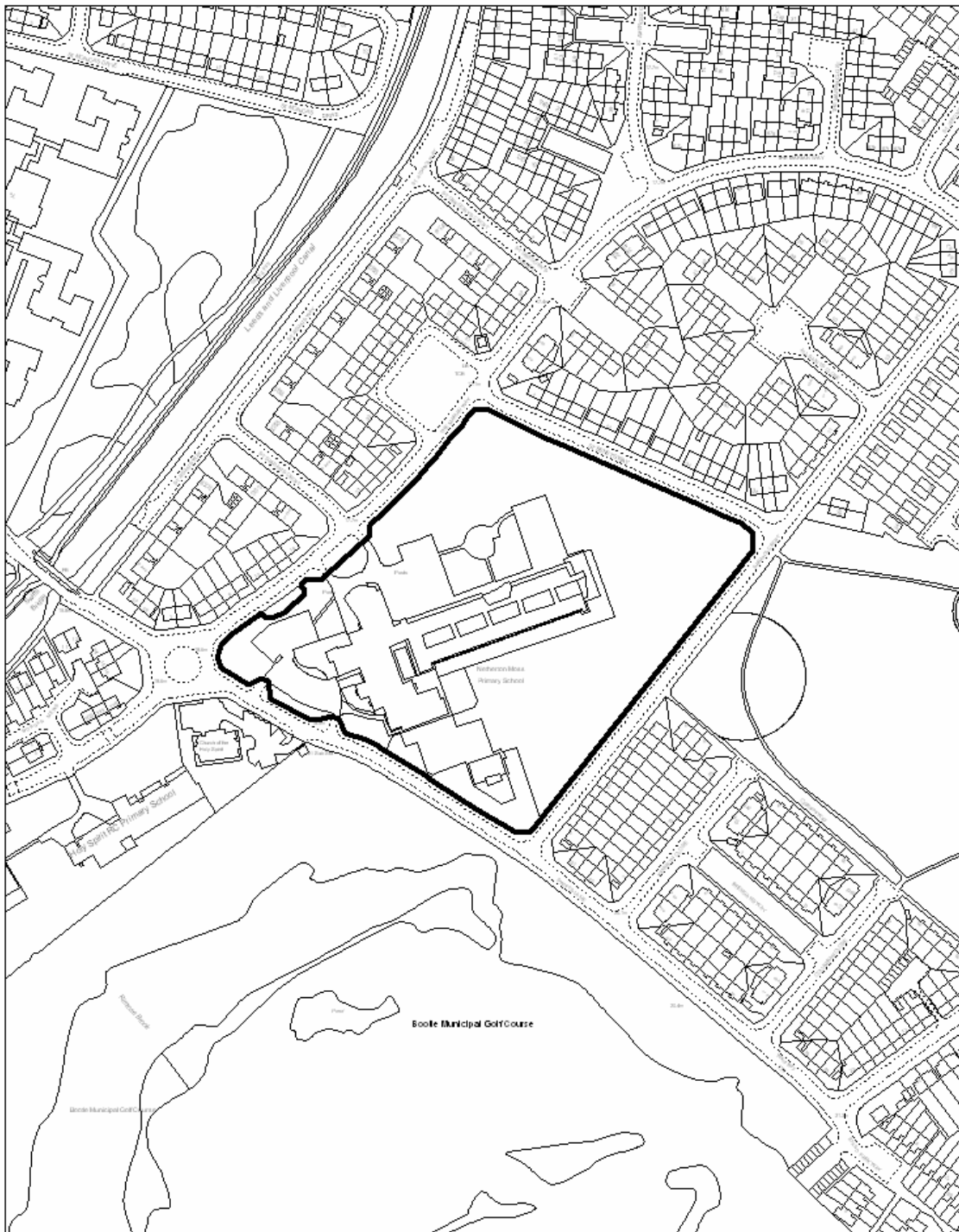
Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to

Agenda Item 5h



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2009/1112 Netherton Moss Primary School, Swifts Lane Netherton L30 3RU		Standard Site Plan Scale: 1:2500 Date: 30/12/2009 Drawn By: BERRON	
	OSGR: 335125, 399310	Sleeps: 1316, 1300	Area: 30085 sqm	
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S/2009/1112

The Site

Comprises Netherton Moss Primary School, Swifts Lane, Netherton.

The application has been called in by Councillor M. Dowd.

Proposal

Erection of 2 metre high fencing to the perimeter of the school site

History

s/1999/0056 2.4m high paladin fence. Approved 1/4/99.

S/1999/0569. Provision of a new car park. Withdrawn.

S/1999/0569 Provision of a new car park. Withdrawn 29/01/2001

S/2002/0651 New car park. Withdrawn 29/10/2002.

S/2003/0803. Installation of a new car park . Approved 29/12/09.

S/2004/1344. Erection of a pitched roof Approved 25/1/05.

S/2004/1049. Access ramp. Approved 27/10/04.

Consultations

Local Policy- Views awaited

Environmental Protection-No objections.

Highways DC- Views awaited.

Tree Officer- Views awaited.

Neighbour Representations

Last date for replies: No objections but the application has been called in by Councillor M.Dowd.

Policy

The application site is situated in an area allocated as Urban Greenspace on the Council's Adopted Unitary Development Plan.

CS3 Development Principles

DQ1 Design

G1 Protection of Urban Greenspace

Comments

The issues to consider here are the affects that this proposal will have on the character of the street scene, on the amenities of the adjoining premises, on highway safety and on the Urban Green space . The design of the fence will also be considered.

The property subject of this application is Netherton Moss Primary School, Swifts Lane, Netherton.

The proposal is for the erection of 2m high fencing to the perimeter of the school grounds.

Agenda Item 5h

The application has been called in by Councillor Mark Dowd.

The fence to be erected around the perimeter of the school site will be of a mesh design and will be 2m high. The fence will be coloured green and will follow the line of the lower school railings which have been in situ for many years and which are considered dangerous and in need of replacement. There are a number of trees which will need some works undertaken in order to allow the fence to be erected.

The application is a result of the Council's commitment to improving school sites with better levels of security and the type of fence chosen is common throughout Sefton and indeed the Country where a secure boundary is required. The manufacturers of the fence believe it to be very robust from acts of vandalism and state that it is very difficult, if not impossible, to climb over.

The existing pedestrian and vehicular accesses will remain with new gates being supplied across these openings and all of these will open inwards and therefore will not impinge upon the highway or pedestrian foot walks at all.

There are already stretches of the same type of fence further into the school boundaries which have been erected around the school's buildings and which offer some degree of security, the idea now being to protect the school's grounds and play equipment.

Environmental Protection have no objections to the proposals.

Highways DC-Views awaited.

Local Policy- Views awaited.

Having taken all of the above into account, it is my opinion, that this fencing will improve the appearance of the site replacing older fencing which is dangerous, will improve the security of the site and will have no significant detrimental affect on the adjoining residential premises, on highway safety or on the Urban Greenspace and therefore I recommend that planning permission be granted subject to conditions.

REASONED JUSTIFICATION

It is considered that this proposal, by reason of its siting and design, would have no significant detrimental affect on the Urban Greenspace, on Highway Safety or on the amenities of the adjoining residential premises and therefore it complies with UDP Policies CS3,DQ1 and G1.

Contact Officer: **Mrs S Tyldesley Telephone 0151 934 3569**

Case Officer: **Mr P Negus Telephone 0151 934 3547**

Committee: **PLANNING**

Date of Meeting: **13 January 2010**

Title of Report: **S/2009/1113**
Park Haven Trust Liverpool Road South,
Maghull
(Park Ward)

Proposal: Removal of Condition 1 pursuant to planning permission S/2007/0464 approved 09/07/2007 to allow the surgery to remain on the site permanently

Applicant: NHS Sefton Community Health Services

Executive Summary

This applications seeks a permanent consent for he docor's surgery at Parkhaven Trust which was approved on a temporary basis in 2007. The issues concern he principle of the use and highways considerations.

Recommendation(s) Approval

Justification

The proposed use would have no adverse impact on the greenspace function of the site and is considered an acceptable use in this location.

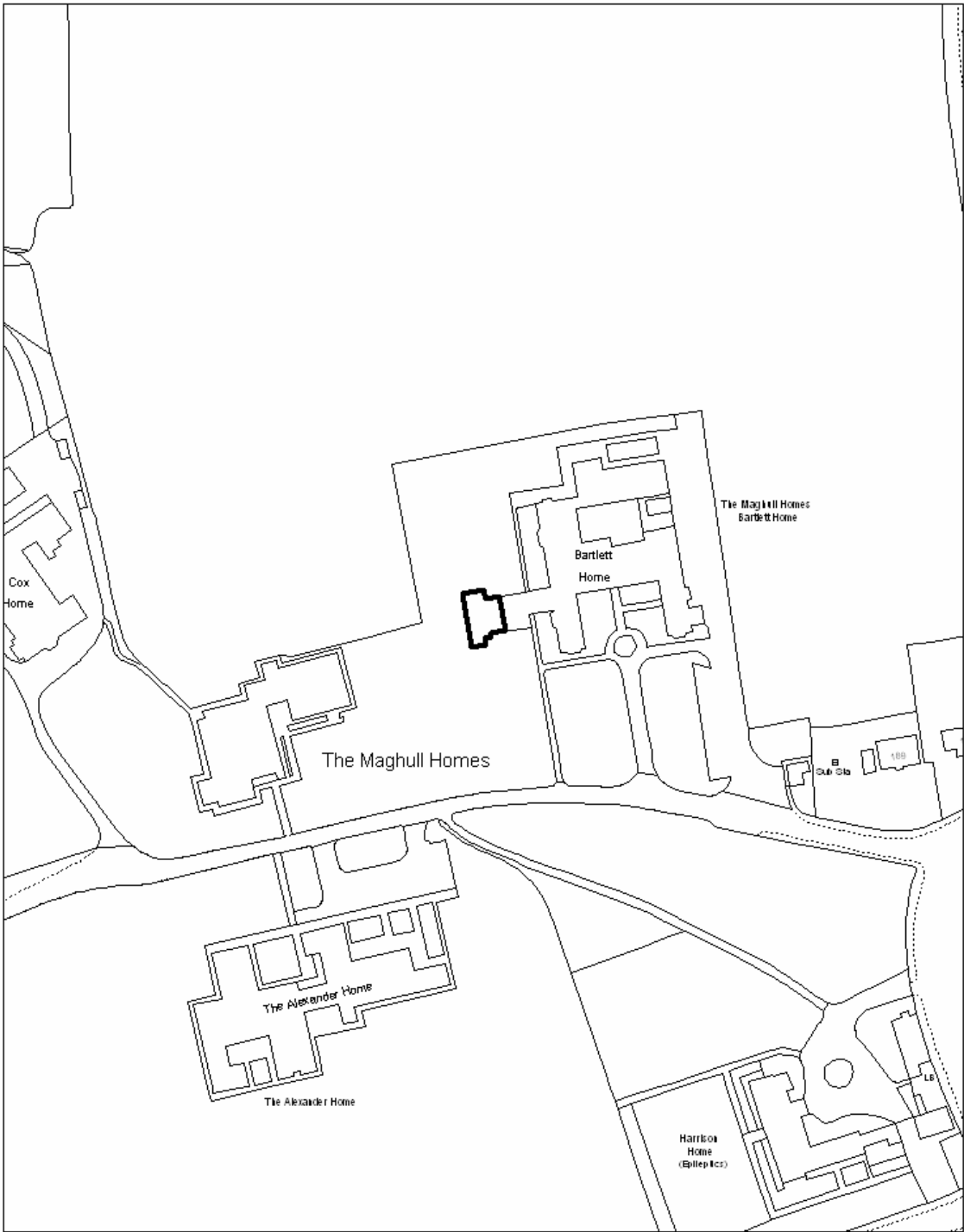
Agenda Item 5i

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2009/1113 Park Haven Trust Liverpool Road South Maghull L31 8BP		Standard Site Plan Scale: 1:1250 Date: 29/12/2009 Drawn By: BFERRET on	
	<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.</small> <small>Sefton Council Licence No. 1000181921</small>	OSGR: 338958, 402119	Sheet(s): 19CD	Area: 104 sqm

S/2009/1113

This application has been called in to committee by Councillor Robertson on behalf of

Agenda Item 5i

Councillor Blackburn and ward councillors.

The Site

This application concerns part of the existing Bartlett home within the Parkhaven Trust site at the junction of Sefton Lane and Liverpool Road south

Proposal

Removal of Condition 1 pursuant to planning permission S/2007/0464 approved 09/07/2007 to allow the surgery to remain on the site permanently

History

S/2009/0151 Layout of 6 additional parking bays for use by GP practice -approved 14/04/09

S/2009/0036 conversion of 5 bedrooms as extension of GP surgery Approved 23/02/09

S/2007/0464 Change of use for a temporary period from residential accommodation to a GP surgery -approved 09/07/07

S/2007/0244 11 car parking bays approved 15/05/07

Consultations

Highways Development Control-no objections

Neighbour Representations

Last date for replies: 30/12/09

Policy

The application site is situated in an area allocated as greenspace on the Council's Adopted Unitary Development Plan.

AD2 Ensuring Choice of Travel
CS3 Development Principles
G1 Protection of Urban Greenspace

Comments

Planning permission for temporary reuse of part of an existing building within the Parkhaven Trust site for a doctors surgery period was granted in 2007, expiring on 30/06/2010. Parking spaces for this use were subsequently approved and a small addition to the surgery by conversion of additional rooms was approved in 2009. The surgery was initially required because of the loss of an existing doctors surgery locally and was needed urgently whilst longer term proposals were considered. The surgery has been operating successfully from

the site and the applicant now wishes to retain it permanently.

The surgery is be open 8am –8pm Mon –Fri and 8am –12am Sat .

The issues in this case concern the principle of the permanent use in this location within Greenspace and provision of parking /accessibility

The use of this existing building within the greenspace context of Parkhaven Trust is part of an overall programme of updating and reconfiguring uses on the whole site. Planning permission has been granted for sheltered housing for dementia care elsewhere within the wider site and this will involve demolition of some existing buildings within the site and an overall masterplan to improve the landscape context of Parkhaven Trust and provide more public access. The present application concerns an annexe to Bartlett house. Whilst the future proposals for the rest of this building are still under consideration it is likely that a proposal for redevelopment is likely to be submitted in the near future. This would leave the surgery in situ in the existing retained annexe. The use fits with the overall plan for Parkhaven Trust and is therefore considered appropriate as a permanent use which will have no adverse impact on the greenspace.

Highways Development control raise no objections as the provision of car and cycle parking has previously been dealt with. However, this application has been called in to Committee by Councillor Robertson on behalf of councillor Blackburn and ward councillors who are concerned about pedestrian accessibility across the junction of Sefton Lane and Liverpool Road South. This matter will be looked at and more information will be reported in late representations. However, the Director does not consider that it would be reasonable or proportionate for the applicant to pay for a traffic light controlled pedestrian crossing in this location as a condition of the present application. There is also a difficulty in requesting a highway contribution when no source for the balance of the cost can be identified.

Reasoned Justification

The proposed use would have no adverse impact on the greenspace function of the site and is considered an acceptable use in this location.

Contact Officer: **Mrs S Tyldesley Telephone 0151 934 3569**

Case Officer: **Mrs S Tyldesley Telephone 0151 934 3569**

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Committee: **PLANNING**

Date of Meeting: **13 January 2009**

Title of Report: **S/2009/1136**
21 Victoria Road, Formby
(Harington Ward)

Proposal: Variation of condition 11 on planning approval N/2006/0598 to allow an alternative to the approved vehicular splay

Applicant: Xstreme Developments

Executive Summary

This application seeks to vary a condition of a planning permission to provide a different approach to creating a safe access. The only issues raised relate to highway safety.

Recommendation(s) Approval

Justification

The proposed variation of condition substitutes a different way of providing safety at the access which is considered acceptable in highway safety terms.

