

MEETING: PLANNING COMMITTEE

DATE: 10 February 2010

TIME: 6.30 pm

VENUE: Town Hall, Bootle

**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

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**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.**

# AGENDA

**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 the meeting held on 13 January, 2010** (Pages 5 - 14)

**4. Petitioned Applications** (Pages 15 - 18)

**A** Application No.S/2009/0640 - Alexandra Branch Dock 1  
Regent Road, Bootle (Pages 19 - 54)

**B** Application No.S/2009/1167 - Bowling Green to the Rear  
and 1A Virginia Street, Southport (Pages 55 - 68)

**C** Application No.S/2010/0041 - Land Adjacent to Hall  
Road BR Station Hall Road East, Crosby (Pages 69 - 80)

**5. Applications for Planning Permission - Approvals** (Pages 81 - 84)

**A** Application No.S/2009/0873 - Various Properties on  
Keble Road, Hertford Road, Exeter Road, Queens  
Road, Kings Road, College View, Marble Close and  
Balliol Road, Bootle (Pages 85 - 100)

**B** Application No.S/2009/0929 - 86-88 Lord Street,  
Southport (Pages 101 - 110)

**C** Application No.S/2009/1019 - St John and St James  
Church, 50a Monfa Road, Bootle (Pages 111 - 120)

**D** Application No.S/2009/1082 - Rear of 45-51 High Park  
Road, Southport (Pages 121 - 128)

**E** Application No.S/2009/1083 - Land at 131 Southport  
Road, Lydiate (Pages 129 - 138)

**F** Application No.S/2009/1103 - Hawthorne Tannery  
Hawthorne Road, Bootle (Pages 139 - 154)

**G** Application No.S/2009/1125 - Maggies Public House,  
Bridle Road, Netherton (Pages 155 - 172)

**H** Application No.S/2009/1133 - Land adjacent to The Croft  
8 Thirlmere Road, Hightown (Pages 173 - 182)

**I** Application No.S/2009/1136 - 21 Victoria Road, Formby (Pages 183 - 190)

**J** Application No.S/2009/1145 - 61-71 Shakespeare  
Street, Southport (Pages 191 - 200)

**K** Application No.S/2009/1194 - Netherton Activity Centre,  
Glovers Lane, Netherton (Pages 201 - 212)

**L** Application No.S/2009/1205 - Laurel Cottage, Broad  
Lane, Thornton (Pages 213 - 220)

- 6. Applications to be Inspected by the Visiting Panel on 8 February, 2010** (Pages 221 - 224)
- A** Application No.S/2010/0041 - Land Adjacent to Hall Road BR Station Hall Road East, Crosby
  - B** Application No.S/2009/1205 - Laurel Cottage, Broad Lane, Thornton
  - C** Application No.S/2009/1058 - Broad Farm Broad Lane, Thornton (Pages 225 - 230)
  - D** Application No.S/2009/1133 - Land adjacent to The Croft 8 Thirlmere Road, Hightown
  - E** Application No.S/2009/1200 - Former Power House Hoggs Hill Lane, Formby (Pages 231 - 238)
  - F** Application No.S/2009/1136 - 21 Victoria Road, Formby
  - G** Application No.S/2009/1167 - Bowling Green to the Rear and 1A Virginia Street, Southport
- 7. Joint Waste Development Plan - Consultation on Preferred Options** (Pages 239 - 268)  
Report of the Planning and Economic Regeneration Director
- 8. Wirral Waters: Creation of a New City Neighbourhood at East Float, Birkenhead - Planning Application - Neighbouring Authority Consultation** (Pages 269 - 274)  
Report of the Planning and Economic Development Director
- 9. Improving the Use and Discharge of Planning Conditions** (Pages 275 - 284)  
Report of the Planning and Economic Development Director
- 10. Department for Communities and Local Government - Implementation Plan for the Future of Building Control** (Pages 285 - 294)  
Report of the Planning and Economic Development Director
- 11. DCLG Consultation on Permitted Development Rights for Small Scale Renewable and Low Carbon Energy Technologies, and Electric Vehicle Charging Infrastructure** (Pages 295 - 302)  
Report of the Planning and Economic Development Director
- 12. Joint Employment Land and Premises Study 2008 - Final Report** (Pages 303 - 312)  
Report of the Planning and Economic Development Director
- 13. North West Regional Strategy 2010: Draft Part 1 Consultation** (Pages 313 - 320)  
Report of the Planning and Economic Development Director

- 14. Mersey Forest Agreement and Partner Contributions** (Pages 321 - 366)  
Report of the Planning and Economic Development Director
- 15. Planning and Economic Regeneration Department - Performance Report: April - September 2009** (Pages 367 - 376)  
Report of the Planning and Economic Development Director
- 16. Proposed Increase in Fees and Charges** (Pages 377 - 400)  
Report of the Planning and Economic Development Director
- 17. Planning Enforcement Update** (Pages 401 - 424)  
Report of the Planning and Economic Development Director
- 18. Regulatory Service Development** (Pages 425 - 430)  
Report of the Planning and Economic Development Director
- 19. Development Control Performance** (Pages 431 - 436)  
Report of the Planning and Economic Development Director
- 20. Revenue and Capital Expenditure Monitoring to 31st December 2009** (Pages 437 - 444)  
Report of the Planning and Economic Development Director
- 21. Town and Country Planning Act 1990 - Appeals** (Pages 445 - 452)  
Report of the Planning and Economic Development Director

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

## PLANNING COMMITTEE

### MEETING HELD AT THE TOWN HALL, SOUTHPORT ON 13 JANUARY 2010

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

Councillors Barber, Byrne, M Fearn, Glover,  
Preston, Roberts, Storey, Sumner, Tweed, Hands  
and Gibson

#### **129. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Colbert, Connell, Gustafson, Kerrigan, Mahon and Webster.

#### **130. DECLARATIONS OF INTEREST**

The following declarations of interest were received:-

Member	Item	Interest	Action
Councillor Moncur	Joint Waste Development Plan – Consultation on Preferred Options	Prejudicial – lives very close to one of the suggested sites	Left the room and took no part in the consideration of the item and did not vote thereon
Councillor Sumner	Joint Waste Development Plan – Consultation on Preferred Options	Prejudicial – has raised a petition against the suggested the Crowland Street, Southport site	Left the room and took no part in the consideration of the item and did not vote thereon

#### **131. MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the Minutes of the meeting held on 16 December 2009 be confirmed as a correct record,

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PLANNING COMMITTEE- WEDNESDAY 13TH JANUARY, 2010

## **132. APPLICATION NO.S/2009/0930 - 59 CAMBRIDGE ROAD, SOUTHPORT**

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for an 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, be approved subject to the conditions and reasons stated or referred to in the report and Late Representations.

Prior to the consideration of the application, the Committee received a petition from Mr.Worden on behalf of the objectors against the proposed development and a response from the applicant's agent, Mr.Cunningham.

RESOLVED: That the recommendation be approved and the application be granted subject to:-

- (1) the conditions referred to in the report and Late Representations; and
- (2) the imposition of an additional condition stating that 'frosted glass being used for windows on the side elevation of the property' to safeguard the amenities of occupiers of adjoining properties and to comply with policies CS3 and DQ1 of the Sefton Unitary Development Plan.

## **133. APPLICATION NO.S/2009/1074 - LAND ADJACENT 21 CROWN CLOSE, FORMBY**

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for the erection of a pair of semi detached dormer bungalows, be approved subject to the conditions and reasons stated or referred to in the report and Late Representations.

RESOLVED:

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

## **134. APPLICATION NO.S/2009/1112 - NETHERTON MOSS PRIMARY SCHOOL, SWIFTS LANE, NETHERTON**

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for the erection of a 2 metre high fencing to the perimeter of the school site, be

approved subject to the conditions and reasons stated or referred to in the report and Late Representations.

Prior to the consideration of the application, the Committee received a petition from Mr.Guinan on behalf of the objectors against the proposed development and a response from the applicant, Mrs.C.Dalziel.

Following Mr.Guinan's presentation the Committee sought clarification from Officers with regard the Planning Department's discussions with the applicants. Mrs.S.Tyldesley, Development Control Team Leader, confirmed that it was common practice for applicants to consult with the Planning Department prior to submitting an application, and its subsequent consideration at Committee. However, such consultation was without prejudice and was no indication as to the future decision of the Committee; and under no circumstances would Officers suggest or encourage an applicant to buy materials prior to the granting of planning permission. Any such purchase would be entirely at the applicant's own risk and could in no way influence the decision of the Committee.

RESOLVED:

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

## **135. 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/2009/0990	Mews Cottage 38 Lancaster Road, Birkdale, Southport
S/2009/1001	Cambridge Hall, Atkinson Library and Art Gallery and Bank Buildings, Lord Street, Southport
S/2009/1030	Land Adjoining 12 Banks Road, Southport
S/2009/1064	221-223 Knowsley Road, Bootle

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PLANNING COMMITTEE- WEDNESDAY 13TH JANUARY, 2010

**136. APPLICATION NO.S/2009/1002 - CAMBRIDGE HALL,  
ATKINSON LIBRARY AND ART GALLERY AND BANK  
BUILDINGS LORD STREET, SOUTHPORT**

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for 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 be granted subject to the conditions and for the reasons stated or referred to in the report.

RESOLVED: That

- (1) the application be referred to Government Office North West with a recommendation for approval; and
- (2) the decision to grant Listed Building Consent be delegated to Officers subject to Government Office North West's response to Resolution (1).

**137. APPLICATION NO.S/2009/1019 - ST JOHN AND ST JAMES  
CHURCH 50A MONFA ROAD, BOOTLE**

The Planning and Economic Regeneration Director advised the Committee that an application had been made to English Heritage for the church to be listed and therefore recommended that the above application be deferred for consideration at a future Committee, pending the receipt of information from English Heritage.

RESOLVED:

That consideration of the application be deferred.

**138. APPLICATION NO.S/2009/1011 FORMER DAIRY, 5 MARSH  
BROWS, FORMBY**

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for planning permission for the erection of a four storey block of 12 apartments and associated car parking and amenity space following demolition of existing buildings be approved subject to the conditions and reasons stated or referred to in the report.

Late Representations 2 explained that further information referred to in the main report in respect of tree surveys and bat/barn owl information would



not arrive in time for the Committee, and similarly, insufficient time was available prior to Planning Committee to enable their appraisal. It was considered likely that these documents would clarify that there were no adverse impacts in respect of either tree cover or habitat and that development could proceed in line with established policies.