Conditions

1. T1 Time Limit - 3 years
2. M3 Materials (sample)
3. M4 Pile
4. The bathroom and kitchen window(s) to apartments 6 & 8, the south east facing kitchen windows to apartments 4 & 7, and the en-suite bathroom windows to apartment 5 shall be fitted with obscure glazing of fixed or top hung specification and maintained as such thereafter.
5. M8 Boundary Treatment
6. L2 Landscaping (no felling)
7. L3 Protection of Trees
8. L5 Landscaping (scheme)
9. L8 Landscape Implementation

Agenda Item 5j

10. H1 Car Park (building development)
11. The mirrors located on the brick piers to each side of the 'exit' shall together with the gate opening alarm buzzer be permanently retained and maintained in the event of any damage or defect.
12. H5 Bikes
13. X1 Compliance

Reasons

1. RT1
2. RM1
3. RM4
4. In the interests of privacy of the neighbouring property and to comply with Sefton UDP Policies MD1.
5. In the interests of privacy and visual amenity and to comply with Sefton UDP Policy MD1.
6. RL1
7. RL1
8. In the interests of visual amenity and conservation and to comply with Sefton UDP Policy DQ3.
9. In the interests of visual amenity and conservation and to comply with Sefton UDP Policy DQ3.
10. RH1
11. RH3
12. RH2
13. RX1

Notes

Drawing Numbers

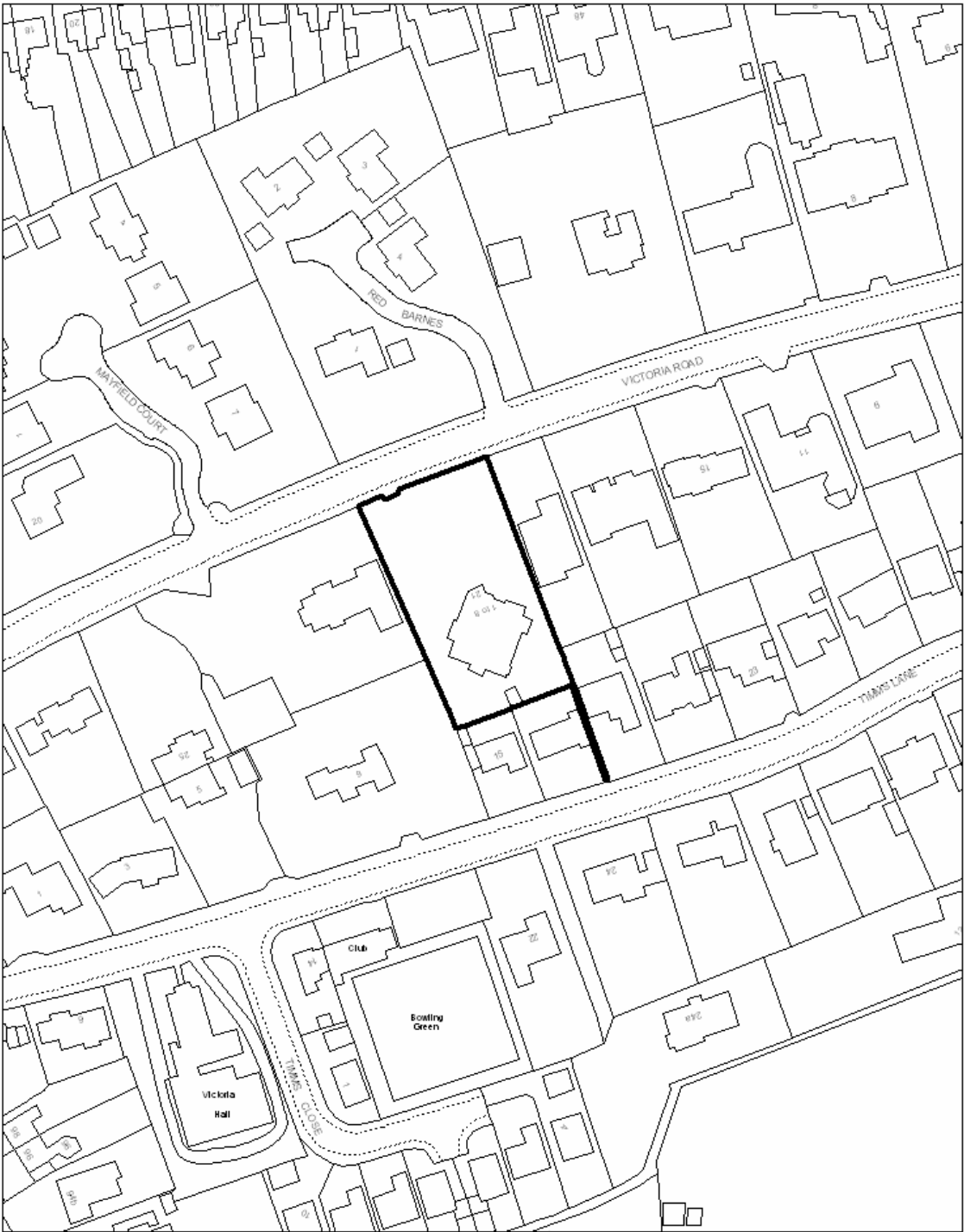
Agenda Item 5j

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council S/2009/1136		Standard Site Plan	
Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		Scale: 1:1250 Date: 30/12/2009 Drawn By: EBERT on	
21 Victoria Road Formby L37 7AQ		Ward(s): Harrington Postcode Sector(s): L37 7 Polling District(s): Q1 Parish(es): Formby Cp	
OSGR: 329608, 408373	Sheet(s): 305D	Area: 2053 sqm	
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Agenda Item 5j

S/2009/1136

This application has been called in by Councillor Eric Storey

The Site

The site is a large plot on the south side of Victoria Road, comprising a number of mature protected trees on the frontage which preclude views of the building. The wider area is characterised by a mix of large buildings in large plots, but no particular established pattern of development is prevalent. The building has an offset front elevation and is positioned unusually close to the rear of the site with the rear gardens of Timms Lane in relatively close proximity. Work has commenced on the existing planning permission.

Proposal

Variation of condition 11 on planning approval N/2006/0598 to allow an alternative to the approved vehicular splay

History

N/2006/598 Erection of three storey extensions to the side and rear to form 8 self-contained flats after demolition of existing outbuildings and part of main building.-approved 10/08/2006

N/2005/0353 - Erection of a three storey glazed lift shaft to the front, erection of a three storey extension to the side and rear to form 8 self-contained flats after demolition of existing outbuildings and part of main building – approved 2 June 2005.

N/2004/1353 – Erection of a three storey glazed lift shaft to the front, erection of a three storey extension to the side and rear to form 9 self-contained flats after demolition of existing outbuildings and part of main building – withdrawn 17 February 2005.

Consultations

Highways Development Control -The boundary wall and electric gates have been constructed and are approximately 2 metres high with no visibility splay to the entrance or the exit. The applicant had previously agreed to puncture two holes into the boundary wall and gates to provide some transparency for the pedestrian. However when the gate is in the open position the transparency will not be achieved due to the gates being solid wood in nature.

The client has since requested and constructed two new features to assist the visibility of motorists and pedestrians. The first is a low sounding and flashing buzzer adjacent to the electric gate, which operates whilst the gate is opening or closing and two mounted mirrors which maintain the visibility for pedestrians along the length of the 'exit'. The mirrors also allow motorists to view pedestrians from a greater distance along Victoria Road.

There are no objections to this application on the grounds of highway safety as the measures implemented on site as an alternative to a visibility splay at the vehicular access designated the site exit, provide adequate visibility of pedestrians walking along the footway warning for motorists leaving the development.

As a result the variation to condition 11 on planning approval N/2006/0598 is acceptable, subject to the following condition:-

"There are no objections to the application, subject to the mirrors located on the brick piers to each side of the 'exit' shall together with the gate opening alarm buzzer be permanently retained and maintained in the event of any damage or defect.'

Neighbour Representations

Last date for replies: 5/01/10

Policy

The application site is situated in an area allocated as Primarily Residential Area on the Council's Adopted Unitary Development Plan.

AD2	ENSURING CHOICE OF TRAVEL
DQ1	DESIGN
DQ3	TREES AND DEVELOPMENT
MD1	HOUSE EXTENSIONS
XSPG12	HOUSE EXTENSIONS

Comments

The proposal raises issues highway safety. All other issues are as dealt with in planning application N/2006/0598 and the development has been carried out and several conditions already discharged.

This application seeks a different arrangement for providing visibility at the entrance than was originally agreed. The proposals have been discussed in some detail with highways Development control who are fully satisfied with the new arrangement.

The proposed variation of condition is therefore considered acceptable subject to a revised condition as recommended by Highways Development Control.

Contact Officer: **Mrs S Tyldesley** Telephone **0151 934 3569**

Case Officer: **Mr N Fleming** Telephone **0151 934 2211**

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Agenda Item 6

REPORT TO: Overview and Scrutiny Committee (Regeneration and Environmental Services)
Planning Committee
Cabinet
Council

DATE: 5th January 2010
13th January 2010
14th January 2010
14th January 2010

SUBJECT: Joint Waste Development Plan: Consultation on Preferred Options Report

WARDS AFFECTED: Linacre, Litherland, Netherton and Orrell, Norwood directly
All indirectly

REPORT OF: Andy Wallis, Planning & Economic Regeneration Director

CONTACT OFFICERS: Steve Matthews – Local Planning Manager
0151 934 3559
Alan Jemmett – Director, Merseyside Environmental Advisory Service 0151 934 4950

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

This report, and the report attached in Annex 1, outlines progress with the preparation of the joint Merseyside Waste Development Plan Document (DPD) and the reasons why it is now necessary to seek approval and endorsement of the Preferred Options Report. This will include consultation on specific sites that have the potential to accommodate the additional waste management facilities that will be required in the future.

The Merseyside Environmental Advisory Service is leading the plan-preparation process and has prepared the report in Annex 1.

This is in accordance with a decision of City Region Cabinet that all the authorities participating in the preparation of the joint plan should receive a common report to explain and recommend approval of this Preferred Options Report.

The recommendations make it clear that members are being asked to both approve and endorse the Preferred Options Report. This is a significant shift in emphasis, as it means members will be endorsing the technical content of the report including the proposed policies and proposed site allocations in advance of a six week period of public consultation. Four sites are identified in total within Sefton, together with the types of waste uses which are considered suitable for these sites.

This consultation requires the approval of all six participating authorities. It is anticipated that subject to these approvals the consultation will commence on 18th February 2010.

The report outlines the proposed arrangements for consultation.

The full consultation document will be made available on the web-site and to assist members a copy has been placed in the party group offices in Bootle/Southport Town Halls.

REASON WHY DECISION REQUIRED:

To authorise the commencement of public consultation on this stage of the Waste DPD and to comply with statutory provisions in relation to consultation on development plan documents.

Agenda Item 6

RECOMMENDATIONS:

Overview & Scrutiny; Planning Committee; Cabinet

That the following recommendations to Council be agreed.

Council

- 1 That the Preferred Options Report be approved and endorsed.
- 2 That the commencement of a six-week public consultation process on the Waste DPD Preferred Options Report during 2010 be agreed.
- 3 That Members note that the Waste DPD forms an essential part of Sefton's Local Development Framework.
- 4 That the Waste DPD team is delegated to make editorial changes to the Preferred Options Report as a consequence of the report being considered and comments made.
- 5 That Members receive a further report on the outcomes of the Preferred Options consultation.

KEY DECISION:

Yes

FORWARD PLAN:

Yes (Dec 2009 – March 2010)

IMPLEMENTATION DATE:

Following the Council meeting on 14th January 2010

Agenda Item 6

ALTERNATIVE OPTIONS:

There is no alternative to considering this Preferred Options Report. However, the Report itself includes a number of options and states which are preferred.

IMPLICATIONS:

Budget/Policy Framework:

There are no immediate financial implications. But delay in the process of preparing and adopting the Waste DPD and in the subsequent development of facilities required to reduce landfill could have significant adverse financial consequences for all the authorities. Corporate Plan Strategic Objective 9 supports the development of a more sustainable waste management strategy.

Financial:

<u>CAPITAL EXPENDITURE</u>	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal:

None

Risk Assessment:

A separate risk register is maintained for this project. A key risk identified is the breakdown of the joint commitment and approvals process required to progress the Waste DPD.

Asset Management:

Not applicable

CONSULTATION UNDERTAKEN/VIEWS

None

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CORPORATE OBJECTIVE MONITORING:

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

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Joint Merseyside Waste DPD Preferred Options Report

Background

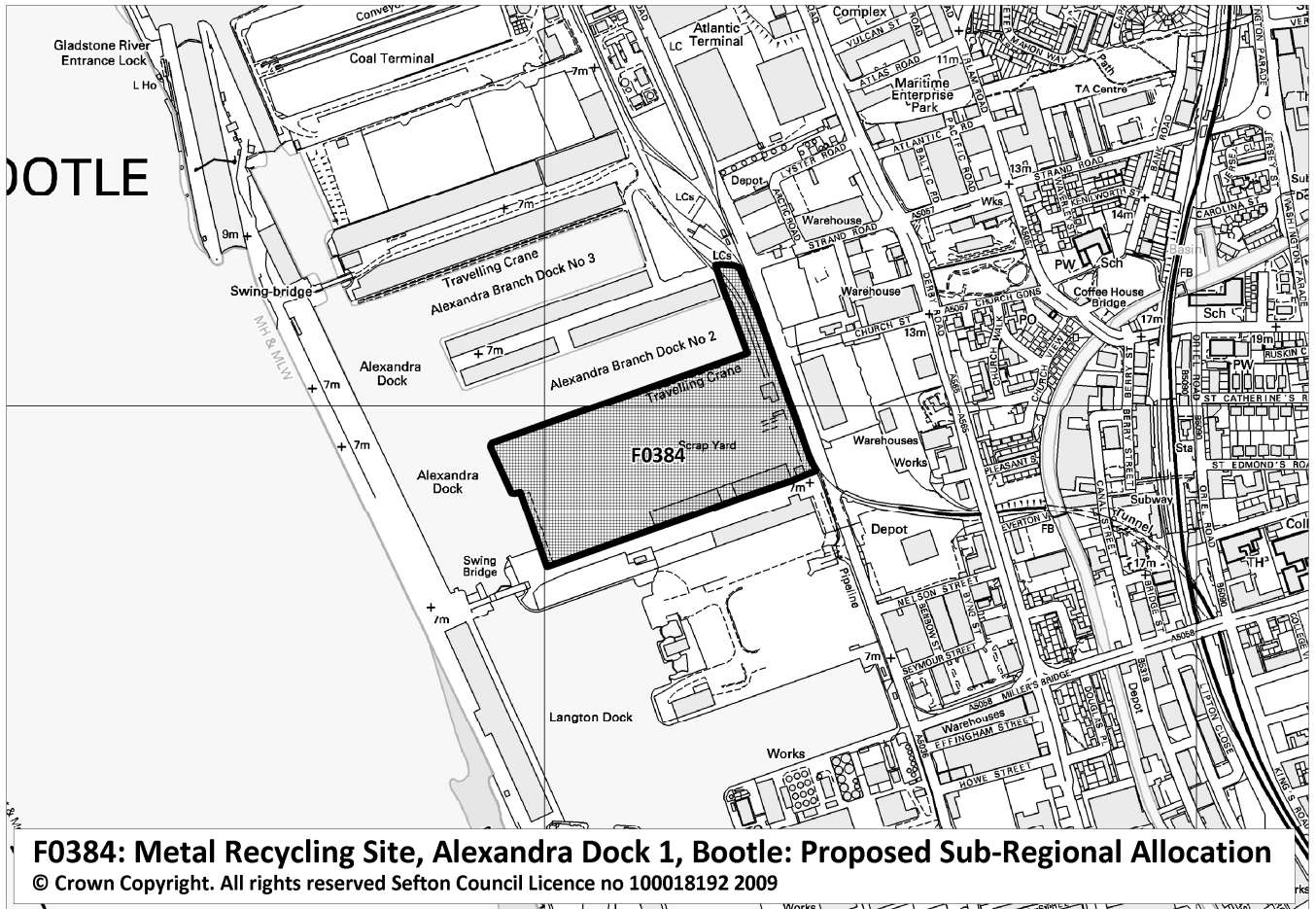
1. The joint Merseyside Waste Development Plan Document (DPD) is a statutory plan and is a key part of Sefton's Local Development Framework. The Merseyside authorities are required to contribute to this important piece of work which must allocate suitable sites, or preferred locations, to meet future needs for waste management facilities in the most sustainable way. A key principle in preparing the Waste Plan is that waste should be disposed of close to where it is generated. It is no longer possible to assume that waste can simply be exported outside the Merseyside sub-region.
2. The preparation of a Waste Development Plan Document is a complex and lengthy process. It needs to be supported by up to date evidence, there is a rigorous approach to identifying and selecting suitable sites, and there are prescribed periods of consultation with stakeholders and with the public. Work on the joint Waste DPD - in which all six Greater Merseyside authorities are partners - commenced in 2005. The Council's participation was approved by Cabinet and full Council in June 2005. A dedicated team within the Merseyside Environmental Advisory Service (MEAS) is leading the work.
3. An initial Waste DPD public consultation on Issues and Options was conducted in March/April 2007. The Council was a consultee and a report with recommendations for the Council's response was considered by Cabinet Member Environmental and Planning Committee on 11th April 2007.
4. This led to the preparation of a document called 'Spatial Strategy and Sites' which was consulted on between December 2008 and January 2009. From an initial long-list of over 900 sites, 45 sites were selected for waste management facilities across Merseyside. Nine sites were proposed in Sefton. Members gave their views on both the sites and the proposed waste management uses for those sites in January 2009.
5. Following consultation on the Spatial Strategy and Sites report further studies have been commissioned to make sure that the need for further waste facilities is accurate. This means having an up-to-date understanding of the amount of waste produced and taking account of planning consents for new waste facilities.
6. The Merseyside Environmental Advisory Service is leading the process of preparing the Plan and has prepared the report in **Annex 1**. City Region Cabinet agreed that a single common briefing report be produced by the Waste DPD team to explain and recommend approval of this Preferred Options Report. This has been subject to detailed discussion with the Steering Group and Senior Officers and is now attached to support the approvals process.
7. This report, and the report attached in Annex 1, outlines progress with the preparation of the joint Merseyside Waste Development Plan Document and the reasons why it is now necessary to seek approval and endorsement of the Preferred Options Report.
8. The Preferred Options Report addresses a number of issues of which the following will be of particular interest to Members:
 - assessment of needs and how this translates into the number of sites required
 - proposed land allocations for built facilities for waste uses

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- proposed landfill site allocations
- policy on Energy from Waste
- development management policies – these are the policies used to control waste development both on allocated and unallocated sites.

Proposed sites

9. The most significant part of the Preferred Options Report, however, is the selection of sites for waste related uses. The assessment of needs for waste facilities, and the requirement for sites, have been updated to take account of recent consents. This has resulted in many fewer facilities being required. From the 45 sites identified across Merseyside in the Spatial Strategy and Sites report, the Preferred Options report identifies only 19 sites. Several of these are existing waste uses with potential for further development. With regard to Sefton, there is still a sub-regional allocation (though on a different site) but the number of 'district site' allocations has reduced from eight to three. All the sites identified have the support of the operator or landowner. Where sites have been carried forward from the previous consultation (Spatial Strategy and Sites – January 09), the proposed uses which have been identified have been amended to reflect concerns expressed by the Council.
10. Sub Regional Allocations - One proposed sub regional site is identified for each District. These have been difficult to identify. The site proposed at the previous stage was off Heysham Road, but Members considered that this was not suitable because of nearby residential uses. Previously the Dock estate was identified as an 'Area of Opportunity' suitable for a range of waste related uses. Following consultation, this concept was not considered to be helpful as it could potentially blight land within the boundary of that area, but could equally suggest that land outside the line was not suitable for waste related uses. It is therefore proposed that one specific site within the Dock Estate should now be allocated for managing a particular type of waste.
11. The proposed site in the Preferred Options Report is the EMR (Metal Recycling) site at Alexandra Dock (see plan below). The reason for suggesting this site is that there is a current proposal for the treatment of the non-metal parts of scrapped vehicles on-site and this would significantly reduce the amount of waste being disposed of to landfill. However, any specific proposal would be required to satisfy all the normal environmental and other assessments. The site is a good distance from residential properties and is generally screened from view by its Port neighbours. It also has good transport links. A significant proportion of the imported waste materials are imported by rail or sea (17%), and 99% of the recycled metals are exported by sea.



12. District Site Allocations

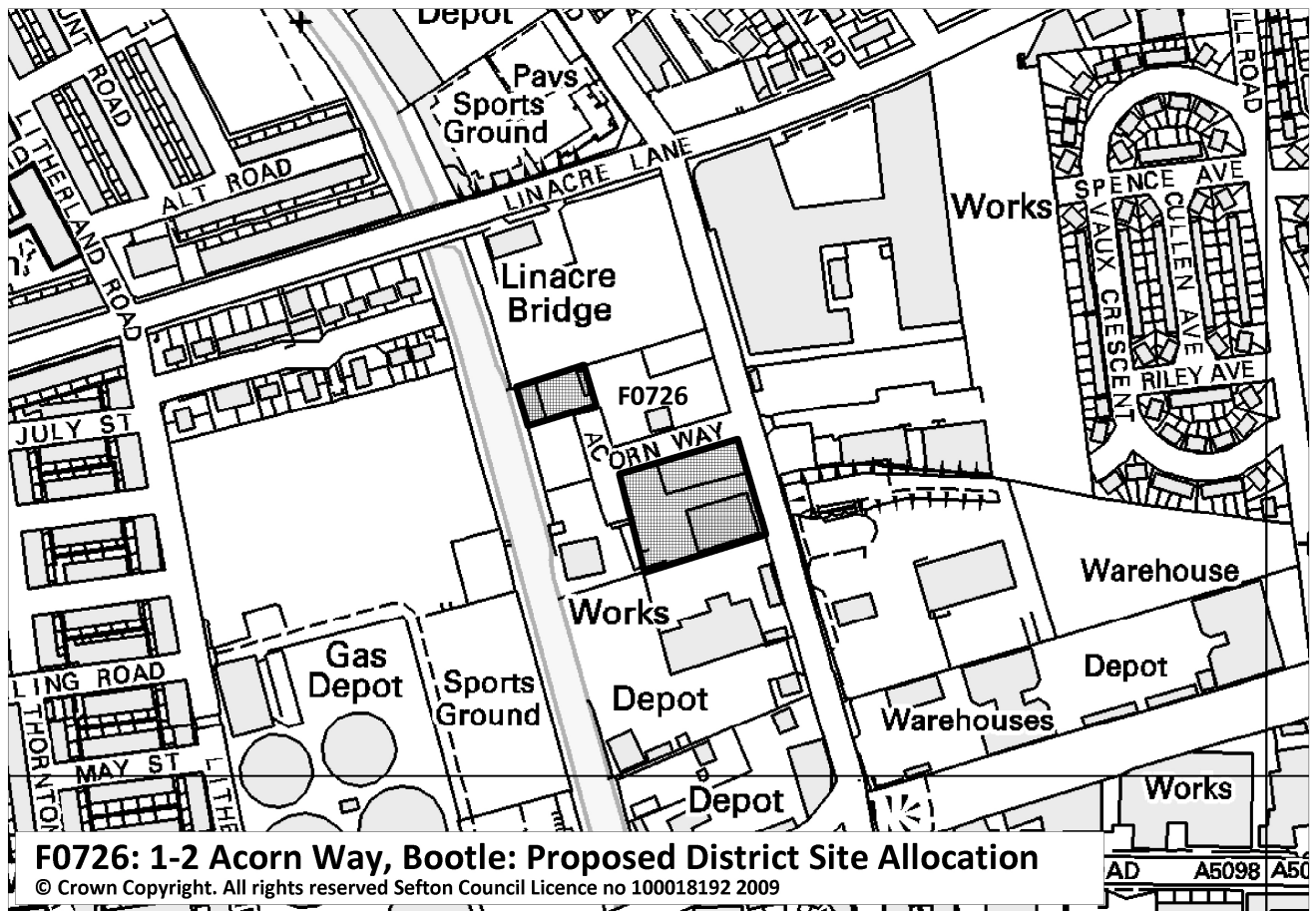
Three 'district level' sites have been agreed as the most suitable for waste uses taking account of the Council's responses to the Spatial Strategy and Sites consultation, and detailed discussion with land owners. These are:

- 1-2 Acorn Way
- site off Grange Road, Dunnings Bridge Road
- 55 Crowland Street, Southport

13. 1-2 Acorn Way

Following the Council's comments at the last stage, the proposed waste management uses suggested for this site have been restricted to enclosed uses. Any proposed uses would therefore not include a household waste reception centre, or an open waste transfer station. However, an enclosed waste transfer station or reprocessing uses may be acceptable subject to an assessment of the impact of any specific proposal on emerging Housing Market Renewal plans.

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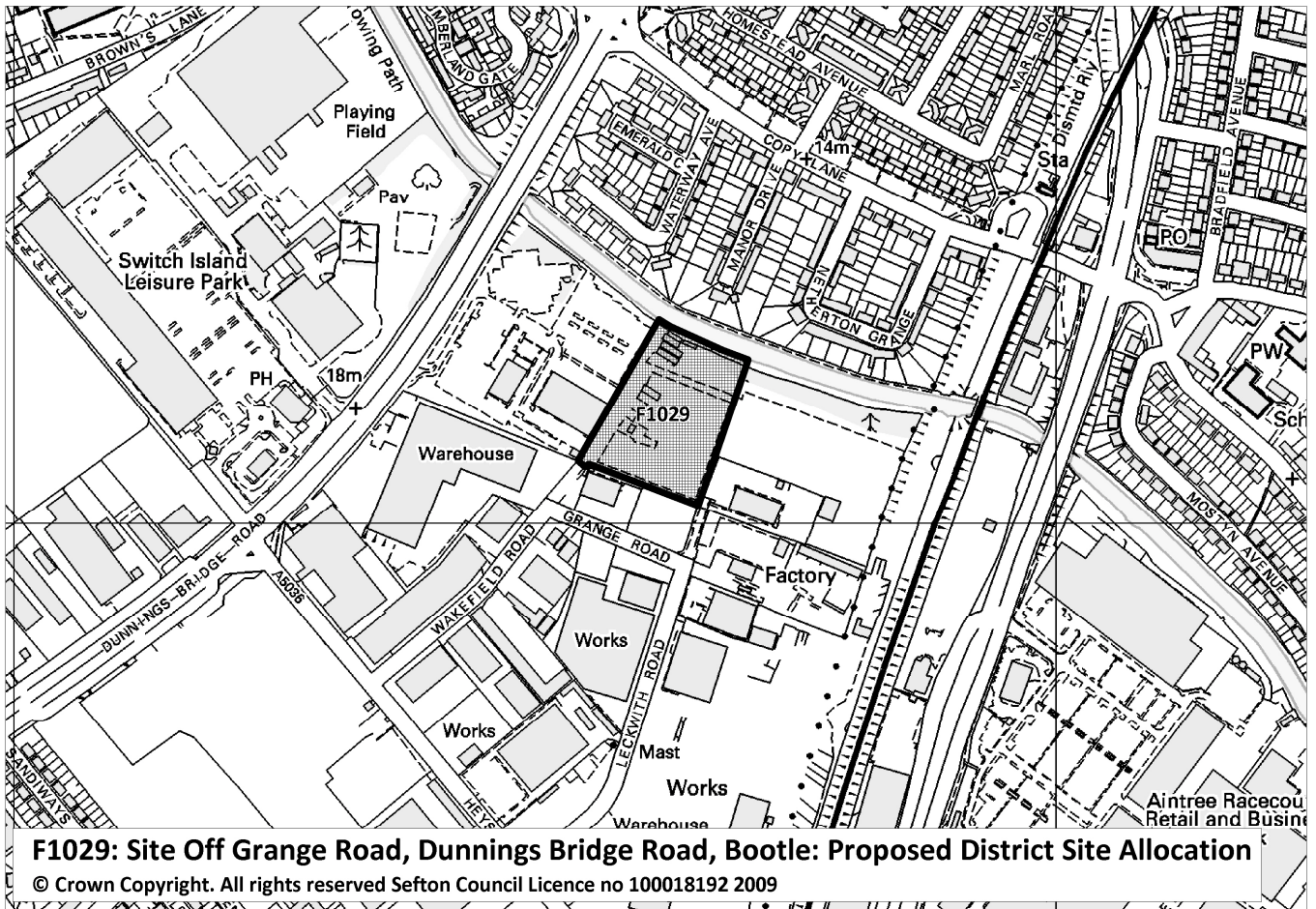
14. Site off Grange Road, Dunnings Bridge Road

This site was originally identified as a potential site for waste but was not included as a proposed site at the 'Spatial Strategy and Sites' stage. However, a couple of sites in the vicinity which scored marginally above this site have now been omitted. In both cases immediate access to these sites was considered to be too constrained; in addition, the owner of one of the sites did not wish his site to be used for managing waste. This site off Grange Road, given its location within an exiting industrial area and subject to appropriate restrictions to minimise environmental impact, is therefore proposed as being suitable for a limited range of waste related uses.

The site borders the Canal and beyond this a residential area. Any waste related use on this site would need to ensure that the residential amenity of the occupiers of those properties is protected. This would have implications for the types of waste uses that would be allowed. The Preferred Options Report proposes that these be limited to enclosed uses. The Council has previously commented that:

- the site would be suitable for low impact uses with suitable conditions to restrict hours of use
- further consideration would need to be given to the detailed impact of any proposed operation on the Heysham Rd/ Dunnings Bridge Rd junction.

It is understood that any waste uses proposed for this site would have to comply fully with these criteria.

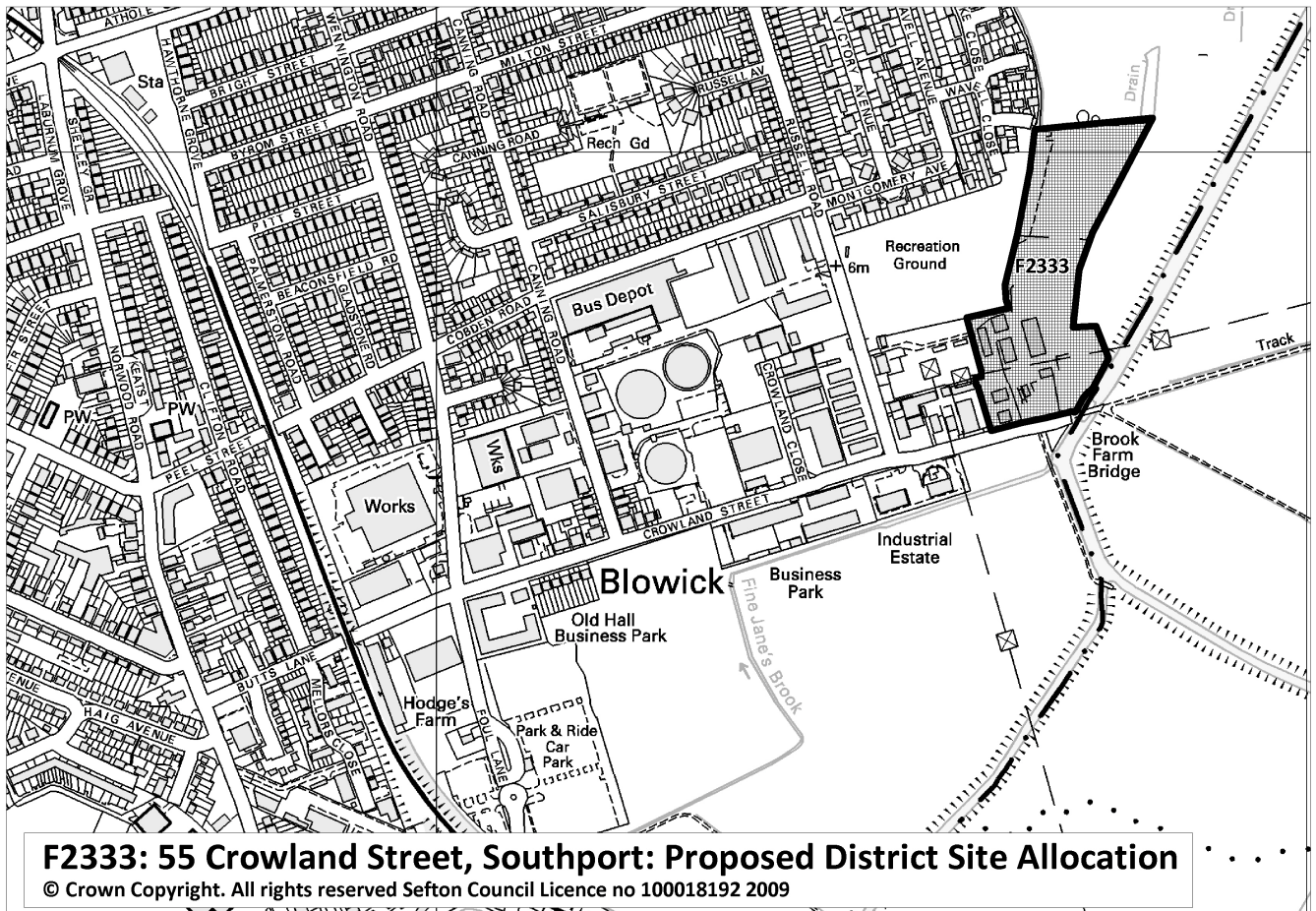


15. 55 Crowland Street, Southport

Although this site did not score highly in the site assessment criteria, it has been included to ensure that north Sefton has adequate waste management facilities to meet the needs of the whole of the Borough. One of the principles underlying the Waste Plan is that waste should be dealt with as close as possible to its source so as to reduce transport.