RESOLVED:

That the Committee agree the principle of approving the development but that decision to grant approval be delegated to the Planning and Economic Regeneration Director subject to:

- (1) there being no adverse findings contained within either tree surveys and bat/barn owl report; and
- (2) there being no material changes to the scheme required as a result of any recommendations.

**139. APPLICATION NO.S/2009/1113-PARK HAVEN TRUST  
LIVERPOOL ROAD SOUTH, MAGHULL**

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for the 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 be approved subject to the conditions and reasons stated or referred to in the report and Late Representations.

RESOLVED:

That the Committee agree the principle of approving the development but that decision to grant approval be delegated to the Planning and Economic Regeneration Director subject to a S106 agreement for a financial contribution towards provision of a pedestrian crossing at the junction of Liverpool Road South and Sefton Lane.

**140. APPLICATION NO.S/2009/1136 - 21 VICTORIA ROAD, FORMBY**

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for the variation of condition 11 on planning approval N/2006/0598 to allow an alternative to the approved vehicular splay, be granted subject to the reasons stated or referred to within the report.

Councillor Cuthbertson, as Ward Councillor, made representations opposing the application.

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RESOLVED:

That consideration of this item be deferred to allow Members to undertake a site visit and witness the operation of the buzzer.

## **141. APPLICATION NO.S/2009/0828 - 48 STEPHENSON WAY, FORMBY**

Further to Minute No.121 of the meeting held on 16 December 2009, the Committee considered Late Representations 2 that contained the conditions of the above application for a change of use to a canine hydrotherapy centre to include a dog grooming salon.

RESOLVED:

That the application be granted subject to the conditions set out in Late Representations 2.

## **142. JOINT WASTE DEVELOPMENT PLAN - CONSULTATION ON PREFERRED OPTIONS**

The Chair, Councillor Moncur, declared a prejudicial interest in respect of this report, he vacated the Chair and left the room for the duration of consideration of this item. Councillor Veidman, the Vice-Chair, took the Chair for consideration of this item.

The Committee considered the report of the Planning and Economic Regeneration Director that outlined the progress regarding the preparation of the joint Merseyside Waste Development Plan Document (DPD) and the reasons why it was necessary to seek approval and endorsement of the Preferred Options Report.

Attached as an annexe to the report was a copy of the Joint Merseyside Waste Development Plan Document Preferred Options Report.

RESOLVED:

That consideration of this item be deferred.

Councillor Veidman vacated the Chair and the Chair was re-taken by Councillor Moncur

## **143. ARTICLE 4(2) DIRECTION FOR MOOR PARK CONSERVATION AREA**

The Committee considered the report of the Planning and Economic Regeneration Director that sought agreement to make an Article 4(2) Direction within Moor Park Conservation Area so that planning permission

would be required for a greater range of alterations to properties, helping to ensure that the character of the Conservation Area was maintained.

RESOLVED:

That Cabinet be recommended to make an Article 4(2) Direction within Moor Park Conservation Area.

**144. URGENT WORKS NOTICES - 40 LANCASTER ROAD, BIRKDALE AND THE INTERNATIONAL HOTEL, CROSBY ROAD SOUTH, SEAFORTH**

The Committee considered the report of the Planning and Economic Regeneration Director that sought 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.

RESOLVED:

That the Planning and Economic Regeneration Director be authorised to:-

- (1) 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; and
- (2) carry out the works in default if the respective owners do not comply with the Urgent Works Notices.

**145. TREE PRESERVATION ORDER - 2A WESTCLIFFE ROAD, SOUTHPORT**

The Committee considered the report of the Planning and Economic Regeneration Director that sought approval to revoke a Tree Preservation Order at 2a Westcliffe Road, Southport.

RESOLVED:

That the Legal Director be authorised 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.

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PLANNING COMMITTEE- WEDNESDAY 13TH JANUARY, 2010

## **146. WORKS IN DEFAULT WITHIN QUEENS ROAD/BEDFORD ROAD HMRI AREA - 1-3 BEDFORD ROAD, BOOTLE**

The Committee considered the report the Planning and Economic Regeneration Director that sought authority to carry out works in default in respect of non compliance with a notice under the terms of Section 215 of the Town and Country Planning Act 1990 to the following properties within the Queens Road/Bedford Road HMRI area: 1-3 Bedford Road, Bootle.

RESOLVED:

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 and Country Planning Act 1990, subject to the necessary funding being provided by Housing Market Renewal Initiative Funding.

## **147. WORKS IN DEFAULT AT 15 CHETWOOD AVENUE, CROSBY**

The Committee considered the report the Planning and Economic Regeneration Director that sought authority to carry out works in default in respect of non compliance with a notice under the terms of Section 215 of the Town and Country Planning Act 1990 to the following property – 15 Chetwood Avenue, Crosby.

RESOLVED:

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

## **148. 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 appeal and progress on appeals lodged with the Planning Inspectorate.

Appellant	Proposal/Breach of Planning Control	Decision
Mr.M.Ellis	Land to the rear of 8-10 Cable Street, Formby - appeal against condition 9 on planning permission N/2007/1131 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	Allowed 15/12/09

Juliet balcony and maintained as such thereafter'.

RESOLVED:

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

**149. PETER COWLEY AND SUE TYLDESLEY**

The Committee commented on the Council's involvement with Morton's Dairy, Lydiate. The Committee acknowledged the hard work of Peter Cowley, Principal Solicitor, Legal and Democratic Services Department and Sue Tyldesley, Planning and Economic Regeneration Department.

RESOLVED:

That Peter Cowley, Principal Solicitor, Legal and Democratic Services Department and Sue Tyldesley, Planning and Economic Regeneration Department be thanked for their hard work under challenging circumstances.

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# Agenda Item 4

**Committee:** PLANNING

**Date of Meeting:** 10 FEBRUARY 2010

**Title of Report:** Petitioned Applications

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

**Contact Officer:** S Tyldesley Tel: 0151 934 3569

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

<b>A</b>	<b>S/2009/0640</b>	<b>Alexandra Branch Dock, 1 Regent Road, Bootle</b>	<b>Linacre Ward</b>
<b>B</b>	<b>S/2009/1167</b>	<b>Bowling green to the rear and 1A Virginia Street, Southport</b>	<b>Kew Ward</b>
<b>C</b>	<b>S/2010/0041</b>	<b>Land Adjacent to Hall Road BR Station Hall Road East, Crosby</b>	<b>Blundellsands Ward</b>

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Committee: **PLANNING**

Date of Meeting: **10 February 2010**

Title of Report: **S/2009/0640**  
**Alexandra Branch Dock 1 Regent Road,**  
**Bootle**  
(Linacre Ward)

Proposal: 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.

Applicant: Mr Richard Williams Innovative Environmental Solutions UK Ltd.

## **Executive Summary**

Part of the EMR metal processing site within the operational port, currently used for storage. Proposed development to process waste produced as part of current operations to provide additional material for recycling and provide fuel for the generation of electricity. All operations will be carried out within buildings. Site is largely screened by the existing buildings and operations and will be not less than 600m from the nearest dwellings on the eastern side of the A565. An Environmental Impact Assessment is submitted with the application. Issues include impacts on environment, nature conservation, amenity, highways and waste reduction.

**Recommendation(s)                      Approval**

## **Justification**

Proposal for industrial development in the operational port adjoining a major metal processing business. Proposal will substantially reduce waste going to landfill, significantly reduce number of HGV movements, provide renewable energy, provide local employment. Proposal meets all the required standards and policies in the UDP and no evidence that it would cause harm. Proposal has to be considered in its own right separate from the existing operations at the site. Subject to conditions proposal is considered acceptable.

## **Conditions**

1. The levels of metals, as measured by stack analysis in accordance with BS EN 14385:2004, by a Mcerts accredited or other suitably competent person, shall not exceed the limits set out in the applicant's letter dated 27 November 2009.

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2. Appropriate stack monitoring as specified in Condition 1 is carried out within 1 month of the plant commencing operation and at least annually to demonstrate that the emission levels are in accordance with the levels referred to in Condition 1.
3. Where stack monitoring shows that the levels of metals exceed the specified levels referred to in Condition 1, the process shall be stopped until such time as appropriate modifications or remedial measures are made. Further stack emission testing to confirm compliance with the specified limits shall be carried out within 1 week of the recommencement of the process.
4. Prior to the commencement of the operation of the plant, a scheme of control measures to minimise dust from the transport of automotive shredder waste (ASR) shall be submitted for approval by the local authority. The operation of the plant shall not commence until the submitted scheme has received approval. The approved dust control scheme shall remain in operation at all times during the operation of the process.
5. Noise levels measured at the eastern boundary of the existing EMR site (Grid Reference: 333363,395000 and as marked on plan ref: 029-A14) shall comply with the following :
  - a. Night time noise between the hours of 23:00 and 07:00 hours attributable to operations on the development site should not exceed 50 dB L aeq5min and 65 dB L Amax
6. Within three months of the process becoming fully operational a noise assessment shall be undertaken by a suitably competent person appointed by the applicant and the findings submitted to the local authority. If the noise levels specified above are not complied with, the process shall be stopped until such time as appropriate modifications or remedial measures are made. A further assessment of the noise levels to confirm compliance with the specified limits shall be carried out within 1 week of the recommencement of the process.
7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (October 2009, Waterco Ltd, Ref: w762-t5-09`013) and the following mitigation measures detailed within the FRA :  
Finished floor level of the building will be at a minimum level of 7.18m AOD.  
Incorporate flood resilient technology and materials into the design and construction of the building  
Increasing the amount of on-site surface water attenuation.
8. The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood-proofing measures into the proposed development has been submitted to, and approved in writing by the Local Planning Authority.  
  
The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
9. The development hereby permitted shall not be commenced until such

# Agenda Item 4a

- time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved by the Local Planning Authority. The scheme shall be implemented as approved.
10. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
  11. T-1 Full Planning Permission Time Limit
  12. S-106 Standard S106
  13. M-2 Materials (sample)
  14. M-6 Piling
  15. M-8 Employment Charter
  16. H-6 Vehicle parking and manoeuvring
  17. H-7 Cycle parking
  18. H-9 Travel Plan required
  19. H-11 Construction Management Plan
  20. Con-1 Site Characterisation
  21. Con- 2 Submission of Remediation Strategy
  22. Con-3 Implementation of Approved Remediation Strategy
  23. Con-4 Verification Report
  24. Con-5 Reporting of Unexpected Contamination
  25. S-1 Site Waste Management Plan
  26. E-1 Drainage
  27. Details of external lighting including height, lantern type and design, and spread of illumination shall be submitted to and approved in writing by the Local Planning Authority before development is commenced, and shall be implemented in accordance with those details.
  28. The development hereby granted shall be carried out strictly in accordance with the details and plans hereby approved and shall not be varied other than by prior agreement in writing with the Local Planning Authority.
  29. There shall be no movement of waste, or removal of residual material, into or out of the proposed materials storage building outside the hours of 2100 - 0600 hours.
  30. All loading/unloading/sorting of material will be done within the proposed material storage building.
  31. The proposed development shall be for the processing of Automotive Shredder Residue only; for the avoidance of doubt there shall be no furnace for processing material.
  32. All lorries taking processed material from the site shall be sheeted.

## Reasons

1. To safeguard the amenity of the area and to comply with the requirements of Sefton UDP policy EP2.
2. To safeguard the amenity of the area and to comply with the requirements of Sefton UDP policy EP2.
3. To safeguard the amenity of the area and to comply with the

# Agenda Item 4a

- requirements of Sefton UDP policy EP2.
4. To safeguard the amenity of the area and to comply with the requirements of Sefton UDP policy EP2.
5. To safeguard the amenity of the area and to comply with the requirements of Sefton UDP Policy EP6.
6. To safeguard the amenity of the area and to comply with the requirements of Sefton UDP Policy EP6.
7. To reduce flood risk to the site and elsewhere in accordance with Policy EP7 - Flood Risk of the Sefton UDP.
8. To increase the flood resilience of the building in accordance with Policy EP7 - Flood Risk of the Sefton UDP.
9. To ensure the docks are protected from contaminated run-off during the construction phase of the site in order to protect the River Mersey from pollution during development of the site.
10. To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment pursuant to Policy EP2 - Pollution of the Sefton UDP.
11. RT-1
12. RS-106
13. RM-2
14. RM-6
15. RM-8
16. RH-6
17. RH-7
18. RH-9
19. RH-11
20. RCON-1
21. RCON-2
22. RCON-3
23. RCON-4
24. RCON-5
25. RS-1
26. RE-1
27. To safeguard the amenity of the area and to comply with Sefton UDP Policy EP7.
28. To ensure a satisfactory development.
29. To safeguard the amenities of the area and to comply with Sefton UDP policy EP6.
30. To safeguard the amenities of the area and to comply with Sefton UDP Policy EP6.
31. To ensure a satisfactory development.
32. To safeguard the amenities of the area and to comply with Sefton UDP Policy EP2.

## Drawing Numbers

029-A03 revE  
029-A04 revD  
029-A05 revG sheet 1  
029-A05 revG sheet 2  
029-A05 rev G sheet 3  
029-A06 rev D sheet 1  
029-A06 rev D sheet 2  
029-A07 rev E  
029-A08 rev D

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## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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?				

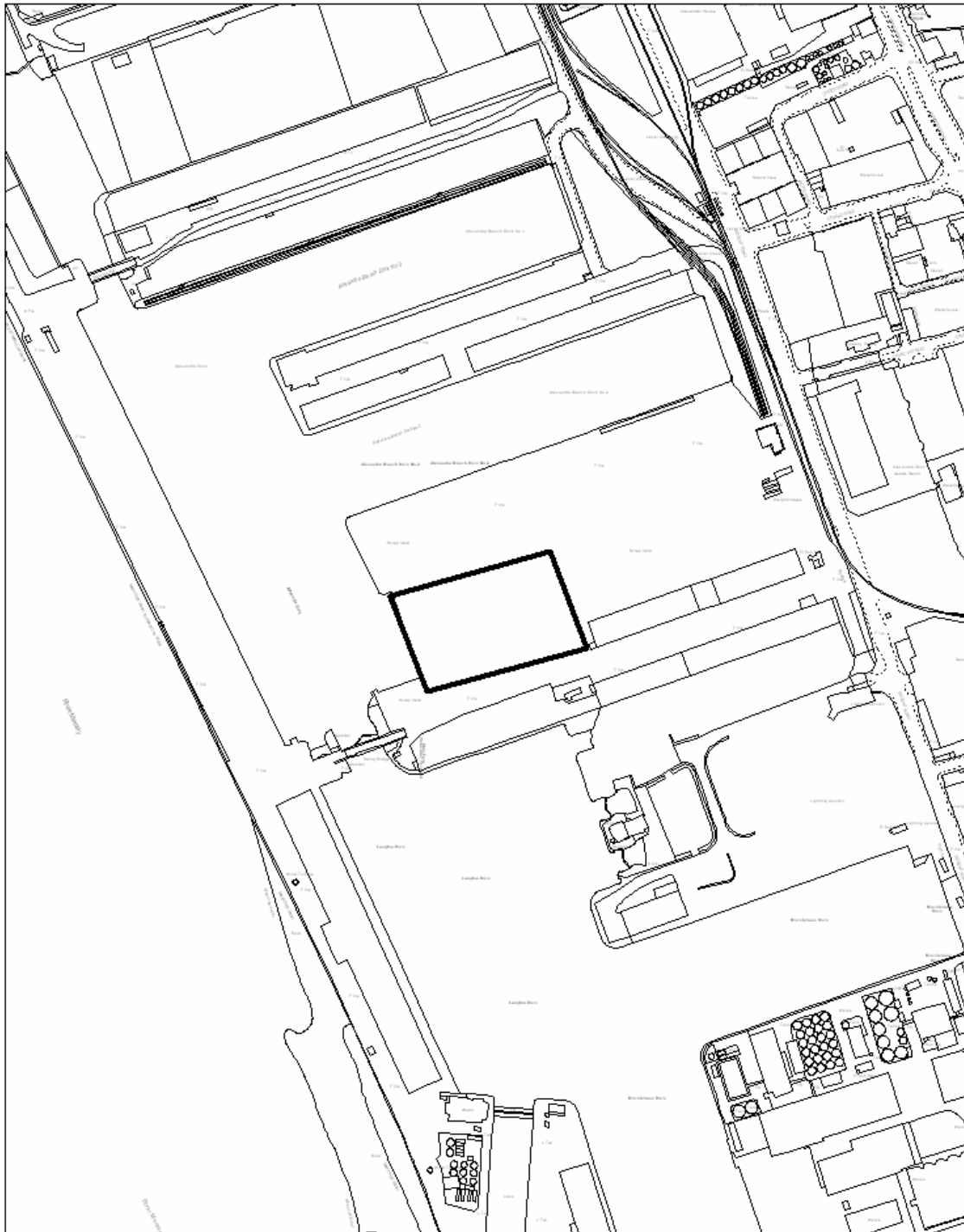
## List of Background Papers relied upon in the preparation of this report

History referred to  
Policy referred to





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<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2009/0640 Alexandra Branch Dock 1 Regent Road Bootle		Standard Site Plan Scale: 1:1250 Date: 26/1/2010 Drawn By: BBRT on
	OSGR: 333061, 394836	Sheets: 28C, 29A	Area: 17291 sqm

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S/2009/0640

1. Planning Committee deferred this application at its meeting in December to enable further consultation to take place. The results of that exercise, together with further information, are set out below. The previous report is attached, (Annex F); its contents are to be read and form part of the consideration of this application.
2. Approximately 1,200 additional letters have been sent to dwellings in Linacre Ward, plus those who signed petitions, mostly in Derby Ward. The applicant sent letters to a range of residents groups in Bootle (44 in number). The applicant held a presentation for the public and local Councillors on 11 January at Bootle Town Hall; the event was publicised by a half page notice in the Bootle Times on 31 December and 7 January papers (a total of 11 people attended including 2 local Councillors). An update on the proposal was given to Linacre Derby Area Committee on 11 January.
3. The following additional representations have been received (this includes those reported as late representations :-
  - petition requesting deferral supported by Councillor Larkin (Annex A)
  - petition opposing the development sponsored by Councillor Gustafson (Annex B)
  - petition sponsored by Councillor Friel (Annex C)

Individual letters have been received from 28, 76 Irlam House, 215, 221 Derby Road, 22 William Henry Street, 17 St James Drive, 39 Chaucer Street on the grounds of visual impact on scrap, dust, working at night, noise especially at night (crashing), high-pitched noise from turbines, added traffic, smell, hours of work (24/7), impact on health, possible contamination, existing problems from site, adverse effect on air quality (could also impact on those living on higher ground), reduction in HGV traffic could be temporary.

7 Fernhill Way; amongst others raises series of questions; these and officers responses are set out as Annex D.

Councillor Gustafson : wishes to oppose this application on the grounds of environmental impact such as dust, noise pollution and nuisance to the residents of my ward. I have had a number of residents objecting on the grounds of not being consulted and they did not see any notices in the surrounding areas.

Councillor Friel : comments on behalf of Linacre Ward as follows :-

Linacre Ward Councillors would like the Planning Committee to take note of the fact that we consider this application could have been given greater consultation and that the area committee requested deferral until such time as wider consultation had occurred.

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Given the complexity of the proposal it would have been preferable to see some kind of ongoing presentation of this scheme.

We did think that consideration of the Seaforth River terminal approved by public inquiry would have been mentioned in the submission as this involves moving some volumes of scrap metal.

Further, that to protect residents we believe that the mitigation noise by acoustic shielding needs to be firmer in outlined proposals than "keeping the door shut at night".

We believe that the members of the planning committee may well have wished a longer period of time to consider the matter hence the justification for a deferral to a future meeting of the committee.

4. The Environmental Protection Director has looked in further detail at the air quality assessment undertaken by the applicant.

'I write in respect of the above proposed development as follows:

## **Air Quality**

Comments on the air quality impacts of the above proposal were submitted to the Planning Committee of 18<sup>th</sup> December 2009. During the consultation process the Environmental Protection Department (EPD) raised concerns with the applicant's consultants that the predicted levels of arsenic and chromium VI may exceed the proposed new standards of the Expert Panel on Air Quality Standards (EPAQS). The new EPAQS standards apply to ambient levels (the contribution from the process added to the background levels) of arsenic and chromium VI and are specifically designed to protect the health of communities in the vicinity of industrial processes emitting these pollutants.