There is potential for the expansion and intensification of the existing site operation within the parameters of the current consent. However, there is a need for detailed consideration of specific proposals and in particular traffic and highways issues, such as the impact of increased use on the junction of Butts Lane with Norwood Road.

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Other key issues

16. Landfill sites

No site is proposed for landfill within Sefton. In addition, no non-inert landfill is proposed within Merseyside, and Merseyside and Halton will need to continue to export this.

17. Energy from Waste

There are no new allocations for Energy from Waste (EfW). The preferred policy option for EfW reflects the outcome of the joint risk assessment work with Mersey Waste Disposal Authority (MWDA and the City Region Cabinet resolution on 13 November 2009). The MWDA have decided to pursue Ince Marshes in North Cheshire as a priority.

18. Impacts of regeneration schemes resulting in land use change

It is not anticipated that any of the proposed sites in Sefton would be likely to be affected by strategic regeneration proposals. However, if this were considered to be an issue, it should be borne in mind that the waste treatment need must still be met within Sefton. Also, any alternative site is likely to be more constrained and more difficult to implement.

Consultation

19. All the other Merseyside authorities are considering the same common report (attached at Annex 1) over the next month or two, together with a covering report setting out the relevant issues for their own districts. Subject to District approval and endorsement of the Preferred Options Report a six-week public consultation period, for all authorities, will start on 18th February and end on 31st March 2010. The approach to consultation has been previously agreed with Leaders.
20. The full Preferred Options Report describes the background to the plan, the strategy, the proposed land allocations, policies on landfill sites, energy from waste and various other policy approaches for managing waste sustainably. The full Report, and a non-technical summary to be designed by professional communications consultants, will be made widely available in Libraries and Council offices. There is a dedicated web-site where the documents will be available to download and for the submission of consultation responses on-line.
21. To assist members, copies of the full Preferred Options Report are being placed in the Party group offices in Bootle and Southport Town Hall.
22. Once Members have approved and endorsed the Preferred Options Report, there will be no further opportunity for the Council to make comments. However, there may be issues which Members wish to comment on individually. Such comments should be submitted during the 6-week public consultation alongside all other consultation comments.
23. The Preferred Options public consultation will include a single consultation event. This is likely to be held in Bootle, probably in late February or early March.
24. Additional consultation events will be arranged for specialist groups, and there is scope for more local events should this be required to consider local issues.

Conclusions and recommendations

25. Members will receive a further report on the outcomes of the Preferred Options consultation. It is recommended that the Waste DPD team is delegated to make editorial changes to the Preferred Options Report as a consequence of the report being considered and comments made.
26. The responses will be used to feed into the final development of the Waste DPD which is scheduled to be submitted to the Secretary of State in March 2011. The examination is planned for July 2011, so the process of preparing the Waste Plan still has a long way to run.
27. The recommendations make it clear that members are being asked to both approve and endorse the Preferred Options Report. This is a significant shift in emphasis, as it means members will be endorsing the technical content of the report including the proposed policies and proposed site allocations in advance of a six week period of public consultation.

Joint Merseyside Waste Development Plan Document Preferred Options Report.

1.0 Recommendations:

- **That each Council approves and endorses the Preferred Options Report.**
- **That each Council agrees to the commencement of a six-week public consultation process on the Waste DPD Preferred Options Report during 2010.**
- **That Members note that the Waste DPD forms an essential part of each District's Local Development Framework.**
- **That the Waste DPD team is delegated to make editorial changes to the Preferred Options Report as a consequence of the District approvals process and comments received.**
- **That Members receive a further report on the outcomes of the Preferred Options consultation.**

2.0 Purpose of the Report

- 2.1 The purpose of this report is to seek the approval and endorsement from each of the Councils on Merseyside to the Waste DPD Preferred Options Report. As part of the process of preparing the Waste DPD, there has been considerable on-going dialogue, discussion and joint working between the Districts, waste sector, land owners and the Merseyside Waste Disposal Authority. As such the proposals contained within the Preferred Options report have already been through a high degree of scrutiny.
- 2.2 As part of the approvals process, opportunity will be taken by the Waste DPD team to amend the Preferred Options Report on the basis of comments received.
- 2.3 In contrast to previous consultation processes supporting the Waste DPD, by approving the Preferred Options Report, the Districts will be endorsing the technical content of the report including the proposed policies and proposed site allocations in advance of a six week public consultation period commencing on 18th February 2010. This is an important change in emphasis because the Waste DPD is now at an advanced stage of plan preparation and will form, upon adoption, and essential part of the Local Development Framework of each District.

3.0 Background and Issues

- 3.1 Government planning policy, the National Waste Strategy and Regional Spatial Strategy all require Development Plan Documents to address sustainable waste management. Through Planning Policy Statement 10 (Planning for Sustainable Waste Management) the Merseyside Districts are required to put in place a

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planning framework that identifies the locations for new waste management infrastructure to meet the identified needs of that Council or group of Councils. The Waste DPD covers the six Merseyside Districts including Halton and will become the statutory land use plan to guide future development of all waste management and treatment facilities across the Merseyside sub-region. Its scope therefore covers all types of waste produced including municipal, commercial, industrial, hazardous, agricultural, construction, demolition and excavation materials.

- 3.2 In 2005, Leaders agreed that the waste planning matters for the sub-region would most effectively be addressed through formal collaboration in preparing a joint Waste Development Plan Document (Waste DPD). Under the legislative requirements of the land use planning system each Council approved the preparation of the Waste DPD in this way.
- 3.3 The Waste DPD aims to deliver significant improvements in waste management across the sub-region whilst also diverting waste from landfill. It seeks to provide industry with much greater certainty to bring forward proposals for waste facilities whilst also providing a robust planning framework to resist inappropriate waste development. Specifically, the Waste DPD will provide Districts with a high degree of control and also greater certainty for the waste sector through its site allocations and policies.
- 3.4 The preparation of the sub-region's first joint statutory Development Plan Document, the Waste DPD, is being managed by the Waste DPD team (Merseyside Environmental Advisory Service) on behalf of the Districts. The process is being led by a Steering Group and overseen by the shadow City Region Cabinet. The Waste DPD has been prepared through a multi-stage process. Two public consultation stages have been completed:
 - Issues and Options took place in March and April 2007.
 - Spatial Strategy and Sites stage took place between December 2008 and January 2009.
- 3.5 The results of the public consultation, engagement with stakeholders, industry (including MWDA) and the Local Authorities and, detailed technical assessments have all been used to inform the preparation of the third public consultation stage, Preferred Options. Officer views from the MWDA are also being sought informally on factual issues directly within the remit of the Waste Disposal Authority.
- 3.6 Throughout the preparation of the Waste DPD there has been on-going dialogue and consultation with Government Office and the Planning Inspectorate to ensure procedural compliance. In addition the process and evidence base has also been subject to several independent quality assurance checks on the process involving legal advisors, private consultants and Planning Officers' Society.
- 3.7 Issues Addressed by the Preferred Options Report – the report addresses several issues of which the following will be of particular interest to Members:
 - Needs Assessment and Site Requirements.
 - Proposed land allocations for built facilities for waste uses.
 - Proposed landfill site allocations.
 - Policy on Energy from Waste.

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- Development management policies – these are the policies used to control waste development both on allocated and unallocated sites.
- 3.8 In addition the Preferred Options Report includes a Vision, Spatial Strategy, Core Policies and an Implementation and Monitoring framework. It also outlines the overarching strategy for waste management referred to as the Resource Recovery-led Strategy.
- 3.9 The spatial strategy seeks to identify an appropriate number of large sites suitable for sub-regionally significant facilities of more than 4.5 hectares in area. Sites will ideally be around existing clusters of waste management facilities where these are shown to be sustainable. These areas around these clusters will be defined as Areas of Search. Sites will also be identified for smaller-scale local facilities taking into account specific local need ensuring that sufficient small sites are available for meeting the short to medium term needs for waste management in the sub-region.
- 3.10 The Core Policies are high level policies designed to implement the vision and strategic objectives and guide development to ensure that they deliver sustainable waste management across the sub region. The five core policies address the following issues:
- Waste prevention and resource management.
 - Waste Management Design and Layout for new development.
 - High Quality Design of new waste management facilities.
 - Sustainable Waste Transport.
 - Net Self Sufficiency.
- 3.11 Each of the issues addressed in the Preferred Options report is accompanied by consultation questions. Where more than one realistic policy option has been identified the Report presents the pros and cons of these before providing the reasons for choosing the preferred policy option. This provides transparency in the policy development process.
- 3.12 The full Preferred Options report and supporting technical appendices will be available on line at <http://merseysideeas-consult.limehouse.co.uk>

4.0 Needs Assessment and Site Requirements

- 4.1 Planning legislation requires development plan documents to be based upon sound and up-to-date evidence. Throughout the preparation of the Waste DPD, great care has been taken to develop and update the baseline information pertinent to waste planning matters including operational waste management facilities, the types and quantities of waste produced in the City Region, changes in recycling behaviour and the impact of economic factors. A number of studies have therefore been commissioned or updated as part of the Waste DPD evidence base and the key documents are referred to in **Appendix 1**.
- 4.2 During 2009, this evidence base has been the subject of further detailed technical work and updating particularly on waste arisings and the effects of recent planning consents for waste facilities within Merseyside and Halton and more widely. As part of this process detailed discussions with the waste industry and the Merseyside Waste Disposal Authority have continued.

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- 4.3 The evidence base has been used to inform the Needs Assessment which predicts the waste infrastructure requirements to meet Merseyside and Halton's needs until 2030. **Table 1** summarises the identified needs. It should be noted that these site requirements are identified **after** taking into account capacity on sites within Merseyside and Halton which are already consented for waste management.
- 4.4 The evidence base will continue to be updated until the final stages of preparing the Plan to ensure that it continues to accurately reflect the issues that the sub region must address whilst taking account of wider factors, such as progress with the MWDA strategy.

Table 1: Identified Site Requirements at November 2009 [Source: Merseyside EAS]

Function and site type (in Waste Hierarchy order)	New sites 2010-2015	New sites 2016-2021	New sites 2022-2027	Total	Approx. land/site
Sorting & recycling wastes					
MRF		1	1	2	<=3ha.
Non-inert WTS		1		1	3-5ha.
HWRC	1			1	ca. 1ha.
Preparing & treating wastes					
Food waste composting	1	1		2	3-5ha.
Municipal waste treatment	3	1		4	3-8ha.
C&I waste treatment	1	3		4	3-5ha.
EfW for Municipal Waste					>8ha.
Hazardous waste treatment	1			1	<=3ha.
Landfill disposal					
Non-inert landfill	(2)			(2)	n/a
Inert landfill	2			2	>10ha.
Total requirement					
Built facilities	7	7	1	15	
Landfill sites	(4)			(4)	

- 4.5 The inert landfill need shown above can be met by the two sites referred to in section 6 below. However, an extensive site search has shown the difficulty of finding further sites for non-inert landfill in the sub-region. The non-inert need (which will be for landfill of non-municipal waste) will therefore unavoidably be met by exporting waste outside the sub region. Since this need will not be met within the sub-region the number of sites is shown (in brackets) and is balanced by an equivalent input of waste for treatment in built facilities to deliver net sub-regional self-sufficiency. Provision for this import is shown through two additional treatment plants for C&I waste in the period 2016-2021. The Waste DPD delivers overall sub-regional self sufficiency consistent with the spatial strategy (see paragraph 6.4).
- 4.6 During the preparation of the Waste DPD the waste sector will continue to come forward with planning applications and the Districts will continue to take planning decisions. Therefore the quantity, type and spatial distribution of consented waste treatment capacity across Merseyside and Halton will continue to change. The Waste DPD team is continually monitoring this and updating the Needs Assessment and identified Site Requirements accordingly.

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- 4.7 Members should note that if any new consents are issued between now and Waste DPD publication stage that the new consents will be fully taken into account. The relationship between the location of any new consents issued and the spatial patterns of proposed site allocations is particularly important to ensure that new facilities are near to the main sources of waste arisings.

5.0 Proposed Site Allocations

- 5.1 Government guidance requires the Waste DPD to identify and allocate sites to meet the identified waste management needs of the Districts within the sub region. Proposed site allocations will eventually be presented in land use allocation maps for each of the District Local Development Frameworks.
- 5.2 In identifying proposed site allocations the Waste DPD needs to deliver a good balance of small and larger sub-regional sites across Merseyside and Halton to meet the identified needs of all the waste produced. It is also a Government requirement to provide sufficient flexibility within which the industry can operate though this must be within the context of constrained land availability across the sub region. The proposed site allocations in the Preferred Options report therefore include a degree of over-provision to provide the required flexibility.
- 5.3 A multi-stage process has been used to identify the proposed site allocations which is described in more detail in the supporting document '**Built Facilities Site Search Methodology**' of the Preferred Options Report. This process has included a range of site specific technical assessments and site visits. There has also been a detailed and on-going process of consultation with the local authority, MWDA and land owners.
- 5.4 The site selection process has included the following steps:
- Initial Broad Site Search yielding a list of nearly 2000 sites ;
 - Initial clean up of this data set removing duplicates etc ;
 - Detailed appraisal of remaining sites (>1600) with input from District Officers, removing over 900 sites as not available or not suitable for further assessment ;
 - Multi-criteria assessment (using 41 constraint criteria) of remaining 700 sites ;
 - Consultation on the 45 best performing sites in Spatial Strategy & Sites report.

Dialogue with Districts, landowners and the waste industry has informed the process.

- 5.5 The full database of the sites assessed as part of the Waste DPD process is available from the Waste DPD website, <http://merseysideas-consult.limehouse.co.uk> . This database clearly identifies the very large number of sites that have been assessed and provides evidence for why sites have been discounted from the process. This evidence includes planning constraints, overall site performance and importantly, views received as a consequence of public consultation. Members should be aware however, that sites can only be discounted from the process for sound and evidenced planning and deliverability reasons.
- 5.6 The sites contained within the Preferred Options report are the best performing and most deliverable sites across the sub region. Many other sites have been assessed and discounted from the process for a range of sound planning and deliverability reasons.

5.7 **Table 2** presents the proposed site allocations with each District having a single sub regional site greater than 4.5 hectares in area. For each of the proposed site allocations proposed waste management uses are also suggested with the broad categories of waste use being household waste recycling centre, re-processing industry, waste transfer station, primary treatment facility and resource recycling park.