The predicted levels of arsenic and chromium VI were calculated by assuming that the pollutants would be emitted from the plant at the maximum level allowed under the Waste Incineration Directive (WID). The applicant claimed that actual emissions would be considerably below the WID limit and undertook stack monitoring of actual emissions of arsenic and chromium at a similar plant using comparable feedstock and operating under similar conditions. The original computer dispersion modelling was repeated using the new figures and a revised air quality monitoring report was submitted. The revised stack monitoring had been undertaken by the time of the December Planning Committee meeting but the air quality report had not been received by EPD. However, the applicant's consultant had sent a statement stating that on the basis of the recalculated stack monitoring data they believed the EPAQS standards would be complied with. It was on this basis that EPDs comments were made to the Planning Director.

The Planning Committee deferred consideration of the application in December 2009 and a revised air quality assessment has now been received. EPD staff have considered the applicant's report and, in the light of the contents, further research into heavy metal emissions from pyrolysis plants has been undertaken.

The revised air quality assessment states: *"The results in Table 12 indicate that the maximum concentrations at any sensitive human location comply with the proposed new guidelines for arsenic and chromium VI based on the actual release concentrations of arsenic and chromium. Forecast levels of chromium VI would comply with the proposed new guideline even if the proportion of chromium present as chromium VI were at the upper end of the range of 3% to 8% suggested in the EPAQS report (Ref. 18)."* EPD's analysis of the data supplied in the applicant's revised air quality assessment shows that the new EPAQS standard would be complied with for arsenic. However, in the case of chromium VI, ambient levels would exceed the proposed new EPAQS standard.

Planning Policy Statement (PPS) 23 states 'the planning system should not be used to attempt to control polluting emissions where other regulatory regimes exist. The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.'

The Environment Agency is responsible for ensuring that processes of this type comply with the relevant standards through the issue of a permit to operate. It is a requirement of the permitting process that the Local Authority is consulted on all new applications. Given the current uncertainties about the issue of chromium VI emissions from this development and the advice contained in PPS 23, it would be inappropriate to recommend a refusal of planning permission on these grounds. However, I recommend that Planning Committee formally request EPD officers to convey their concerns to the EA and that the EA is requested not to issue a permit until it can be shown that all the relevant standards, in particular, the new EPAQS standard for chromium VI, can be complied with.'

5. A letter submitted by the applicant is attached as Annex E. The applicant has also confirmed in writing following a meeting with local residents that no furnace will be installed at the site, and is happy to accept a planning condition to that effect. Further, the applicant has indicated that they would be willing to be involved in meetings organised by Sefton Council to discuss the health implications of development within the Port.
6. Most of the additional representations appear to relate to the existing

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operations. The questions set out in Annex E are pertinent and relevant, and the responses from officers are set out in full. The Director is satisfied that the proposed development meets the planning requirements of the development plan for the reasons set out in the report and accordingly recommends that permission be granted subject to conditions.

The Director also recommends that the Environment Agency be made aware of the concerns expressed by the local community and urges the EA to ensure the permitting process is rigorous with an opportunity for the community/Local Authority to be involved and able to comment, and the process be carefully monitored to ensure compliance.

## ANNEX A

Cllr. Paul Larkin Derby Ward  
 endorse this petition and recommend Mrs. Thompson  
 to speak against the application.  
**ALEXANDRA DOCK PLANNING APPLICATION INCINERATOR PLANT**

16<sup>th</sup> December 2009

Received by Sefton Council Planning & Economic  
 Registration Department Bootle Office  
 Date  
 Scanned by 11 DEC 2009  
 received

We the undersigned request for a deferment of a decision on this planning application until further at 10.45am  
 consultation with the residents of Derby/Linacre Wards has taken place. This public request was 8pm.  
 made (and agreed by councillors) at the Linacre/Derby Area Committee Meeting in November 2009,  
 when it was agreed to defer until early in the New Year after full and proper consultation had taken  
 place.

NAME	ADDRESS
A Thompson	216 Wadham Road L20 2DF
B THOMPSON	216 Wadham Road L20 2DF
M. ROBERTS	<del>216</del> 59 Hawthorn Road L20 2DT
J. Bass	199 Bedford Road.
D Duff	9 Ursula St Bootle
PMcGivern	112 Wadham Rd L20 2DE
4/12/09	112 Wadham Rd L20 2DE
A. Buxton	22 Bensen Row Bootle L20 8AP
A Williams-on	7 Waddesdale Road L13 3J9.
G. SLATER	1 KINGS TERRACE L20 7JJ
J. KIRBY	1 KINGS TERRACE L20 7JJ
D Slater	4 Dymoke Rd L11 4RW
C Slater	4 Dymoke Rd L11 4RW
J. CAGHER	22 GEORGIA CLOSE L20 4FD
V. Finnigan	8 Sandhays Ave Waterloo L22 7AP
WATT	83 CLARE RD BOOTLE L20 9L2
OHARE	83 CLARE RD BOOTLE L20 9L2
B. ROUSE	7 FERNHILL WAY, BOOTLE L20 9JU
ICORRE	7 FERNHILL WAY BOOTLE L20 9JU.
S. McNALLY	53 BEDFORD ROAD, L20 7DN
G. BENTLEY	10 ORIEL ROAD L120 2AT
J. FORWOOD	2 MIRANDA PLACE L20 2HW
R. FORWOOD	2 MIRANDA PLACE L20 2HW
M. REDMOND	96 BEDFORD ROAD L20 2DL
E. Fullagar	18 MIRANDA PLACE L20 2HW
M. Brammer	31 Malcolms Grove (poc) 2BC
P. Cooney	11 MIRANDA ROAD L20 2AL
J. Cummins	98 Genville RD L20 9UR
M. Paltan	85 Gonville Rd L20 9LW
M. Kearney	14 Haldane RD L4 5ub
D. Kearney	14 Haldane RD L4 5ub
Jean Bingham	227 Bedford Road L20 9ND
S. Gillett	28 FERNHILL CLOSE L20
A TAYLOR	113 BENEDICT ST L20 2EL

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## ANNEX B

512009/0640  
Received from Cllr Gustafson  
16/12/09.

Alexandra Dock Planning Application Incinerator Plant  
16th December 2009

We the undersigned would like the decision on this application deferred until early in the New Year after full and proper consultation with Derby/Linacre residents has taken place as agreed in the Linacre/Derby Area Committee Meeting in November.



NAME	ADDRESS
G. Nethercole	17 Benedict St Bootle L20 2ES
P. NETHERCOTE	49 GONVILLE RD Bootle L20 9LW.
T. Kirby	4 ASPENWAY LN WALTON L4 4DE
B. Finnagan	2 Kings terrace BOOTLE L20 7JJ
J. Kirby	1 Kings terrace BOOTLE L20 7JJ
D. Kirby	8 HILLCREST WALTON L4 9EX
C. COX	106 Benedict Street L20 2EW
J. COX	106 Benedict Street L20 2EW
M. Howard	57 Benedict Street L20 2EL
K. HOWARD	" " " " " "
L. Daley	117 Benedict Street L20 2EL
K. BASS	77 BEDFORD ROAD L20 2DR
D. Gandy	13 CLARK ROAD Bootle
P. GHERRY	13 CLARK ROAD BOOTLE
G. Dehnut	53 ANTONIO ST. BOOTLE
A. King	2 Kings Terrace Bootle L20 7JJ
L. King	3 Kings Terrace L20 7JJ
J. King	5 KINGS TERRACE L20 7JJ
C. King	6 KINGS TERRACE L20 7JJ
A. Simpson	6 KING TERRACE L20 7JJ.
S. White	" " " " " "
Rez	29 Stanley Road L20 2AB
Ifran Ali	2 Beatrice St. Bootle L20 2EQ.
K. Burns	11 Belling Close Seaforth. L21
K. Lamb	38 RICHARDSON RD WALTON L4 9EW
J. Lamb	72 Keble " " Bootle L20 2DF
L. King	52 BENEDECT ST BOOTLE
J. Lassini	4 BULLOCK L20 2E
S. SEDDO	76 KEBLE ROAD BOOTLE L20 1DF
E. SPENCER	63 WELSHUR AVE L20 1DE
J. Thompson	246 Wadhams Road L20 2DF
B. Thompson	" " " " " "

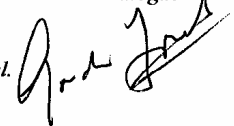
## Petition

We, the undersigned residents, call for a presentation to the Planning Committee from the applicants of the proposed electricity recycling plant.

Further we do call for the Planning Committee to sanction the use of 106 monies to be spent in the immediate vicinity in such a way that it will mitigate environmental issue over and above any statutory requirements.

That to facilitate the above spending and the measures to be deployed it is agreed to have a dialogue with residents of the immediate area and Elected Members of Linacre Ward.

This petition is presented & sponsored by the ward Labour councillor Gordon Friel.



Name	Address	Signature
Maxine Gillespie	26 Church Parkers	M Gillespie
Irene Gillespie	30 Church walk	I Gillespie
Sharon Grindle	13 Chapel Terrace	Sharon Grindle
P. Hylton	17 Chapel	P Hylton
S. Ashton	10 Pleasant St	S Ashton
Anna Liu	10 Pleasant St	Anna Liu
JOHN STENSON	2 Pleasant View	J Stenson
CATHERINE STENSON	2 Pleasant View	C Stenson

## ANNEX D

<p><b>Q1.</b></p>	<p><b>Why does the planning application mask the fact that what is really being proposed is an Incinerator plant, not a Power generation plant? As a means of disposing of Automobile Shredder Residue (ASR) the Power generation is only a by-product of the waste products from the incinerator process.</b></p>
	<p>Plant to treat ASR – Uses a process called pyrolysis which is the heating of materials in the absence of air. In this way the process differs from incineration which is the burning in air of certain types of solid, liquid, or gaseous materials under controlled conditions. Electricity is generated as part of the process using the gases evolved during the pyrolysis process. The Pyrolysis process appears to offer greater control over emissions. The Waste Directive emission standards apply to either an incinerator or pyrolysis plant.</p>
<p><b>Q2.</b></p>	<p><b>If the exhaust gases from the unit were to be dissolved in water then discharged into the River Mersey they would in all probability be classified as Toxic, why then is it considered satisfactory to discharge these same gases to the atmosphere?</b></p>
	<p>The permitting of any emission from an industrial process involves considering the nature of the materials being released, their concentration and the dilution of those materials before impacting upon a sensitive receptor (health or environment). The company would be required under their permit, issued by the Environment Agency (EA), to consider the ‘best practical environmental option’ for all their emissions and to employ the best available techniques to minimise emissions and prevent pollution. We have considered the emissions to air, the chosen medium for the release of the emissions and the relevant standards that apply. The plant’s operation must be compared against these standards.</p>
<p><b>Q3.</b></p>	<p><b>I.E.S. in their preamble state that this is not an Incinerator yet on the web site for RODECS the documentation clearly states Incinerator Loop and Multi-stage Incineration. Which is correct?</b></p>
	<p>See 1 – They are all thermal processes treating waste. The key issue is the standards that must be met. The same standards apply to this plant whether it is called an incinerator or an electricity generating facility.</p>
<p><b>Q4.</b></p>	<p><b>A Health Impact Assessment does not appear to have been carried out for this application.</b></p>
	<p>The application was subject to an environmental assessment which considers all environmental impacts including health. EPD officers have carefully examined the applicant’s environmental statements on emissions and taken the advice of the Health Protection Agency. The applicant has demonstrated that emissions from the plant can fully comply with the waste incinerator directive limits and therefore a HIA is not required. The PCT and the Local Authority are consulted by the EA as part of the Permit application process.</p>
<p><b>Q5.</b></p>	<p><b>What guarantees can be given that the “safe limits” will NEVER be exceeded?</b></p>

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	<p>The EA have considerable wide-ranging powers to control permitted processes including refusal of the permit and variation of the permit conditions. Operators and regulators are also required to carry out compliance monitoring. In addition, a number of planning conditions have been recommended to ensure that dust, noise and air emissions are minimised.</p>
<b>Q6.</b>	<p>A plant operating Rodecs in Texas was successfully prosecuted from exceeding emission limits. An employee charging the rodec before it had reached its proper operating temperature caused this. Although not the same type as proposed for Bootle, what safeguards would be in place to prevent this happening with the type proposed here? Who is going to monitor the operating procedures?</p>
	<p>This would be covered in the Permit conditions. The EA regulate the management and operation of the plant through the granting of a permit. The permit contains conditions and standards that must be achieved. It is incumbent upon the operator of a permitted process to operate to these standards and monitor their process accordingly. The permit will cover all discharges to air, land, water and also noise.</p>
<b>Q7.</b>	<p>Bootle has a very high incidence of Respiratory disorders. The positioning of the plant close to the centre of Bootle will do nothing to help the sufferers. The plant being situated to the west of the town centre with a prevailing westerly wind will direct the emissions directly across Bootle. There are already concerns with the air quality around Millers Bridge area.</p>
	<p>These concerns have been carefully considered and addressed in the suggested planning conditions on air quality. The plant will not impact on the Millers Bridge AQMA. Work is on-going to improve the air quality in the AQMA. This work includes looking at EMR's existing discharges to air and trying to obtain improvements. There has already been some success with this work but more needs to be done.</p>
<b>Q8.</b>	<p>The developer state in the preamble that "vehicle movements will be reduced", yet the throughput of the proposed plant will increase. How will the extra tonnage arrive at the plant for processing? I accept that the number of vehicle movements to landfill will be reduced. Cannot Rail movements be considered to remove even more road traffic?</p>

	Input of ASR to Bootle EMR from other EMR facilities will increase but output from the plant via road will decrease significantly, resulting in a large net reduction in vehicle movements overall. Use of rail facilities would further reduce vehicle movements but this is dependent upon economic and other factors which are matters for the operator. The planning application is for the use of road vehicles from other EMR plants to bring material to the Bootle Plant.
<b>Q9.</b>	The current practice of noise control is not satisfactory. Why cannot something active be installed that shuts the plant down if the levels are exceeded at the time the noise exceed limits? What plans will be put in place to control the noise emissions?
	The Planning application relates to the new development only. Planning conditions cannot be imposed in respect of the existing operation. The existing noise is subject to investigation and discussion with the operators and other agencies. Generally the noise problems are associated with the loading of scrap into ships at night. Recommended planning conditions set noise standards for the new plant. Any Permit is also likely to contain noise standards.
<b>Q10.</b>	<b>We have airborne pollution from the existing plant and the transportation of materials to site now, metallic dust on window sills and discoloured curtains and nets, etc. How will this be controlled if the application were to be successful? What controls will be put in place to control the amount of dust emitted and becoming airborne from the plant when handling the ash residue from the rodec's?</b>
	As above for the existing operations – which are the subject of ongoing investigations. The ash residue from the proposed Rodecs plant is handled and stored inside the proposed building. A suggested planning condition covers this aspect of the proposed development. Furthermore, if necessary, the permit can be conditioned to cover these activities.
<b>Q11.</b>	What guarantees can be given that the quality of health will not be reduced if this application is granted? If the guarantees cannot be given, the application should NOT be granted.
	See 4.
<b>Q12.</b>	<b>Polychlorinated p-dibenzo dioxins and polychlorinated p-dibenzo furans, or so-called 'dioxins' are a family of 210 different unwanted by-products of mainly combustion of any organic material, how are emissions of these controlled? They can be released either from the combustion process or from the resultant ash. How are emissions of dioxins monitored? Is</b>

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	<b>monitoring a continuous process or is it carried out at specified times/periods (spot checks). Are these times informed to the operators?</b>
	Dioxins are formed when temperatures in the combustion process are inadequate or where the retention time is insufficient. The proposed process is designed to ensure that these conditions are not encountered. Monitoring is by reference to temperature and retention records. Monitoring would be carried out by the operator and checks carried out by the EA. The EA can make unannounced visits to check the compliance of a permitted process with their operating conditions.
<b>Q13.</b>	The Rodecs can be fuelled by any type of organic material, what is to stop the plant being used at some future date to dispose of MSW, medical waste, or any other kind or organic waste. What is being proposed in Bootle is for ASR ONLY what measures can be put in place to limit this to ASR only?
	A planning condition in this respect is being considered.
<b>Q14.</b>	<b>An EC directive came into force on 1/1/2010 reducing the amount of PM<sub>10</sub> exceedences allowed per annum from 35 to 7, and the annual mean levels lowered from 40mg/m<sup>-3</sup> to 20 mg/m<sup>-3</sup>, will the proposed plant be able to meet these new requirements when introduced into UK legislations in 2014/15?</b>
	These standards are for ambient air quality. Exceedence of the particulate (PM10) air quality standard in the vicinity of Millers Bridge occurred in 2006. Hence, an AQMA was declared. A reduction of HGV numbers in the vicinity will help reduce pollution of this type.
<b>Q15.</b>	<b>The Particulate Matter measurements are based around the level PM<sub>10</sub>. PM<sub>2.5</sub> are considered to be potentially more dangerous, as the size of the particles can enter the cardiovascular filtered by the nasal hairs and bronchial tract, but can still penetrate into the lungs. Currently the particulates in Sefton are measured at PM<sub>10</sub> – PM<sub>2.5</sub>, nothing is measured at PM<sub>2.5</sub> or below, other local areas are now actively looking at PM<sub>2.5</sub> levels.</b> a. <a href="http://www.londonair.org.uk/London/asp/information.asp?view+whatis">http://www.londonair.org.uk/London/asp/information.asp?view+whatis</a> b. Eastbourne Council – Cabinet minutes 25 October 2006, Report of Assistant Director Housing and Health.
	The new standards for PM2.5 will be set on a regional basis and are not yet an issue for local authorities to consider directly.
<b>Q16.</b>	<b>Can the operator of this site be requested to provide sampling facilities for PM<sub>2.5</sub> as has been requested in other areas? (See b. above)</b>
	This may be possible through a s106 agreement if it was considered relevant. However, the proposed plant does not emit high levels of particulates
<b>Q17.</b>	<b>What action can be taken against the operator should he not conform to the required emissions' directives, can the plant be closed down? All the values for Air Quality are retrospective, should a large-scale emission be experienced it will always be after the event, this maybe too late from some residents.</b>

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	See Q5 – The type of emissions from the plant are not acutely toxic as would be the case for some chemical works for example.
<b>Q18.</b>	<b>All emission quoted in the Air Quality report are for a plant operating under normal conditions, what are the emissions for start-up, shutdown and abnormal occurrences. Will these be contained within the same limits?</b>
	The emissions are calculated taking into account the whole operating cycle of the plant. Abnormal occurrences would be controlled through the management of the plant and the Permit conditions.
<b>Q19.</b>	<b>A typical life span for plants of this nature is approximately 15-20 years, can the ASR feedstock for the plant be guaranteed for this period?</b>
	The proposal is for reclaiming ASR and the applicant will have taken this factor into consideration when examining the financial advantages to their company.
<b>Q20.</b>	<b>What advantages or benefits will the proposed plant bring to Bootle/Sefton, apart from a slight reduction in HGV movements?</b>
	<i>The applicants in their letter set out what they regard as the advantages/benefits of the proposed plant. The Local Planning Authority has to judge the proposal against the policies of the UDP and other material considerations. In practice an application is deemed to be acceptable unless the Local Planning Authority can produce evidence of harm to issues of planning importance.</i>



Jim Alford  
Sefton Metropolitan Borough  
Council  
Planning and Economic  
Regeneration Department  
Magdalen House  
30 Trinity Road  
Bootle  
L20 3NJ

Our Ref	EMR/1
Direct dial	020 7539 7764/ 07747 535 445
e-mail	tim.leinster@forburyenvironmental.com
Date	15 December 2009

**BY EMAIL ONLY**

Dear Jim

**Innovative Environmental Solutions (IES) planning application (ref: s/2009/0640)**

The IES planning application is scheduled to be determined at the planning committee on 16 December 2009. I understand that a petition was submitted on Friday 11 December requesting that determination of the application be deferred until further public consultation with the residents of Linacre / Derby wards has taken place. I understand that the deadline for a petition to be submitted to be heard at the 16 December committee was 10 am on Friday 11 December. I further understand that the petition was submitted after 10 am and as such cannot be heard at the 16 December. However I understand that the planning committee will be made aware of the petition and may decide to defer determination of the application to allow the petition to be heard.

A public consultation event was organised by the applicant and took place from 3 to 7.30 pm on Tuesday 8 September at Bootle Town Hall. The event was advertised in the local press on Friday 4<sup>th</sup> September and Saturday 5<sup>th</sup> September.

The advert stated that if anyone could not attend the event but would like further information they should email [planning@forburyenvironmental.com](mailto:planning@forburyenvironmental.com). No emails have been received at this address.