Table 2: Proposed Allocations for Waste Management Uses

Site ID	District	Site Significance	Site Name and Address	Area (ha)
H1576	Halton	Sub Regional	Ditton Sidings, Newstead Road	9.2
H2293	Halton	District	Runcorn WWTW	1.2
H2351	Halton	District	Eco-cycle Waste Ltd, 3 Johnson's Lane, Widnes	2.0
K2322	Knowsley	Sub Regional	Butlers Farm, Knowsley Industrial Estate	8.4
K2204	Knowsley	District	Brickfields, Ellis Ashton Street, Huyton	2.4
K2192	Knowsley	District	Image Business Park, Acornfield Road, Knowlsey Industrial Estate	2.8
K2358	Knowsley	District	Former Pilkington Glass Works, Ellis Ashton Street, Huyton Industrial Estate	1.3
L1289	Liverpool	Sub Regional	Vacant Land south of Spitfire Road, Triumph Trading Park (this site has come forward since Spatial Strategy and Sites stage and, as such, has yet to be considered in detail by Liverpool City Council Executive Board)	5.9
L0435	Liverpool	District	Waste Treatment Plant, Lower Bank View	0.7
L0468	Liverpool	District	Site off Regent Road / Bankfield Street	1.4
F0384	Sefton	Sub Regional	Alexandra Dock 1, Metal Recycling Site	9.8
F0726	Sefton	District	1-2 Acorn Way, Bootle	0.6
F1029	Sefton	District	Site off Grange Road, Dunning's Bridge Road	1.6
F2333	Sefton	District	55 Crowland Street, Southport	3.7
S1885	St.Helens	Sub Regional	Former Hays Chemical Site, Lancots Lane	6.4
S1897	St.Helens	District	Land North of T A C Abbotsfield Industrial Estate	1.3
W0360	Wirral	Sub Regional	Car Parking/Storage Area, former Shipyard, Campbelltown Road	5.9
W0180	Wirral	District	Former Goods Yard, Adjacent Bidston MRF / HWRC, Wallasey Bridge Road	2.8
W2215	Wirral	District	Bidston MRF / HWRC, Wallasey Bridge Road	3.7

5.8 Members should note that as a consequence of changes made in response to the public consultation stages already completed (as well as recent planning consents and improvements in recycling rates) that, the number of sites needed has been substantially reduced. For example, earlier in 2009, at Spatial Strategy and Sites Stage a total of 45 sites were identified, 10 of which were sub regional sites. The Preferred Options report includes just 19 sites in total, several of which are existing waste uses with potential for intensification of land use.

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5.9 **Appendix 2** summarises the planning consents issued since 2006.

5.10 Within Section 6 of the Preferred Options Report each of the proposed site allocations includes a detailed site profile which includes the following information:

- Site name, map and area.
- Suggested Waste Management uses.
- Planning context.
- Infrastructure.
- Wildlife.
- Site Deliverability assessment.

5.11 Members should note that the Waste DPD is not allowed by Government policy to prescribe the specific waste use or technology on a specific site as this is a matter for the waste industry.

5.12 Should any site drop out of the Waste DPD process either as a consequence of the Preferred Options District approvals and endorsement process or as a consequence of the public consultation then alternative sites will still be needed from within that District because the identified need does not go away. However, given the very limited availability of suitable sites for waste facilities within Merseyside and Halton as a consequence of severe land constraints, any alternative site is likely to have more significant constraining and deliverability issues. It is therefore considered important that members support the proposed site allocations within the Preferred Options report.

5.13 There is a good spatial distribution of sites across all six Merseyside Districts as shown in **Figure 1** with:

- 3 sites in Halton, total site area 12.4 hectares, largest single site 9.2 hectares.
- 4 sites in Knowsley, total site area 14.9 hectares, largest single site 8.4 hectares.
- 3 sites in Liverpool, total site area 8.0 hectares, largest single site 5.9 hectares.
- 4 sites in Sefton, total site area 15.7 hectares, largest single site 9.8 hectares.
- 2 sites in St.Helens, total site area 7.7 hectares, largest single site 6.4 hectares.
- 3 sites in Wirral, total site area 12.4 hectares, largest single site 5.9 hectares.

5.14 In considering the spatial distribution of sites particular attention is drawn to the importance of proximity to main centres of waste arisings and the availability of suitable land. Two inert landfill sites have also been identified – one in Knowsley and St. Helens (please see section 6 below).

5.15 Proposed allocations within the Preferred Options report include privately owned land, public land as well as a small number of sites with multiple ownerships. Landowner support for the proposed waste uses and the proposed site allocations within the Preferred Options Report is required as this significantly reduces deliverability risk.

5.16 Each developed site will generate employment benefits for the surrounding area. The estimated total number of direct jobs to be created as a result of development of the Waste DPD allocated sites is 500-700 with additional indirect jobs estimated at up to

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twice this number. Temporary jobs related to construction of facilities are expected to total 25-400 per site, depending on the scale of the facility being built.

5.17 Consultation questions 12 and 13 seek specific comments on the proposed District and sub regional site allocations.

6.0 Landfill

6.1 At Spatial Strategy and Sites stage a long list of sites for detailed technical assessment on their potential as landfill and land raise was identified. During the preparation of Preferred Options that long list has now been the subject of consultation and detailed technical assessment and confirms that the potential for new landfill sites in the sub region is extremely constrained. A detailed technical report on landfill is presented in the supporting document '**Survey for Landfill in Merseyside and Halton**' to the Preferred Options Report.

6.2 Section 7 of the Preferred Options Report has identified two landfill sites as shown in figure 1 for the final disposal of inert waste, they are:

- Bold Heath Quarry.
- Cronton Clay pit.

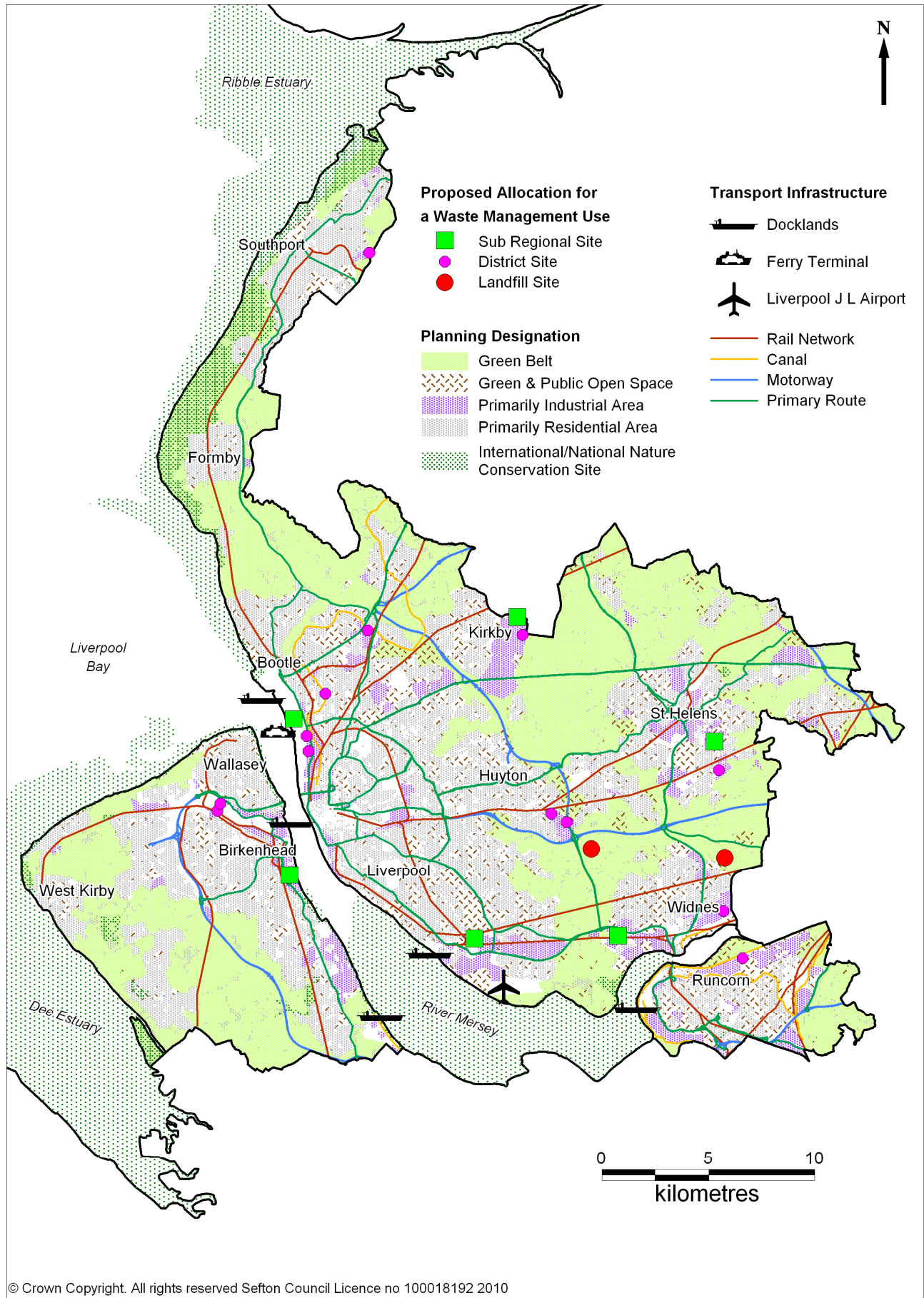
6.3 In addition the existing non inert landfill at Lyme and Wood Pits in St. Helens has recently extended its operational life until 2012.

6.4 No landfill sites have been identified for the disposal of non inert (including hazardous) waste. All future non inert waste management needs (identified in **Table 1**) will be met through a combination of proposed site allocations for built facilities that will divert the waste away from landfill and, through the use of existing landfill disposal contracts which export the waste outside of the sub region. The amount of export of non inert waste to landfill sites outside of Merseyside and Halton will be offset against 2 new built facilities for Commercial & Industrial waste thus ensuring that the Waste DPD is net self sufficient and delivers the Waste DPD Spatial Strategy.

6.5 Consultation question 15 seeks specific comments on the proposed landfill site allocations.

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Figure 1. Proposed allocations within Merseyside & Halton



7.0 Energy from Waste

- 7.1 The development of a policy position for Energy from Waste (EfW) has been challenging for the Waste DPD. This is because Merseyside and Halton is in an extremely unusual position of having a large number of consented, but not yet operational, EfW facilities that already more than meet the identified sub regional needs. In addition, the MWDA is at an advanced stage of its resource recovery contract PFI procurement process where it is seeking to procure new EfW facilities. Specifically MWDA is seeking to acquire sites >8 hectares to build new EfW facilities and has been actively seeking to secure such sites. Furthermore, the Ince Marshes EfW facility and Resource Recovery Park immediately adjacent to Merseyside and Halton within the Liverpool City Region has recently been given planning consent.
- 7.2 The Waste DPD site search and technical assessments aimed at identifying suitable and deliverable land for EfW facilities concluded that there are very limited opportunities to allocate new sub regional sites for EfW.
- 7.3 Therefore, in meeting the identified needs for EfW the Waste DPD has needed to take account of the consents within the sub region, the larger regional consents such as Ince Marshes and Ineos Chlor as well as the stated needs and strategy for municipal solid waste.
- 7.4 This unique combination of circumstances led to a period of intense joint working between MWDA and the Waste DPD team to help inform both the MWDA's own procurement processes and the Waste DPD policy position on EfW. This process focussed on assessing the risks of the different procurement and land use options available to meet the identified need of the MWDA.
- 7.5 This risk assessment process is the subject of a separate report to the Liverpool City Region Cabinet (13 November 2009) and is described in supporting document "**Risk Assessment for EfW Options for MSW in Merseyside & Halton**" of the Preferred Options Report. City Region Cabinet resolved that the Waste DPD should, in developing its policy position on EfW, take particular account of the lower risk options which made best use of existing consented capacity within and outside of Merseyside and Halton in preference to allocating new land for EfW. In particular, the recently consented regional facility at Ince Marshes was identified as the preferred location for an EfW solution.
- 7.6 Two policy options have been identified for EfW. A reasoned justification is provided as to the planning merits and constraints for each of these. The preferred policy option being: "for the Waste DPD not to allocate any new sites for Energy for Waste for MSW as well as C&I waste and to rely on existing consented and operational facilities within Merseyside and Halton and the wider North West region."
- 7.7 For the avoidance of doubt, the preferred policy option to not allocate new sites for EfW includes any allocations which could include multiple facilities on a site, such as "Resource Recovery Parks".
- 7.8 Consultation question 10 seeks specific comments of the preferred EfW policy.

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8.0 Development Management Policies

- 8.1 In addition to the proposed site allocations there is a need to provide the waste industry with clear policy guidance about what is and is not acceptable on both allocated and non allocated sites. The development management policies have been prepared in close consultation with the Development Control Managers of each of the Districts and are specifically designed to provide a high degree of development control and certainty. They are designed to be used in concert with and avoid duplication with the District's own development management policies within the LDF.
- 8.2 Six Development Management policies are included within the Preferred Options Report and specific consultation questions are asked on each one.
- 8.3 **Applications for waste management facilities outside of allocated sites** – as land use and industry requirements will change during the plan period the Preferred Options report includes a policy designed to control waste development on land that has not been allocated for waste use (consultation question 17).
- 8.4 **Applications for landfill on non allocated sites** – whilst the landfill allocations discount a number of sites as not being suitable or deliverable for landfill in the future, it is still possible that site owners and operators may still wish to apply for landfill on unallocated sites in the future. This policy is designed to provide a very high degree of control over such activities and as unallocated sites would be more difficult to bring forward as landfill (consultation question 18).
- 8.5 **Open Windrow Composting** – the evidence base has identified that there is no need for new open windrow composting facilities and has therefore not allocated new land for this waste use. This operation has very specific operational constraints and as there is always potential for such operations to satisfy local needs, particularly if existing consents are not fully utilised or are no longer operational. The preferred policy option for open windrow composting facilities therefore provides a high degree of control for this activity (consultation question 19).
- 8.6 **Protecting Existing Waste Management Sites** – by protecting existing waste management sites for future waste management use, the essential waste management infrastructure of the sub region will be protected thus ensuring future waste management needs of the sub region are met. Should other competing land uses result in the displacement of the existing waste management uses then an alternative site will be required to ensure that the waste management needs are still met, unless the need has been met elsewhere (consultation question 20).
- 8.7 **Restoration and Aftercare of Landfill Facilities** – a specific restoration and aftercare policy is required for landfill because of the duration, scale and impact that this activity has on the landscape and environment including mineral and water resources (consultation question 21).
- 8.8 **Criteria for Waste Management Development** – in taking planning decisions on the development of waste facilities it is important that all appropriate information is submitted with the planning application to enable an objective assessment of the planning issues and merits. This policy provides guidance to developers on what information will need to be submitted with a planning application to enable swift determination and avoid any delays in the planning process (consultation question 22).

9.0 Implementation and Monitoring

- 9.1 Chapter 10 of the Preferred Options report covers the implementation and monitoring plan for the Waste DPD including how specific policies will be implemented and whether site allocations are being implemented for waste uses. The section also provides a monitoring plan, largely based on national indicators, to ensure that the evidence base is kept up to date and the effectiveness of the plan can be assessed. It has important interactions with the on-going monitoring programmes of the Districts particularly with respect to their own LDFs.
- 9.2 Consultation question 23 seeks feedback on this implementation and monitoring of the Plan.
- 9.3 The timetable for completing the Waste DPD is set out in **Appendix 4** with adoption expected in April 2012.

10.0 Consultation

- 10.1 Subject to swift District approval and endorsement of the Preferred Options Report a six-week public consultation period will start on 18th February 2010. The approach to consultation has been previously agreed with Leaders and is fully compliant with the adopted Statements of Community Involvement of each District.
- 10.2 The beginning of the public consultation process on Preferred Options will be accompanied by statutory press notices in newspapers covering the six districts, press releases, email and letter communication with all individuals and organisations on the Waste DPD database. A Waste DPD newsletter / information sheet will also be distributed. Copies of the Preferred Options Report and Executive Summary will also be made available for the public at selected Council offices and public libraries.
- 10.3 Consultation will end on 31st March 2010 ahead of the pre-election period, provided that there are no delays in the District approvals processes. Due to the timing of Committee meetings there is a slight overlap with the purdah period of 3 working days.
- 10.4 This core content Committee Report is to be supported by a District specific covering report and a three-page Briefing for Elected Members (see **Appendix 3**).
- 10.5 Once Members have approved and endorsed the Preferred Options report, there will be no further opportunity for the Council to make comments. However, there may be issues which Local Elected Members may wish to comment on individually. Such comments should be submitted during the 6-week public consultation alongside all other consultation comments.
- 10.6 The purpose of the public consultation is to invite comments from all interested parties on the sites, issues and policies covered. The Preferred Options report will be available both in paper format and on a web-based consultation site (<http://merseysideeas-consult.limehouse.co.uk>). The public is invited to make comments in writing or electronically and there is a series of consultation questions to facilitate this process. District officers and the Waste DPD team will be pleased to assist in this process, although anonymous responses or telephone comments will not be accepted.