The public consultation event sought to engage with local residents and invitation letters were sent to the following persons:

- Mr John Barlow – Irlam House Residents Association
- Ms Margaret Hunt – Strand House Residents Association
- Mrs Frances Patterson – Millers Bridge Residents Association
- Ms Marion Cannon – Marsh Lane Residents Association
- Mr Joseph Benton – MP

The three ward councillors were invited via email, using the email addresses provided on the Sefton website.



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We would like to take this opportunity to request that the planning application be determined at the 16 December committee, as scheduled. It is important that the planning application is determined tomorrow as it will ensure that the project remains on schedule. We are keen to progress this development as soon as possible to allow the range of benefits it will deliver to be realised as soon as possible. These benefits include:

- Diversion of over 130,000 tonnes of waste / year from landfill.
- Recovery of 22,800 tonnes of recyclates / year.
- Reduced greenhouse gas emissions.
- Provision of enough electricity to power approximately 45,775 homes / hour.
- Provision of 80 permanent jobs during operation as well as support and construction jobs.
- A net reduction of 3,700 two-way HGV movements / year.

—  
Yours sincerely,

Tim Leinster  
for and on behalf of Forbury Environmental Ltd.

**Forbury Environmental Ltd**

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Forbury Environmental Ltd is wholly owned by Clarkslegal LLP. Registered number: 5652930  
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### The Site

Part of the EMR metal processing site at Alexandra Dock, Bootle. This part of the site lying at the seaward end is a former dock which was filled in the early 1990s using inert waste. It is level and has been capped by a layer of concrete. The site is currently used for informal storage of plant and machinery and is currently screened to a considerable extent by buildings, plant and stored material. The nearest dwellings are approx 600 m to the east on the landward side of Derby Road (A565). The nearest protected sites (SSSI/Ramsar/SPA) are over 1.5 km away.

### Proposal

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.

### Background

This proposal is to build a plant on part of the EMR site at Alexandra Dock, Bootle.

EMR processes scrap metal (producing approx 526,000 tonnes pa) utilising a very large shredder; material is stored in very large stockpiles and the finished product is exported by sea. 40-50% of this material is derived from end of life vehicles, the remainder is general scrap. A substantial portion of the material processed or for processing is brought in by rail.

The operations in Bootle, however, also currently produce approx 120,000 tonnes of material which cannot be used. This automotive shredder residue (ASR) comprising rubber, foam, plastic, plastic, wood, fluff, stone, metal is taken to landfill by road.

The proposal is to build a 10,294 sq m plant which will process the ASR using a gassification process to recover inorganic materials which can be recycled, and treat organic matter to produce syngas which would be used as a fuel to generate electricity.

The ASR is stockpiled. It will be moved by conveyor belt into the building from the existing EMR site for processing at controlled temperatures excluding oxygen. The syngas produced would be passed to a boiler to drive steam turbines to produce electricity. There would be 4 processing machines but only 3 would be in use at any one time. Each machine is capable of processing 8 tons of ASR. After the syngas is produced, the residue can be recovered and will be sorted and stored within the building. Lorries can access the building to enable loading takes place inside. It would be a 24 hour operation and would employ 80 people.

# Agenda Item 4a

The main features of the development :

1. A building 148 m x 37.5 m x 14 m (height) to house the gassification process
2. A building 66.7 m x 49 m x 14 m (height) for ASR storage
3. A building 43.5 m x 42. m x 18.5 (height) to house boilers and turbines

There would be 2 exhaust stacks 25 m high. Material would be moved by covered conveyors. There would also be air coolers, water tanks and perimeter fencing.

The disposal of ASR to landfill currently requires some 6,000 two way HGV movements pa. The proposal would reduce the amount of material sent to landfill from 120,000 tonnes to 5,700 tonnes of inert material requiring 285 two way HGV movements pa. However, in order to operate this new facility at full capacity it would be necessary to bring in an additional 17,500 tonnes of ASR by road (875 HGV movements pa).

In summary the proposal would

- generate 30 MW-hr electricity/year (enough to power 45,775 homes)
- divert 130,000 tonnes/pa from landfill
- net reduction of 3,700 2 way HGV movements/year
- recover 22,000 tonnes of recyclable material
- provide 80 permanent jobs, as well as support and temporary construction jobs.

## History

S/2005/0782 : Change of use of infill dock for storage of unprocessed and partly processed scrap – approved 19/12/2005

Adjoining land

S/21433 Erection of shredder and additional facilities – granted 6/10/1983

S/2005/0489: c/u land for storage of processed and unprocessed scrap – granted 30/6/2005

S/2005/0490: Erection of prefab building for end of life vehicle facility – granted 30/6/2005

S/2005/0491: C/u warehouse for storage of scrap and ELV storage – granted 30/6/2005

## Consultations

*Assistant Director (Highways)* : In view of the net reduction in HFGV movements involved, no objections subject to conditions requiring details of car parking, facilities for cycles, requirement for Travel Plan.

# Agenda Item 4a

*Environmental Protection Director :*

## Air Quality

The Environment Agency regulates the operation of processes of this type to ensure that they do not cause adverse environmental or health impacts and a permit must be obtained prior to the commencement of the operation. The permit will contain details of emission limits, management, operating and monitoring procedures to ensure compliance with environmental standards. PPS 23 states that it is not permissible for planning conditions to duplicate the role of the environment agency in this regard.

As part of the Environmental Assessment for the above development an air quality assessment was undertaken by REC limited. This assessment used the waste incineration directive (WID) limit values for the pollutants that could be released. The results of the assessment showed that for all pollutants the current environmental action levels and air quality standards would be complied with. However, the Government's expert panel on air quality standards (EPAQS) has recently produced revised guidance for metals and metalloids, lowering the recommended ambient levels (The levels that would be inhaled). These new standards have been included in the Environment Agency's revised draft guidance as the proposed new environmental action levels. The modelled ambient levels of chromium VI and arsenic exceeded these proposed new action levels. However, the developers stated that actual emissions of these pollutants would be much lower than the WID limits. The developers' consultants were asked to measure actual emissions from an existing plant using the same process technology and feedstock material and to remodel ambient levels using the measured emissions.

We have now received the developer's measurements of actual emissions levels. These results show that they are considerably below the WID limits. The developer's consultants have not yet had time to remodel the ambient levels but hope to have this information available prior to the Planning Committee meeting on 16th December 2009. However, the consultants have already certified that they do not expect these emission levels to lead to an exceedence of the new EPAQS standards for ambient air.

Having regard to the consultant's statement and subject to future confirmation by the modelling referred to above, we have no objection to the proposed development on air quality grounds. We however, recommend the imposition of the following condition:

1. The levels of metals, as measured by stack analysis in accordance with BS EN 14385:2004, by a MCERTS accredited or other suitably competent person, shall not exceed the limits set out in the applicants letter dated 27 November 2009.

2. Appropriate stack monitoring as specified in condition 1 is carried out within 1 month of the plant commencing operation and at least annually to demonstrate that the emission levels are in accordance with the levels referred to in condition 1.
3. Where stack monitoring shows that the levels of metals exceed the specified levels referred to in condition 1, the process shall be stopped until such time as appropriate modifications or remedial measures are made. Further stack emission testing to confirm compliance with the specified limits shall be carried out within 1 week of the recommencement of the process.
4. Prior to the commencement of the operation of the plant, a scheme of control measures to minimise dust from the transport of automotive shredder waste (ASR) shall be submitted for approval by the local authority. The operation of the plant shall not commence until the submitted scheme has received approval. The approved dust control scheme shall remain in operation at all times during the operation of the process.

## Noise

Based on the information provided the applicant I am satisfied that the noise levels from the plant will not be detrimental to the amenities of the area. However, to ensure that there is no loss of amenity associated with this development I recommend the imposition of the following conditions:

5. Noise levels measured at the eastern boundary of the existing EMR site (Grid Reference: 333363,395000 and as marked on plan ref: 029-A14) shall comply with the following:
  - a. Night time noise between the hours of 23:00 and 07:00 hours attributable to operations on the development site should not exceed 50 dB  $L_{Aeq5min}$  and 65 dB  $L_{Amax}$
6. Within three months of the process becoming fully operational a noise assessment shall be undertaken by a suitably competent person appointed by the applicant and the findings submitted to the local authority. If the noise levels specified above are not complied with, the process shall be stopped until such time as appropriate modifications or remedial measures are made. A further assessment of the noise levels to confirm compliance with the specified limits shall be carried out within 1 week of the recommencement of the process.

## **Contaminated Land Issues**

Reports have been prepared to provide an environmental baseline of ground contamination to form part of the Site Condition Record required by the Environmental Permitting Regulations (EPR). (ref: Mayer Environmental (June 2009); Alexandra Dock Branch 1, Phase One Desk Study Report, Site

# Agenda Item 4a

Condition Report Part 1, Ref: 71589 DS. Mayer Environmental (July 2009); Alexandra Dock Branch 1, Site Condition Report Part 2, Ref: 71589).

The Environmental Permit relates to preventing new contamination during the operation of the facility and the established baseline would be used to assist with the surrender of an environmental permit.

Whilst we note the intention of the reports to support an application under the EPR, we would expect the reports to also satisfy the requirements of PPS 23 Annex 2: Development on Land Affected by Contamination. *The standard of remediation to be achieved through the grant of planning permission for new development (including permission for land remediation activities) is the removal of unacceptable risk and making the site suitable for its new use, including the removal of existing pollutant linkages. All receptors relevant to the site should be protected to an appropriate standard.*

*Natural England* : No objection; information provided is sufficient to enable an assessment of no likely significant effect on the features of the internationally important designated sites within the Mersey Estuary.

*Environment Agency* : No objection subject to comments and conditions Flood risk: the development will only be acceptable if the measures in the Flood Risk Assessment are implemented and secured by condition Waste: requirement for a Site Waste Management Plan Contaminated land: the information presented provides baseline conditions. Overall risks to controlled waters from land contamination is considered to be relatively low. Water quality: there is potential for impacts on the dock/River Mersey and it will be necessary that suitable measures are put in place to protect surface water quality. Any discharges will require an environmental permit. The necessary measures can be secured by condition.

*MEAS* : The development : A key benefit is the diversion of 120,000 tonnes of material from landfill, and the generation of energy which can substitute consumption of fossil fuels. Facility is clearly consistent with emerging policy and guidance on sustainable waste management and Government's developing policy and guidance on climate change and energy security. Consider this is an appropriate intensification of use on a site already consented to process significant quantities of waste. Concur appropriate location in terms of moderating and possible minimising impacts.

Operational processes : MEAS is satisfied the Environmental Assessment has considered alternative locations, alternative technical solutions and treatment technologies. Material will be moved by covered conveyor belts. Information will be required on the disposal of residues; the applicant is investigating possible opportunities to further recycle as part of secondary construction materials. This can be covered by condition.

Construction phase : applicant should provide a Construction & Environmental Management Plan (CEMP); this can be secured by condition.

Land Contamination : Given the former use of the site and surrounding area, advise a standard land contamination condition be attached.

Water : process, use, floodrisk and drainage –

Water requirements : no process water will be discharged into controlled waters; water will be discharged to foul sewers and this will be a matter for the Environment Agency/United Utilities.

Flood Risk Assessment : check confirmation with the Environment Agency.

Drainage Strategy : Surface water run off into the dock will require approval from MDHC. Proposals result in an improvement on the existing. Details can be secured by condition.

SUDS – Details not provided; can be secured by condition.

Sustainable transport : EIA provides worst case assessment; material is already moved by rail, proportion may be increased.

Renewable energy, climate change and carbon budget : The plant will supply its own energy needs from its energy generation processes and would therefore meet the requirement of regional/local policy. The facility is likely to be more carbon efficient than the existing situation without the development.

Ecology : There are no on-site issues. The proposal is unlikely to have a significant effect on the nearby protected nature conservation sites, or on the nearby Kittiwake colony.

Lighting : details of scheme should be submitted.

*MDHC* : support proposal.

*Liverpool City Council* :

*Wirral Metropolitan Borough Council* :

*Merseytravel* : request developer be required to prepare and implement a Travel Plan, promote use of sustainable forms of transport.

## **Neighbour Representations**

*Mast Group* : air quality poor, concern as manufacturer of medical diagnostics.

Linacre-Derby Area Committee; at its meeting on 2<sup>nd</sup> November resolved  
(1) the Planning and Economic Regeneration Director be advised of the Committee's grave concerns regarding the environmental impact of such a development; and

# Agenda Item 4a

- (2) he be requested to defer consideration of the application until an urgent meeting is arranged for Planning Officers to inform and consult residents

## Policy

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

AD1 Location of Development  
AD2 Ensuring Choice of Travel  
AD4 Green Travel Plans  
CPZ1 Development in the Coastal Planning Zone  
CPZ2 Coastal Protection  
CS1 Development and Regeneration  
CS3 Development Principles  
DQ1 Design  
DQ2 Renewable Energy in Development  
DQ3 Trees and Development  
DQ4 Public Greenspace and Development  
DQ5 Sustainable Drainage Systems  
EDT5 Primarily Industrial Areas  
EDT7 Improvement of Industrial Areas  
EDT9 The Port and Maritime Zone  
EMW1 Prudent Use of Resources  
EMW6 Waste Management Strategy  
EMW7 Waste Management Facilities  
EP1 Managing Environmental Risk  
EP2 Pollution  
EP3 Development of Contaminated Land  
EP6 Noise and Vibration  
EP8 Flood Risk  
NC1 Site Protection  
NC2 Protection of Species  
NC3 Habitat Protection, Creation and Management  
T1 Transport Network Priorities  
UP1 Development in Urban Priority Areas

## Comments

This application as a result of the proposal to process waste, falls into schedule 1 of the Environmental Impact Regulations. Accordingly an Environmental Statement has been submitted in support of the planning application. The proposal by virtue of its location close to sites of international conservation value will need an Appropriate Assessment as requested by the Habitats Regulations. The scheme raises a number of planning issues

1. Principle of the development
2. Waste and climate change
3. Environmental impacts (noise, air quality, water)



4. Nature conservation
5. Highways
6. Visual impact/amenity

## Principle of development

The site lies within a Primarily Industrial Area where a range of industrial processes, including general industry, would be acceptable. The site is within the Coastal Planning Zone and Operational Port where priority should be given to activities requiring a port location. The scheme is directly linked to a major port related operator. As such the principle of development is acceptable.

## Waste and climate change

The scheme would have the capacity to divert approx 130,000 tonnes of waste material from landfill and generate energy which can substitute consumption of fossil fuels. The facility is consistent with emerging policy and guidance on sustainable waste management and the Government's developing policy and guidance on climate change and energy security. The proposed plant would be sited next to a major waste processing facility and would enable a much greater proportion of the waste to be effectively and beneficially reused.

## Environmental Impacts

The current operations at the site which include a very large metal shredder and several very high mounds of processed and unprocessed scrap have impacts through noise, dust and prominence visually. The site operates with the benefit of planning permissions and the necessary permits from the Environment Agency. The impacts of the current operations cannot be considered as part of this planning application

Waste is currently moved on site by front end loader, prior to being loaded onto lorries and taken from the site. As part of this application, the waste will be moved by conveyors from the current EMR site into the building to be processed. The gasification process involves heating the waste to separate the organic matter which produces syngas which is then used as a fuel to heat a boiler, produce steam to drive a turbine and generate electricity. The Environmental Assessment included an air quality assessment providing details of pollutants that could be released. The applicants have provided details from similar plants elsewhere which show these would meet current Waste Incineration Directive and proposed EPAQS levels. Subject to receiving final completion of all the consultant's modelling work, the Environmental protection Director is satisfied on air quality grounds

# Agenda Item 4a

The remaining inorganic matter will be sorted within the building; metal will be moved to the quayside for shipment and the remainder will be removed by lorry. The Environmental Protection Director is satisfied that the proposal will not cause harm through noise or dust but has advised conditions to ensure acceptable details are submitted prior to commencement of development. The plant proposed to produce electricity is similar to that at the nearby CHP plant which has operated for a number of years without problem or complaint

Overall there is no evidence that the proposed development will cause harm on environmental grounds and subject to conditions is considered acceptable

## Nature Conservation

The site has no nature conservation or ecological interest in itself. It is, however, relatively close to a number of nationally and internationally important designated sites within the Mersey Estuary, including the Mersey Narrows SSSI/pSPA, Mersey Estuary SSSI/SPA, Sefton Coast SSSI/SAC. Natural England has concluded the proposal will not impact on these sites, and subject to the completion of an assessment under the Habitats Regulations (see below) considers the proposal acceptable.

There is a Kittiwake colony on the seawall in Bootle but no representations have been received from the other conservation bodies.

## Highways

The movement of large numbers of HGVs into and out of the Port is a matter of considerable concern to the local community. EMR is one of a number of companies making good use of rail links to move large quantities of material into the Port. This proposal would result in a significant fall in the number of HGV movements. Whether or not additional ASR is brought in the port by lorry. The proposal would have positive benefits in highway terms; issues concerning parking, cycle facilities, travel plans can be addressed by condition.

## Visual impacts/amenity

The waste ASR will be moved into a building from the current EMR site by front end loader. It will then be moved by covered conveyor and all operations will take place within buildings. The proposed buildings will be constructed using grey steel cladding, similar to many other buildings within the dock estate. The proposed buildings will be up to 18.5 m high, the 2 exhaust stacks 25 m high; there are many other taller structures in the vicinity and as a result the proposal will not be visually prominent.

The applicant has agreed to make the required contribution for the provision of trees (206 x £447= £92,082) and public Greenspace (21 x £1684 = £35,364) offsite based upon proposed floorspace.

The application site is a minimum of 600 metres from the nearest dwellings which are located on the eastern (landward) side of Derby Road (A565). Notification letters were sent to 4 residents associations located in the area between Derby Road and Stanley Road; a press notice was placed in the Bootle Times.. In view of the potential local concern the applicants held an open session at Bootle Town Hall on the 8<sup>th</sup> September to explain the proposed development which was open to any member of the public to attend. The potential environmental impacts have been examined in detail. All the processing will be done within buildings which will minimise issues of noise and dust arising from this proposal. The applicants indicate they would meet the most up to date air quality standards. The Environmental Protection Director and the Environment Agency indicate they are satisfied with the proposal

## Habitats Regulations Assessment Screening

1. Mersey Narrows and North Wirral Foreshore proposed SPA and proposed Ramsar site is within 2km of the application site and UDP policy NC1 applies. I have reviewed the proposal submitted by the applicant and applied the information to the Habitats Regulations Assessment screening process to determine whether there are any likely significant effects on the SPA/Ramsar site as set out in the Habitats Regulations 1994.
2. The proposed development is not directly connected with the management of the site for nature conservation. The proposed development is unlikely to have a significant effect on the qualifying features for which Mersey Narrows and North Wirral Foreshore has been proposed as an SPA and Ramsar site. A summary of the reasons for the **finding of no significant effect** is presented in the table below.

Potential impact	Comments	Likely significant effect?
Noise, vibration and visual disturbance to birds	The applicant has submitted a noise assessment demonstrating that noise in the immediate vicinity of the site will be within acceptable levels during operation. Given that the European site is about 1.5km away, no significant noise/vibration disturbance is predicted during construction or operation of the facility. It is unlikely that activity on site would be visible to birds using the European site owing to the distance involved.	No
Disruption of flight lines of birds travelling between the two parts of the SPA	A direct route between the two parts of the SPA would be approximately 1.7km away from the application site. There is no indication that birds currently fly along the docks in significant numbers. In any case, construction and operation of the scheme would be unlikely to deter birds from flying over the site.	No
Wastewater and/or surface water runoff or discharge into the estuary	The applicant has explained that the proposed drainage will be an improvement on the existing.	No
Release of pollutants into the estuary including dust and windblown waste	Waste materials will arrive on site in covered wagons and will be unloaded inside the building. The potential for windblown pollutants to enter the estuary is therefore considered to be	No

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materials	insignificant.	
Additional lighting directed towards the estuary	The existing facility is lit 24 hours a day and the proposed lighting for the new facility does not represent a significant change in the level of light likely to reach the estuary. Again, given the distance of 1.5km from the application site to the designated area, significant impacts are unlikely.	No
Release of any existing on-site contamination into the estuary during construction	The standard Sefton planning conditions will be applied in relation to contaminated land. These conditions require an appropriate level of investigation and control of potential contaminants such that significant impacts on the estuary are unlikely.	No

On this occasion, it is concluded that there are not likely to be any significant effects on the European site and, hence, that an Appropriate Assessment is not required under Regulation 48 of the Habitat Regulations 1994, as amended

## Conclusion

The EMR operation within the Port is an established industrial process. It handles a very large amount of material each year much of which is processed on site prior to export by sea. The operation of this large site has obvious existing impacts on the local environment through noise, smells, dirt, air quality, the sight of very large piles of scrap. Whilst a substantial amount of material is brought to the site by rail, there are many HGV movements particularly associated with the removal of waste. This proposal will not change the situation or impacts associated with the processing operations. It would however substantially change the position on waste :-

- the proposal very substantially reduces the amount of waste going to landfill
- the proposal significantly reduces the number of HGV movements to/from the site
- the proposal generates electricity from a renewable source to meet its own needs and to export to the national grid
- the proposal provides 80 direct and other indirect jobs.