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- 10.7 Given the sub-regional nature of the Plan , the Preferred Options public consultation will include a single District officer led consultation event in each of the six Districts. All events will be held at an accessible location to comply with all relevant Council policies. Whilst the Waste DPD team will be on hand to support, the consultation events will be led and chaired by an appropriate officer from each of the Districts.
- 10.8 However, a programme of additional stakeholder consultation events will also be developed and agreed with each District. Such events will target specialist groups that have asked for presentations as well as the potential for some more local events should this be required to consider local issues. Once again, these events will be District led, with the Waste DPD Team supporting.
- 10.9 Queries about the Preferred Options Report approval process, endorsement and consultation processes should be referred to the Waste DPD Steering Group officer or other nominated officer from the Districts in the first instance. Should further advice be required from the Waste DPD team, this should be co-ordinated through the District officer and not direct to the Waste DPD team at Merseyside EAS.
- 10.10 At the end of the consultation period all the responses will be collated and a “Results of Consultation Report” will be written summarising the findings. This will be reported to Members as appropriate by District officers as well as being published on the Waste DPD website.
- 10.11 The Districts and the Waste DPD team will work together to take due account of the representations received during Preferred Options consultation. The responses will be used to inform the final development of the Waste DPD Submission Document. (see **Appendix 4**).

11.0 Recommendations

- (i) That each Council approves and endorses the Preferred Options Report.**
- (ii) That each Council agrees to the commencement of a six-week public consultation process on the Waste DPD Preferred Options Report during 2010.**
- (iii) That members note that the Waste DPD forms an essential part of each District’s Local Development Framework.**
- (iv) That the Waste DPD team is delegated to make editorial changes to the Preferred Options Report as a consequence of the District approvals process and comments received.**
- (v) That members receive a further report on the outcomes of the Preferred Options consultation.**

Appendix 1 – Evidence Base, summary of key documents and technical assessments.

- Broad Site Search (SLR Consulting September 2005).
- Initial Needs Assessment (Land Use Consultants September 2005).
- Agricultural Waste Survey (Merseyside EAS April 2007).
- Regional Study on Commercial and Industrial Waste (Urban Mines May 2007).
- Regional Study on Construction, Demolition and Excavation Waste (Smith Gore July 2007).
- Revised Needs Assessment (SLR Consulting December 2007) [Needs Assessment version 2].
- Radioactive Waste Review (Merseyside EAS December 2007).
- Planning Implications Report (Merseyside EAS January 2008) [Needs Assessment version 3].
- Review of Greenhouse Gas Emissions from Waste Management Facilities (RPS April 2008).
- Review of Health Impacts from Waste Management Facilities (Richard Smith Consulting June 2008).
- Equality Impact Assessment (Merseyside EAS July 2008).
- Survey for Landfill Opportunities in Merseyside (Merseyside EAS - 2008).
- Built Facilities Site Search Methodology
- Sustainability Appraisal – Phase 1 (Mouchel Parkman (2006-7)
- Strategic Flood Risk Assessment (Capita Symonds 2008-9).
- Habitats Regulations Assessment (Scott Wilson 2007-present).
- Sustainability Appraisal – Phases 2 & 3 (Scott Wilson 2007-present).
- Review of Relative Sustainability of Waste Management based on Mass-Burn or Two-Stage Recovery of Energy from Waste (Juniper Consulting 2009).
- Risk Assessment for EfW Options for MSW in Merseyside & Halton November 2009
- Revised Needs Assessment (Merseyside EAS November 2009) [Needs Assessment version 4].

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Appendix 2 – Planning Consents issued for Waste Facilities since Commencement of the Waste DPD.

Operator	Location	Type of facility	Capacity (tonnes)	Position in Waste Hierarchy	Operational status
Orchid Environmental	Huyton, KNOWSLEY	Primary treatment (autoclaving) to produce solid recovered fuel	50,000	Preparation for recovery	Operational (capacity rise to 120,000 pending)
Mersey Docks & Harbour Board	Bootle, LIVERPOOL	Ship breaking and dismantling	Variable	Recycling	Operational
Future Industrial Services Ltd	Kirkby, KNOWSLEY	Reprocessing of plasterboard and some chemical waste recovery	43,000	Recycling	Operational
Eco-Cycle Ltd	Widnes, HALTON	Materials recycling facility (municipal waste) and non-inert transfer station	75,000	Recycling	Operational
Ineos ChlorVinyls (with Viridor)	Runcorn, HALTON	Large-scale direct-burn of pre-treated waste (ie. solid recovered fuel)	Up to 850,000	Recovery	Early stages of site clearance and off-site fabrication
Minerals Resource Management Ltd	Kirkby, KNOWSLEY	Reprocessing of plasterboard and ash into secondary material	88,000	Recycling	Operational
James Industrial Ltd	Prescot, KNOWSLEY	Non-inert waste transfer station with some recycling	69,000	Recycling	Site undeveloped to date
Biossence Ltd	Eastham, WIRRAL	Large-scale primary treatment using gasification technology with heat and power generation	Up to 400,000	Preparation and recovery	Conditions discharged, awaiting site clearance
Biffa Waste Management Ltd	Pocket Nook, ST HELENS	Materials recycling facility (commercial & industrial waste)	Up to 200,000	Recycling	Possibly discharging conditions
Veolia Waste (on behalf of MWDA)	Fazakerley, LIVERPOOL	Materials recycling facility (municipal waste)	100,000	Recycling	Site cleared; discharging conditions?
Energos Ltd	Kirkby, KNOWSLEY	Medium-scale thermal treatment using gasification technology with heat and power generation	Up to 96,000	Recovery	Site cleared; discharging conditions?
D Morgan Ltd	Bold Heath, ST HELENS	Inert landfill	Up to 76,000	Disposal	Revised extraction and backfill with waste
PDM (Granox) Ltd	Widnes, HALTON	Direct-burn of food processing wastes with energy recovery	150,000	Recovery	Construction not started – expansion of existing plant
Cory Environmental	Haydock, ST HELENS	Non-hazardous, non-inert landfill	Up to 425,000	Disposal	Continued operation to 2012 (on appeal)

Appendix 3

Waste DPD Briefing for Elected Members **Overview of Preferred Options Consultation**

Background

Preparation of a Waste Development Plan Document (Waste DPD), which provides a policy framework for waste management, is a statutory duty for all six districts in the Merseyside sub-region (Halton, Knowsley, Liverpool, Sefton, St Helens and Wirral).

The duty derives from EU Waste Directives and UK Government Planning Policy. Given that significant cost, risk and strategic advantages could be identified from working together, the authorities have agreed to produce a joint Waste DPD. The Waste DPD is therefore being prepared jointly by the six Districts with support from the Waste DPD team at Merseyside EAS. The resulting plan will become part of the Local Development Framework for each of the Districts.

The Waste DPD provides the template for managing all types of waste, not just household waste, until 2027, taking into account both national legislation and local and regional considerations. It directs new and appropriate waste management infrastructure to the most suitable locations.

It does not deal directly with the management and treatment of waste produced in Merseyside and Halton. Rather, the Waste DPD aims to set up a long-term planning framework for waste management.

Currently, a Preferred Options report has been drafted and public consultation on this report will take place for six weeks from 18th February 2010, subject to full approval and endorsement from all six districts. Responses to this consultation, and discussions with stakeholders, will then be used to further develop the Waste DPD, which is scheduled to be formally adopted in April 2012.

Consultation programme

The consultation on Preferred Options is the third public consultation on the development of the Waste DPD, and is particularly important, as this is the last opportunity for stakeholders to make major comments on the sites and proposed policy options which may result in changes to policy or site allocations.

There are a number of ways of responding to the consultation. Answering a series of questions asked throughout the Preferred Options report either online or on paper means responses can be processed more efficiently and accurately – but all types of response will be welcome, although anonymous responses cannot be accepted.

The Preferred Options Report and supporting information will be available at <http://merseysideeas-consult.limehouse.co.uk/portal>, and through council websites, offices and libraries. Consultees are also able to request a paper copy by contacting the Waste DPD team directly.

During the consultation and afterwards, there will be a continuing dialogue and discussion with stakeholders. A public meeting will also be held within each District to provide additional information and answer any questions.

Information on the meetings will be found on www.wasteplanningmerseyside.gov.uk

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Policy issues

The Waste DPD must be consistent with national and regional policy, contributing to achieving the goals of the Waste Strategy for England and the Regional Spatial Strategy for the North West, while dealing with local issues and priorities.

The Preferred Options report discusses the core policies for waste management and details the principles that will underpin the Waste DPD. It includes preferred options on sustainable waste management, sustainable transport of waste, sustainable design of new developments, the site selection process, net self-sufficiency and waste management applications outside of allocated sites.

The report also presents a series of policies for Development Management designed to control waste management development on allocated sites as well as other land that may be brought forward for future waste use.

A key section of the report is dedicated to issues around Energy from Waste, where combustion of waste or a fuel derived from waste is used to generate heat and power, to be fed into the national grid or used locally in industry. For the avoidance of doubt, the Preferred Options Report is not allocating any new sites for Energy from Waste use.

Proposed sites

The Preferred Options report includes details of the proposed allocations for waste management use, which could become final allocations for the Waste DPD across all six districts.

The proposed allocations are mapped, district by district, and include a brief description and explanation of why they are the preferred sites. The sites have been put forward following a detailed technical assessment process.

Two types of site have been identified:

- sites capable of supporting larger and more complex, sub-regional facilities,
- sites suitable for smaller, district-level, waste management operations.

The Preferred Options Report contains no site allocation for Energy from Waste, as no site has been identified as suitable for this specialised use. In addition, Merseyside and Halton are in a unique position in that there is a large amount of capacity already consented for Energy from Waste facilities in the Districts and adjacent areas. The report therefore concludes that there is no need to make additional allocations for this use.

The Waste DPD has explored landfill disposal potential across Merseyside and Halton. Despite the difficulty of finding such sites, there are two proposed allocations for inert landfills on existing minerals sites, in addition to the one existing consented landfill site in the sub region. It is important that we fully explore landfill opportunities in our sub region rather than assuming waste can continue to be exported to landfill sites outside Merseyside and Halton.

The Report also discusses the need to identify new or replacement sites for Household Waste Recycling Centres, which are provided by Merseyside Waste Disposal Authority. The Preferred Options Report does not allocate sites for this purpose but identifies broad areas where sites will need to be found.

Merseyside Waste Disposal Authority

Prior to the publication of the Report, extensive efforts have been made to engage with key stakeholders, such as the Merseyside Waste Disposal Authority (MWDA).

MWDA is the statutory authority that disposes of municipal solid waste (household waste) for the local authorities across Merseyside.

Whilst MWDA business needs and statutory responsibilities are different from the planning purpose of the Waste DPD, the processes must be aligned as the Waste DPD cannot progress to a sound outcome if it does not cater for the needs of the MWDA.

Similarly, the risks to the MWDA procurement can be significantly reduced with a supportive planning framework. Therefore both the Waste DPD team and MWDA continue to work in partnership to find appropriate solutions.

What happens next?

Following the Preferred Options consultation, the Waste DPD team will consider all responses and evaluate them, with the intention of drawing up a Submission Document by the start of 2011.

The Submission Document will be published so that further representations on the soundness of the Waste DPD can be made before it is submitted to Government for formal consideration and scrutiny (in March 2011). A Results of Consultation Report will also be published following the public consultation that will detail all representations made and the Waste DPD responses.

An examination hearing will then be held: this is an independent examination of the plan by an Inspector, who can hear evidence on unresolved issues from those who have already made representations on the soundness of the Plan as well as those who are supportive of the plan.

The final stage of the process is the adoption of the Waste DPD by each of the Merseyside districts as its statutory spatial plan for waste. This is scheduled for 2012.

Financing the Waste DPD

The costs of preparing the Merseyside Waste DPD are being shared by the six districts. There are significant time and money savings that have already been delivered from working in partnership.

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Appendix 4 Stages to Adoption of the Final Waste DPD

- A2.1 The Land Use Planning System has strict requirements with respect to the process to be adopted and the consultative stages required. The timetable to adoption of the Waste DPD is summarised in the following table.
- A2.2 Further public consultation will take place in 2010 when the Waste DPD is published. This is the final opportunity to make representations on the soundness of the Waste DPD when the plan prior to submission to Government for consideration.
- A2.3 Adoption of the Waste DPD by the 6 Councils will take place once the plan has been found sound at public examination by the Secretary of State's Inspector. Following adoption the Waste DPD will be subject to periodic review as part of the monitoring and implementation framework.

Waste DPD Project Timetable and key milestones.

Commencement of Plan preparation*	December 2006	Current Status
Public Consultation on Issues and Options Report.	March to April 2007 (6 weeks)	Complete
Public Consultation on Sites and Spatial Strategy Report.	December 2008 – February 2009 (8 weeks)	Complete
Results of consultation report published.	May 2009	Complete
Preferred Options Report to Council/Committee/ Executive for approval as appropriate.	December 2009 – February 2010 (10 weeks)	On-going
Public Consultation on Preferred Options and Sustainability Appraisal Environment Report	February - March 2010 (6 weeks)	
Draft Waste DPD / Sustainability Appraisal Final Report for Full Council approval.	August 2010 (22 weeks)	
Publication of the Waste DPD	January 2011 (6 weeks)	
Submission Waste DPD / Sustainability Appraisal Final Report/ Representations following publication to DCLG.	March 2011 (6 weeks)	
Joint Examination in Public.	July 2011	
Full Council meetings	January 2012 (13 weeks)	
Adoption of Waste DPD	April 2012	
Implementation and Monitoring	May 2012 onwards	

Agenda Item 7

REPORT TO: Planning Committee
Cabinet
Council

DATE: 13th January
14th January
14th January

SUBJECT: Article 4(2) Direction for
Moor Park Conservation Area

**WARDS
AFFECTED:** Manor

REPORT OF: Planning and Economic Regeneration Director

**CONTACT
OFFICER:** Dorothy Bradwell

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To seek Committee, Cabinet and Council's Agreement to make an Article 4(2) Direction within Moor Park Conservation Area so that planning permission will be required for a greater range of alterations to properties, helping to ensure that the character of the Conservation Area is maintained.

REASON WHY DECISION REQUIRED:

- a) To meet the Council's duty under section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- b) To follow up on the recommendations of the adopted Moor Park Conservation Area Appraisal.

RECOMMENDATION(S):

That Planning Committee :

- recommend to Cabinet that the Moor Park Article 4(2) be made.

That Cabinet, subject to Planning Committee's recommendation above:

- recommend to Council that the Moor Park Article 4(2) be made.

That Council subject to the above recommendations:

- authorises the making of a Direction under Article 4[2] of the Town and Country Planning [General Permitted Development] Order 1995 (as amended) in respect of the Moor Park Conservation Area.

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KEY DECISION: N/A

FORWARD PLAN: N/A

IMPLEMENTATION DATE: N/A

ALTERNATIVE OPTIONS:

a) Article 4(1) Direction

This would require the Secretary of State's agreement and is a more lengthy process. The scope of permitted development rights that could be removed is much wider and more applications would be submitted as a result. In the Moor Park conservation area it is felt that the scope of an Article 4(2) Direction is sufficient and therefore an Article 4(1) is not recommended.

The operation of the Article 4(2) Direction will be kept under review as to its effectiveness and ease of use and it may be necessary to revisit an Article 4(1) as a future option.

b) Not to make a direction

This would be against the wishes of the local residents association and would leave the conservation area open to further harm from unsuitable development.

IMPLICATIONS:

Budget/Policy Framework: N/A

Financial: There is the potential for compensation claims. However, as the claimant has to demonstrate that abortive expenditure or other loss or damage has been incurred, claims very rarely arise.

Legal: N/A

Risk Assessment: N/A

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS

INTERNAL

The Development Control Service, who will be administering the applications, have been consulted for their views and are in support of the proposal.

Legal Department have been consulted and their recommendations have been incorporated into the report

FD280 – the Finance and IS Director has been consulted and his comments have been incorporated into this report

EXTERNAL

Letters have been received from the Moor Park Residents Association whom have been asking for an Article 4 Direction to be made for the conservation area. Specific problems that have been identified by the Residents Association include the loss of grass verges, erection of uncharacteristic walls, changes to roofing materials and insertion of upvc windows.

CORPORATE OBJECTIVE MONITORING:

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

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Planning Policy Guidance Note 15: Planning and the Historic Environment

‘Heritage at Risk’ English Heritage, 2009.

Moor Park Conservation Area Appraisal, Sefton MBC, March 2008

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1. BACKGROUND:

- 1.1 Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to prepare proposals for the preservation and enhancement for any conservation areas that they designate.
- 1.2 It is under this duty that the Moor Park Conservation Area appraisal was carried out. The appraisal identifies the elements that contribute to the character of the area, and notes negative factors and suggests opportunities for enhancement. The appraisal recognises that a growing number of properties have lost historic features and had uncharacteristic alterations made to them. As a consequence one of the recommendations of the appraisal was for an Article 4 Direction to be made.
- 1.3 An Article 4 Direction brings about the removal of permitted development rights, meaning that a greater range of alterations to houses will require planning permission before being carried out. This would help to avoid the further loss of historic features important to the character of the conservation area.
- 1.4 Applications for planning permission for work, which prior to the Direction would have been automatically permitted, do not incur a fee. In Sefton one conservation area, Sefton Village, has an Article 4 Direction. Overall a relatively low number of applications are received as a result of this. The Council's experience with the Sefton Village Article 4 Direction is that it has been successful and is well understood by residents.

2. PROPOSAL

- 2.1 There are two options available to the Council, either an Article 4(1), or an Article 4(2) Direction. The Article 4(1) direction has been ruled out as an option for reasons given above.
- 2.2 With an Article 4(2) the range of rights which can be removed affect only works to properties on elevations that front the highway. In the Moor Park area the fronts of the properties are the key area where restriction over changes would be most beneficial and would have the greatest effect on preserving the appearance of the conservation area.
- 2.3 The works that will be newly brought under planning control include the following:

Changes to front elevation (e.g. windows & doors, rendering, painting)
Alterations to roofs and chimneys
Erection of front walls/gates

Hard landscaping front gardens

- 2.4 The formal wording of the Article 4(2) Direction is given in Appendix 1
- 2.5 The public consultation process is built into the way that Directions are made. Once a direction is in force it remains so for up to 6 months, during this time the opinions of residents are canvassed and representations can be made to the Council. A leaflet and questionnaire is being prepared to help gain resident's views.
- 2.6 Unless, the Direction is confirmed, by the Council within 6 months, then the Direction will cease to be in effect.
- 2.7 While it is possible to carry out consultation before making an Article 4 Direction this is not the preferred option as it helps to avoid a situation arising whereby a resident may rush to carry out uncharacteristic works prior to the direction being made. Additionally it is helpful in that residents can 'try out' the system, therefore enabling them to make more informed judgements about its effects. Also, residents would not in effect be consulted twice.
- 2.8 A further report will be presented to Council before the end of the six month consultation period, so that a final decision can be made, to either confirm the Article 4 Direction or remove it.

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Appendix 1 - formal text of the Article 4(2) Direction:

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 1995 (as amended)

DIRECTION MADE UNDER ARTICLE 4(2)

WHEREAS Sefton Metropolitan Borough Council being the appropriate local planning authority within the meaning of article 6 of the Town and Country Planning (General Permitted Development) Order 1995, are satisfied that it is expedient that development of the descriptions set out in Schedule I below should not be carried out on land in the Moor Park Conservation Area being the land shown edged in red in Schedule II, unless permission is granted on an application made under the Town and Country Planning Act 1990.

NOW THEREFORE the said Council in pursuance of the Power conferred on them by article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the descriptions set out in the Schedule below to the extent permitted by Article 4(2)-(5) of the 1995 Order.

THIS DIRECTION is made under article 4 (2) of the said Order and in accordance with article 6 (7) shall remain in force until the *DATE* and shall then expire unless it has been confirmed by the said Council. Any representations concerning the Direction should be made to:

Planning Director, Sefton MBC, Magdalen House, 30 Trinity Road, Bootle, L20 2NJ
by the *DATE*.

SCHEDULE I

Class A of Part 1 of Schedule 2 to the said Order, consisting of the enlargement, improvement or other alteration of a dwellinghouse, where any part of the enlargement, improvement or alteration would front a highway, waterway or open space;

Class C of Part 1 of that Schedule, where an alteration would be made to a roof slope which fronts a highway, waterway or open space

Class D of Part 1 of that Schedule, consisting of the erection or construction of a porch outside any external door of a dwellinghouse where the external door in question fronts a highway, waterway or open space;

Class F of Part 1 of that Schedule, consisting of the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the

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dwellinghouse as such; or the replacement in whole or in part of such a surface, where the hard surface would front a highway, waterway or open space;

Part 1 of that Schedule, consisting of the erection, alteration or removal of a chimney on a dwellinghouse or on a building within the curtilage of a dwellinghouse.

Class A of Part 2 of that Schedule, consisting of the erection, construction improvement or alteration of a gate fence wall or other means of enclosure, where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a highway, waterway or open space;

Class C of Part 2 of that Schedule, consisting of the painting of the exterior of any building or work, where the painting of the exterior of any part, fronts a highway, waterway or open space, of –

- (i) a dwelling house; or
- (ii) any building or enclosure within the curtilage of dwellinghouse.

Class B of Part 31 of that Schedule, consisting of the demolition of the whole or part of any gate, fence wall or other means of enclosure, where the gate, fence, wall or other means of enclosure is within the curtilage of a dwellinghouse and fronts a highway, waterway or open space.

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SCHEDULE II



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	Moor Park Conservation Area Article 4 (2) Crosby		Standard Site Plan Scale: 1:2545 Date: 23/12/2009 Drawn By: FEARY on Contact Officer: vep Plan Ref: 2.6.2 Ward(s): Manor, Victoria Postcode Sector(s): L23 9, L23 2, L23 4 Polling District(s): NS, NE, SE, SW Parish(es): Thornton Cp
	OSGR: 332787, 400403	Sheets:	Area: 584679 sqm

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Agenda Item 8

Committee: Planning

Date Of Meeting: 13th January 2010

Title of Report: Urgent Works Notices – 40 Lancaster Road, Birkdale and the International Hotel, Crosby Road South, Seaforth

Report of: Andy Wallis
Planning and Economic Regeneration Director

Contact Officer: Daniel Byron Telephone 0151 934 3584
Case Officer: Daniel Byron Telephone 0151 934 3584

This report contains	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972		✓
Is the decision on this report DELEGATED?	✓	

Purpose of Report:

This report has been prepared to request members authorisation for the Planning and Economic Regeneration Director to serve Urgent Works Notices on 40 Lancaster Road, Birkdale and the International Hotel, Crosby Road South, Seaforth.

Recommendation(s):

It is recommended that the Planning and Economic Regeneration Director be authorised to :

- (i) Serve an Urgent Works Notice in respect of 40 Lancaster Road, Birkdale and to serve an Urgent Works Notice in respect of the International Hotel, Crosby Road South, Seaforth to secure the buildings from further decline.
- (ii) Carry out the works in default if the respective owners do not comply with the Urgent Works Notices.

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Corporate Objective Monitoring

Corporate Objective		Impact		
		Positive	Neutral	Negative
1	Creating A Learning Community		X	
2	Creating Safe Communities	X		
3	Jobs & Prosperity		X	
4	Improving Health & Well Being	X		
5	Environmental Sustainability	X		
6	Creating Inclusive Communities		X	
7	Improving The Quality Of Council Services & Strengthening Local Democracy	X		
8	Children and Young People		X	

Financial Implications

There is no direct financial implication for the authorisation of the serving of the Urgent Works Notices.

However If the owners do not undertake the works in accordance with the Urgent Works Notice there could be a cost implication to the Council as the works would be carried out by the Council in default. If this was the case the costs would be recoverable in the future as they would be registered as a land charge against the property and could be recouped when the property was sold.

The estimated cost of works for 40 Lancaster Road is £3,500+VAT; the estimated cost of works for the International Hotel is £4,000+VAT. Stepclever can fund up to £2,300 of the works for the International Hotel as it is in a HMRI area.

The overall estimated cost therefore to carry out these works will be £5,200, and this may be required to be spent initially from Council resources, and subsequently held as rechargeable works costs through Land Charges on the properties, pending recoupment at a later stage from the present or future owners of the buildings.

Departments consulted in the preparation of this Report

Finance Directorate FD 277 -
Legal Services Directorate

List of Background Papers relied upon in the preparation of this report

'Stopping the Rot', English Heritage, 1998

Background

1. 40 Lancaster Road also known as the school for the partially hearing is a grade II Listed Building within West Birkdale Conservation Area. The owners of 40 Lancaster Road have been seeking pre-application approval for a variety of schemes however the proposals submitted so far have not been acceptable.

2. The Council wrote to the owner's explaining the concerns with the state of the building and reminding them of their responsibilities of owning a Listed Building. The building is currently vacant and has been the subject of various break ins and arson attacks, as a result a schedule of works have been drawn up by the Council in conjunction with Merseyside Fire Service. The owners have failed to maintain the building to a reasonable standard during their ownership and they have also failed to bring forward any viable schemes to retain the building in use. They have indicated that they are willing to carry out the urgent works but have not given a firm timescale. There is concern that this will lead to unacceptable delay as the building is open to the elements and it would need to be secured in the remaining winter months, to stop further deterioration.
3. The International Hotel is a grade II Listed building, it is not located in a Conservation Area, however is located in a HMRI area. The owner of the International has been seeking pre-application approval for conversion of the hotel and outbuilding into apartments and the formation of a number of dwellings adjacent. The proposals so far have been generally acceptable in principle; however the owner has not confirmed when they will be brought forward. The building has recently had a break in and was subject to an arson attack, this has left the building with significant fire damage.
4. The Council wrote to the owner explaining the concerns with the state of the building and reminding him of his responsibilities of owning a Listed Building. The owner's representative has contacted me outlining that at the present time the owner was seeking an insurance claim in respect of the fire damage and that at present he has no funds to complete these works. It was also outlined that when the owner returned to liquidity he would carry out the works. There is concern that this will lead to unacceptable delay as the building is open to the elements and should be secured in the remaining winter months, to stop further deterioration.

Serving an Urgent Works Notice on the Property

5. Section 54 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 enables this Council to execute any works which appear to them to be urgently necessary for the preservation of a listed building in their area. Section 55 of the same Act enables this Council to recover from the owner the expenses of any works carried out under Section 54.
6. An Urgent Works Notice is intended to prevent deterioration and damage from starting and/or getting worse in a property. In the case of 40 Lancaster Road and the International Hotel, this will mean provision of measures outlined in the schedule of works in Annex A and B for each respective property.
7. In terms of the process of serving any notice the first step has already been taken in writing to the owners of the properties to inform them of the problems with building and what steps are available to the Council. This has not produced a positive response and as a result a further site visit has been carried out. A second letter setting out the schedule of urgent works with a compliance period, has also not been fulfilled. If the Council serves the notice, the owner has a minimum period of 7 days to comply with the notice. If after that period the owner still does not comply with the notice the Council can undertake the works itself and serve a further notice to recover their costs.

Conclusion

8. If the owners do not undertake the works in accordance with the Urgent Works Notice's there would be a cost implication to the Council in respect of 40 Lancaster

Agenda Item 8

Road as the Council would have to undertake the Urgent Works itself, if this was the case these would be recoverable from the owner. There would be a reduced cost to the Council for the works to the International Hotel as these can be part funded by Stepclever as the property is in HMRI area. The schedule of proposed works for these properties is in the appendices attached.

9. It is recommended that the Planning and Economic Regeneration Director be authorised to:

Serve Urgent Works Notice's in respect of 40 Lancaster Road, Birkdale and the International Hotel, Crosby Road South, Seaforth in order to secure the buildings from further decline.

Carry out the works in default if the respective owners do not comply with the Urgent Works Notices.

Appendix A

40 Lancaster Road

SCHEDULE OF URGENT WORKS

1. Thoroughly check the roof covering and re-fix all missing and loose tiles in order to prevent water ingress.
2. Board up windows and doors to all elevations with ½ “ plywood or sterling board. All boards to be drilled with 1” wide holes to facilitate ventilation and air movement within the property which will reduce dampness.
3. Clean and clear gutters, hoppers, downpipes and drains through to inspection chambers
4. Repair existing and reinstate missing sections of rainwater goods and generally ensure that all rainwater run-off is conducted to main drains.
5. Ensure the boundary walls, gates, fences etc. are secure and that no unauthorised access to the site or the building can occur through adequate security measures.
6. Turn off any live services (with the exception of the electricity to allow smoke alarms to be working) and drain down heating and water supply systems.
7. Clear away accumulated rubbish, non fixed furniture and combustible material from the interior, including pigeon droppings.

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Appendix B

International Hotel

SCHEDULE OF URGENT WORKS

1. Thoroughly check the roof covering and re-fix all missing and loose slates and ridge tiles in order to prevent water ingress.
2. Board up any broken windows with ½ “ plywood or sterling board. All boards to be drilled with 1” wide holes to facilitate ventilation and air movement within the property which will reduce dampness.
3. Clean and clear gutters, hoppers, downpipes and drains through to inspection chambers
4. Repair existing and reinstate missing sections of rainwater goods and generally ensure that all rainwater run-off is conducted to main drains.
5. Cut back and treat vegetation rooting into rainwater goods and brickwork using a suitable systemic killer, as a result repoint using a Lime mortar mix where brickwork had been damaged by vegetation removal.
6. Ensure the boundary walls, gates, fences etc. are secure and that no unauthorised access to the site or the building can occur through adequate security measures.
7. Clear away accumulated rubbish and combustible material from the interior including pigeon droppings.

Agenda Item 9

Committee: Planning

Date Of Meeting: 13th January 2010

Title of Report: Tree Preservation Order – 2a Westcliffe Road, Southport

Report of: Andy Wallis
Planning and Economic Regeneration Director

Contact Officer: J R Eade Telephone 0151 934 3575
Case Officer: Telephone 0151 934

This report contains	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972. (If information <u>is</u> marked exempt, the Public Interest Test must be applied and favour the exclusion of the information from the press and public).		✓
Is the decision on this report DELEGATED?	✓	

Purpose of Report: To seek approval to revoke a Tree Preservation Order

Recommendation(s): That the Committee authorise the Legal Director to make a formal order revoking the Sefton (2a Westcliffe Road, Southport) Tree Preservation Order 1985, (a “revocation order”), under Section 333 (7) of the Town and Country Planning Act 1990 and pursuant to the Town and Country Planning (trees) Regulations 1999.

Agenda Item 9

Corporate Objective Monitoring

Corporate Objective		Impact		
		Positive	Neutral	Negative
1	Creating A Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs & Prosperity		✓	
4	Improving Health & Well Being		✓	
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities		✓	
7	Improving The Quality Of Council Services & Strengthening Local Democracy		✓	
8	Children & Young People		✓	

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Departments consulted in the preparation of this Report

None

List of Background Papers relied upon in the preparation of this report

The Sefton (2a Westcliffe Road, Southport) Tree Preservation Order 1985
 The Sefton (Beechfield Gardens, Westcliffe Road, Southport) Tree Preservation Order 2009

PLANNING COMMITTEE : 13 January 2010

Tree Preservation 'Revocation Order'

The Sefton (2a Westcliffe Road, Southport) Tree Preservation Order 1985.

Beechfield Gardens is a development of five apartment blocks on land formerly 2a Westcliffe Road, Southport. 'The Willows' and 'The Hollies' front onto Westcliffe Road / Lord Street West with 'The Elms' being centrally located within the site. 'The Pines' and 'The Oaks' are at the back of the site overlooking and fronting Rotten Row. The site, situated between Westcliffe Road and Rotten Row, received planning permission for redevelopment in February 1985.

In March 1985 the Planning Committee further resolved the making of a Tree Preservation Order to protect the amenity of the area, in respect of those trees to be retained at the site. The Order served to protect trees primarily around the perimeters of the development site against uncontrolled felling, although it was recognised that some element of tree removal would be necessary to accommodate the development proposals.

During the construction process and in the prevailing time since there has been a necessity for tree loss. In addition to development requirements trees have suffered through disease and decline. However, there has also been the opportunity to establish new planting. There remains however a large number of trees, diverse in species and ranging from early mature to mature in age, at the site predominantly fronting Westcliffe Road and alongside the vehicle access road, and located centrally within the development just fronting The Elms.

More recently, in 2007, an application was received to undertake tree removal and pruning works for trees adjacent to the three apartment blocks, The Elms, Pines and Oaks. In the process of assessing that proposal a number of anomalies in respect of the original Preservation Order, not previously known about, became evident where it was identified that not all of the trees believed to be protected were actually so. This primarily related to the omission of a number of very large Poplar specimen trees, together with some errors in species identification.

At that time it was felt that a number of those larger Poplar trees, identified for removal, were worthy of retention. In conjunction with the anomalies highlighted in the original Order, the Planning Authority concluded that for those trees seen as important specimens, an additional Preservation Order would be appropriate. A further temporary Order was therefore made to operate in conjunction with the original Order.

It was acknowledged in respect of Government guidelines and good advice, that it would be appropriate in the longer term to resurvey and reassess all trees at Beechfield Gardens. This would allow for a full and overall review to be undertaken, evaluating the trees current worthiness of inclusion in a new Order in keeping with present guidance and criteria for the making of Orders. This would take into account factors such as health, condition and amenity value, and enable the Authority to bring up to date the protection of trees at the whole site through the provisions of a full new TPO.

Accordingly a full re-survey was undertaken in keeping with current advice, with most trees identified individually or in groups, resulting in a new Order being issued in August of this year. The Order did not receive any objections to it and was confirmed as unopposed by Chief Officer Report.

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Given the provisions of the new revised Order it is appropriate that the original 1985 Preservation Order be formally revoked.

Recommendation.

That the Committee authorise the Legal Director to make a formal order revoking the Sefton (2a Westcliffe Road, Southport) Tree Preservation Order 1985, (a "revocation order"), under Section 333 (7) of the Town and Country Planning Act 1990 and pursuant to the Town and Country Planning (trees) Regulations 1999.

Agenda Item 10

Committee: Planning

Date of Meeting: 13 January 2010

Title of Report: Works in default within Queens Road/Bedford Road HMRI area.

Report of: Andy Wallis
Planning and Economic Regeneration Director

Contact Officer: Mr J E Alford Telephone 0151 934 3544
Case Officer: Mr A Lynch Telephone 0151 934 3571

This report contains	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972		✓
Is the decision on this report DELEGATED?	✓	

Purpose of Report: To seek authority to carry out works in default in respect of non compliance with a notice under the terms of Section 215 of the Town & Country Planning Act 1990 to the following properties within the Queens Road/Bedford Road HMRI area : 1-3 Bedford Road, Bootle.

Recommendation(s): That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 notices in respect of the property at 1-3 Bedford Road, Bootle, pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by Housing Market Renewal Initiative Funding.

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Corporate Objective Monitoring

Corporate Objective		Impact		
		Positive	Neutral	Negative
1	Creating A Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs & Prosperity		✓	
4	Improving Health & Well Being	✓		
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving The Quality Of Council Services & Strengthening Local Democracy		✓	
8	Children & Young People		✓	

Financial Implications

Officer Time

Departments consulted in the preparation of this Report

None

List of Background Papers relied upon in the preparation of this report

The notice referred to.

Introduction.

The approval of the committee is required for action to be taken under Section 219 of the Town & Country Planning Act 1990 by way of works in default to be undertaken by the council.

Current situation.

1- 3 Bedford Road is a vacant end terraced dwelling house within a primarily residential area and also within the Queens Road/ Bedford Road HMRI area. It has remained long term vacant and derelict. Their appearance and condition is having an adverse and detrimental impact on visual amenities of nearby residents.

Letters have been sent to the owners at their address in Bolton, requesting work be carried out to improve the appearance of the property by carrying out remedial works. There has been no response from the owners and further correspondence has been unanswered and the owners have not made any contact with the council. Further requests in writing for remedial works to be carried out have been ignored. As a result Section 215 Notices was issued and served on the property on 19th October 2009. The compliance period ended on 15th December 2009.

The requirements of Section 215 Notice are: Remove timber sheeting to windows at front elevations to Bedford Road and Kings Road. Secure all windows to front elevations to Bedford Road and Kings Road with polymer sheeting. Secure windows, openings and door to rear elevation with 4mm stainless steel permascreeen sheeting. Repair/replace and clean, gutters and downspout to front and rear elevations. Remove all waste materials from the rear of the dwelling houses to include general litter, waste building materials and waste overgrowth. Leave the land in a clean and tidy condition

A site inspection took place on 21st December 2009 which revealed that no remedial works have been undertaken to comply with the requirements of the Section 215 Notice by the owner of the property, namely, 1-3 Bedford Road, Bootle. The property continues to deteriorate.

Comments.

In the absence of any communication whatsoever with the owner it is reasonable to conclude that it is not possible to undertake any legal proceedings that would bring about a satisfactory conclusion to the matter. None the less, the HMRI includes a commitment to ensuring that improvements are carried out to buildings and land within the Queens Road/Bedford Road area.

The council are empowered by virtue of Section 219 of the Planning Act to carry out works in de-fault and recover the costs of doing so from the owners.

Financial funding to carry out remedial works is available and can be provided by the HMRI. Estimates taken from authorised contractors give a cost for the remedial works in the region of £2,000.

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Furthermore, it is considered expedient and pragmatic to make use of the set aside funding, which is available to be used to undertake outstanding remedial works as specified in the requirements of the section 215 notices to the above property as a matter of urgency.

The funding, which I understand is only available for the current financial year, has been set aside as a contingency for such matters.

It is important, in the short term to ensure that any long-term vacant properties such as the above are effectively secured and refurbished in such a manner that will provide a more aesthetically pleasing appearance.

Consequently, it is considered appropriate that resources and funding provided can be used to remedy the above breach of planning control.

Recommendation.

That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 Notices in respect of the property at 1-3 Bedford Road, Bootle pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by the HMRI Fund.

Agenda Item 11

Committee: Planning

Date Of Meeting: 13 January 2010

Title of Report: Works in default at 15 Chetwood Avenue, Crosby.
Report of: Andy Wallis
Planning and Economic Regeneration Director

Contact Officer: Mr J E Alford

Telephone 0151 934 3544

Case Officer: Mr A Lynch

Telephone 0151 934 3571

This report contains	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972		✓
Is the decision on this report DELEGATED?	✓	

Purpose of Report: To seek authority to carry out works in default in respect of non compliance with a notice under the terms of Section 215 of the Town & Country Planning Act 1990 to the following property – 15 Chetwood Avenue, Crosby.

Recommendation(s): That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 notices in respect of the property at 15 Chetwood Avenue, Crosby, pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by the Housing Capital Programme – Empty Homes budget.

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Corporate Objective Monitoring

Corporate Objective		Impact		
		Positive	Neutral	Negative
1	Creating A Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs & Prosperity		✓	
4	Improving Health & Well Being	✓		
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving The Quality Of Council Services & Strengthening Local Democracy		✓	
8	Children & Young People		✓	

Financial Implications

Officer Time

Departments consulted in the preparation of this Report

None

List of Background Papers relied upon in the preparation of this report

The notice referred to.

Introduction.

The approval of the committee is required for action to be taken under Section 219 of the Town & Country Planning Act 1990 by way of works in de-fault to be undertaken by the council.

Current situation.

15 Chetwood Avenue is a traditional three bedroomed semi detached house within a primarily residential area. It has remained long term vacant and derelict and consequently the appearance and condition is having an adverse and detrimental impact on visual amenities of nearby residents.

This is the second occasion that this vacant property has been subject to a Section 215 Notice. On the first occasion the Notice was followed by works in default in June 2008

Letters have been sent to the owner at his last known address in Estonia requesting work be carried out to improve the appearance of the property by carrying out remedial works. None of the correspondence has been answered and the owner has not made contact with the council. It has therefore not been possible to request remedial works be carried out. As a result Section 215 Notices was issued and served on the property on 11th December 2009. The compliance period ended on 16th January 2010.

The requirements of Section 215 Notice are: Re-instate brick wall to match surrounding walls to front boundary of front garden. Cut back all overgrowth to front and rear gardens. Paint garage door dark blue. Re-paint white, rendering to front elevation. Re-paint white, doors and window frame's to all elevations. Remove tree sapling growing in rear garden at boundary to No 17 Chetwood Avenue. Remove all waste overgrowth, waste materials to leave the land clean & tidy. Treat driveway at front elevation with preparatory weed killer. Apply preparatory weed killer and weed suppressant sheeting, and cover with gravel, to garden at front elevation. Leave the land secure.

A site inspection after 16th January 2010 is not expected to reveal that remedial works have been undertaken to comply with the requirements of the Section 215 Notice by the owner of the property, namely, 15 Chetwood Avenue, Crosby. The property continues to deteriorate.

Notwithstanding and despite all avenues of investigation being exhausted the owner of the above property's whereabouts cannot be established and therefore it has not been possible to undertake prosecution action.

Comments.

There have been two changes made to the remedial works in de-fault to be carried out to that of the Section 215 Notice.

The council are empowered by virtue of Section 219 of the Planning Act to carry out works in de-fault and recover the costs of doing so from the owners.

Estimates for the works have been sought from authorised council contractors. The lowest estimate was provided by Church Street Demolition (Liverpool) Ltd with the cost of the works being £3,100 exclusive of vat. Financial funding to carry out remedial works are sought from the Housing Capital Programme – Empty Homes budget and these funds will be recovered by the placing of a charge against the property on the Land Register.

Agenda Item 11

It is important, in the short term to ensure that any long-term vacant properties such as the above are effectively secured and refurbished in such a manner that will provide a more aesthetically pleasing appearance.

Recommendation.

That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 Notices in respect of the property at 15 Chetwood Avenue, Crosby pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by the Housing Capital Programme – Empty Homes budget.

Agenda Item 12

APPENDIX

Committee: PLANNING

Date Of Meeting: 13th January 2010

Title of Report: TOWN AND COUNTRY PLANNING ACT 1990 APPEALS

Report of: A Wallis Planning and Economic Regeneration Director
Case Officer: Telephone 0151 934 4616

This report contains	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972		✓
Is the decision on this report DELEGATED?	✓	

Purpose of Report:

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.

Corporate Objective Monitoring

Corporate Objective		Impact		
		Positive	Neutral	Negative
1	Creating A Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs & Prosperity		✓	
4	Improving Health & Well Being		✓	
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities		✓	
7	Improving The Quality Of Council Services & Strengthening Local Democracy		✓	

Financial Implications

None.

Departments consulted in the preparation of this Report

None.

List of Background Papers relied upon in the preparation of this report

Correspondence received from the Planning Inspectorate.

Agenda Item 12 Appeals Received and Decisions Made

From 04 December 2009 to 30 December 2009

Decisions

Land to the rear of 8-10 Cable Street, Formby

S/2009/0252 - 2108450

Removal of condition 9 on planning permission N/2007/1131

Appeal Type: Written

Lodged Date: 17 September 2009

Decision: Allowed

Decision Date: 15 December 2009

New Appeals

Land at junction of Northway / Westway, Maghull

S/2009/0839 - APP/M4320/H/09/2117958

Advertisement Consent to display 1no. externally illuminated sign board on vacant land at the junction of Northway and Westway

Appeal Type: Written

Lodged Date: 11 December 2009

Decision:

Decision Date:

New Enforcement Appeals

33 Pilkington Road, Southport

ENF0330 – APP/M4320/09/2117110

Without planning permission, within the last four years, the erection of timber stairs on the southern side of the single storey rear extension and a timber decking area with surrounding timber balustrade on the roof of the single storey extension at the rear of the property.

Appeal Type: Written

Lodged Date: 26 November 2009

Decision:

Decision Date:



Appeal Decision **Agenda Item 12**

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
15 December 2009

Site visit made on 3 December 2009

by **Jim Metcalf** BSc DipTP MRTPI

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

Appeal Ref: APP/M4320/A/09/2108450

Land to the rear of 8-10 Cable Street, Formby, L37 3LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Mark Ellis against the decision of Sefton Council.
- The application Ref S/2009/0252, dated 13 February 2009, was allowed on 20 May 2009 subject to conditions.
- The development permitted is 'removal of condition 9 on planning permission N/2007/1131'.
- The condition in dispute is No 9 which states that 'The french doors to the first floor rear elevation of plots 26 and 27 must be enclosed by a balustrade, balconette or by a juliet balcony and maintained as such thereafter'.
- The reason given for the condition is 'to ensure that no access is to be gained to the first floor roof terrace in the interests of privacy of neighbouring property and to comply with Sefton UDP Policy H10'.

Decision

1. I allow this appeal and vary planning permission S/2009/0252 for the 'removal of condition No 9 on planning permission N/2007/1131' granted on 20 May 2009 by Sefton Council by deleting condition No 9.

Background

2. In 2006 the Council granted planning permission (ref N/2006/0705) for the layout of a road and the erection of 34 two and a half storey dwellinghouses and 3 two storey dwellinghouses fronting onto Cable Street (Alternative to N/2005/1191) on land to the rear of 8-10 Cable Street, Formby.
3. Subsequently a revised planning application (ref N/2007/1131) for a 're-design and revised locations of plots 12 to 18 inclusive (alternative to Planning Application N/2006/0705 approved 21/09/2006)' was approved. The Council imposed a number of conditions. Condition No 9 stated:

Notwithstanding the layout drawings sk02-sk06, the rear elevations of plots 26-27 shall be constructed entirely in accordance with the details marked 'C' revised plots 26 & 27 as per drawing sk11 and shall remain free of balconies or balustrade additions without the prior approval of the Local Planning Authority.

4. The reason given for the condition was:

In the interests of privacy of the neighbouring property and to comply with Sefton UDP Policy H10.

5. Subsequently the Council granted planning permission (Ref S/2009/0252) for the removal of condition No 9. However, they replaced it with another Condition No 9 that stated:

The french doors to the first floor rear elevation of plots 26 and 27 must be enclosed by a balustrade, balconette or by a juliet balcony and maintained as such thereafter.

6. The reason given for the condition was:

To ensure that no access is gained to the first floor roof terrace in the interests of privacy of the neighbouring property and to comply with Sefton UDP Policies H10.

7. This condition is the subject of appeal. The appellant seeks its removal.

Main Issue

8. I consider the main issue is the effect of the use of the balconies at the rear of the houses on plots 26-27 on the living conditions of residents in Church Road with regard to overlooking and privacy.

Reasons

9. Plots 26-27 on the new housing estate built off Cable Street are directly behind No 78 Church Road. At ground floor level the pair of houses project behind the main rear wall with a balcony above. French doors in the first floor living room give access onto the balcony that runs the full width of each house. The balcony is about 1.7m wide and is surrounded by a parapet brick wall about 1.1m high. Conditions attached to planning permissions ref N/2007/1131 and S/2009/0252 effectively, by different wording, sought to prevent residents using the balconies.
10. From the balconies there are direct views of the garden at the rear of No 78 Church Road and the house beyond. The rear gardens of the houses on plots 26-27 are about 10.5m long. This is the minimum distance set down in the Council's Supplementary Planning Guidance 'New Housing Development' (SPG). The distances in SPG are intended to prevent an unacceptable amount of overlooking between existing and proposed homes.
11. The minimum distance between a first floor habitable room window and any habitable room window in other houses should be 21m according to SPG. The distance between the parapet of the balcony and the rear wall of No 78 Church Road is about 31m. Although the distances in SPG concern the relationship between facing windows, rather than the position of balconies, I regard them as a useful yardstick designed to keep overlooking to reasonable levels. Some overlooking, with a consequent effect on privacy commonly occurs in urban areas.
12. Circular 11/95 'The Use of Conditions in Planning Permissions' states that it is possible, exceptionally, to impose conditions to restrict further development, which would normally be permitted by a development order. Circular 11/95 explains that there is a presumption against such restrictions as the

development orders are designed to give a freedom from detailed control which will be acceptable in the great majority of cases.

13. Condition No 9 involves such detailed control in seeking to prevent overlooking from the balcony of the new houses into the garden and house behind. However, the distances involved accord with the Council's well established guidelines. Although the garden length involved is the minimum, the house to house distance is significantly in excess of the guideline. In the context of the SPG although people on the balconies would see the garden and house at No 78 Church Road the distances are such that use of the balconies at the rear of the houses on plots 26-27 would not unreasonably prejudice the living conditions of residents in No 78 Church Road with regard to overlooking and privacy. I find the balconies compliant with Policy H10 of the Sefton Unitary Development Plan.
14. In this situation I cannot see that exceptional circumstances exist to justify, in the terms of Circular 11/95, the detailed control over the use of a property involved in Condition No 9. I find the condition to be unnecessary and unreasonable. Accordingly I uphold the appeal.

Jim Metcalf

INSPECTOR

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