Bearing in mind these positive aspects of the proposal, the key issue is whether there are negative impacts to weigh in the balance. The impact of current operations cannot be considered. The applicant has tried to address the potential concerns of local people as subsequently expressed by the Area Committee. On the basis of detailed consideration and advice in particular from the Environmental Protection Director, MEAS, Environment Agency and Natural England, the Director is satisfied that the proposed development will not cause environmental harm and accordingly recommends that planning permission subject to conditions should be granted

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## APPENDIX

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Case Officer: **Mr J E Alford** Telephone **0151 934 3544**

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Committee: **PLANNING**

Date of Meeting: **06 February 2010**

Title of Report: **S/2009/1167**  
**Bowling green to the rear and 1A Virginia Street, Southport**  
(Kew Ward)

Proposal: Layout of road involving the erection of 5 pairs of semi-detached two storey dwellinghouses and one detached bungalow (11 in total) with associated car parking and landscaping after demolition of existing premises and outbuildings at 1A Virginia Street

Applicant: GDD Ltd

## **Executive Summary**

The proposal is for the development of 11 no. residential dwellings on land to the rear of 1A Virginia Street on a site formerly in use as a bowling green. The issues relate to the design and layout of the dwellings, the effect of the proposals on highway safety and the need to assess the site's remaining recreational value in its own right.

**Recommendation(s)                      Approval**

## **Justification**

Whilst not strictly complying with all aspects of the Sefton UDP, the considerations in respect of achieving a well planned and well considered layout added to the length of time the bowling green is known to have been out of use, and the strengthening of tree planting to the rear of properties is such that the granting of planning permission is justified on this occasion.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. Landscaping (scheme)
4. L-4 Landscape Implementation
5. L-5 Landscape Management Plan
6. H-1 Remove existing vehicular/pedestrian access
7. H-2 New vehicular/pedestrian access
8. H-5 Off-site Highway Improvements
9. H-6 Vehicle parking and manoeuvring
10. R-2 PD removal garages/ extensions/outbuildings
11. M-6 Piling

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12. Con-1 Site Characterisation
13. Con- 2 Submission of Remediation Strategy
14. Con-3 Implementation of Approved Remediation Strategy
15. Con-4 Verification Report
16. Con-5 Reporting of Unexpected Contamination
17. S-106 Standard S106
18. X1 Compliance
19. S-1 Site Waste Management Plan

## **Reasons**

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

## **Drawing Numbers**



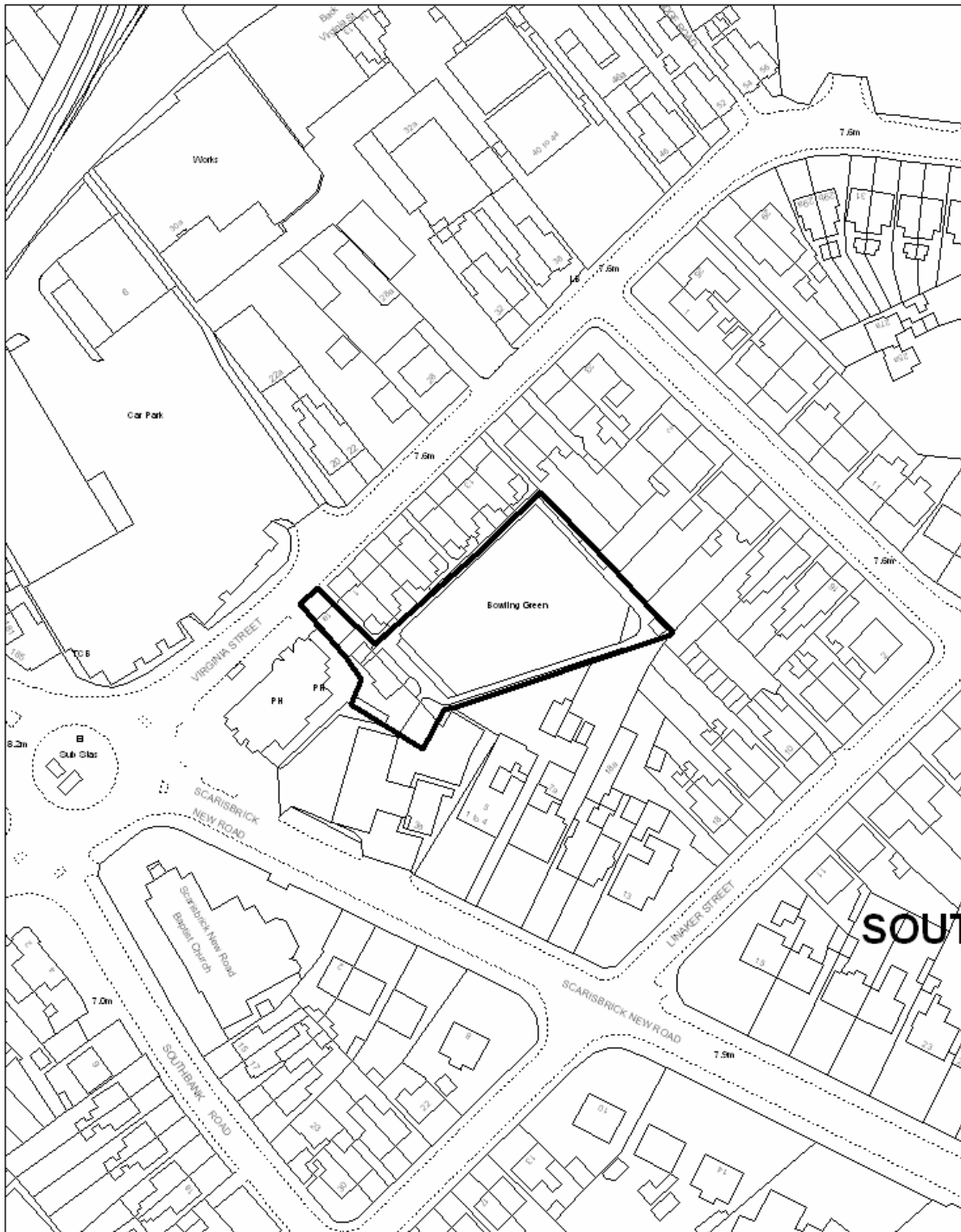
## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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 4b



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2009/1167 Bowling green to the rear of 1A Virginia Street Southport		Standard Site Plan Scale: 1:2250 Date: 26/1/2010 Drawn By: EBERTON
	<small>OSGR: 334044, 416655</small>	<small>Sheets: 470A, 469C</small>	<small>Area: 2490 sqm</small>

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S/2009/1167

## **The Site**

The application site comprises a now disused bowling green on land to the rear of residential properties on Virginia Street, Arbor Street and Scarisbrick New Road. The land is currently within the domain of the Shakespeare pub which addresses the existing main roundabout.

## **Proposal**

Layout of road involving the erection of 5 pairs of semi-detached two storey dwellinghouses and one detached bungalow (11 in total) with associated car parking and landscaping after demolition of existing premises and outbuildings at 1A Virginia Street

## **History**

N/1995/0417 - Erection of 6 floodlighting columns - approved 10 August 1995.

N/2007/0276 - Erection of a smoking shelter to the rear of the premises and construction of a perspex screen to the existing boundary wall - approved 18 May 2007.

## **Consultations**

Highways Development Control – comments awaited.

Environmental Protection Director – no objection subject to condition requiring piled foundations.

## **Neighbour Representations**

Last date for replies: 7 January 2010

A petition to address the Planning Committee has been received containing 31 signatures and is sponsored by Councillor Frederick Weavers.

Objections received from 6, 8 Arbor Street, 12 Linaker Street, 1, 3, 15 Virginia Street, on the following grounds:

- concerns regarding maintenance and adoption,
- busy road and bus route/increased traffic,
- noise from construction,
- loss of privacy and overlooking,

# Agenda Item 4b

- no peace and quiet once houses built,
- query over profitability of proposals,
- loss of greenspace area,
- issues over wildlife habitat,
- no innovation in design approach,
- amenity issues for prospective occupiers due to pub and filling station

## 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
EP3	Development of Contaminated Land
EP6	Noise and Vibration
EMW1	Prudent Use Of Resources
G5	Protection of Recreational Open Space
H12	Residential Density
H3	Housing Land Supply

## Comments

The issues relating to this development concern the following:

- (i) The design, external appearance and layout of the dwellings, both in themselves and relative to other neighbouring built form;

A Design and Access Statement has been prepared with the application, which identifies a mix of semi detached and terraced residential buildings in the area, chiefly two storey, but also with a variety of other buildings including a supermarket, church and petrol station. This character is expected to inform the size, scale and layout of development proposed.

The layout provides a form of development in three distinct sections; a pair of semi-detached dwellings fronting the access newly created following the demolition of 1A Virginia Street, a row of three dwellings (a bungalow and two semi-detached dwellings with south/west facing gardens) and six dwellings in semi-detached form opposite at the end of the site nearest property on Arbor Street.

It was originally noted that the first floor of Plots 10 and 11 falls within 9 metres of the rear of dwellings on Arbor Street. Following discussion, the applicant has amended the plans such that an additional metre is achieved, and though 10.5 metres is usually required, the rear gardens to these residential dwellings are in the region of 28 metres long, and the balance is considered to be favourable in that the window to

# Agenda Item 4b

window separation resulting would be 37 metres, far in excess of the minimum 21 required, and the shortfall of 0.5 metres is considered acceptable in these circumstances.

The side elevations to the rear of properties on Virginia Street exceed the 12 metres required. The applicant is aware that plot 6 is likely to be overlooked somewhat by a window in the rear of no. 15, however, this window is noted to be secondary and there will remain an acceptable living environment for the prospective occupier given they have one of the larger gardens provided by the scheme

The garden sizes vary in that two (one of which is plot 6) have substantial gardens of over 150 sq metres, the remainder between 61-70 sq metres. Though some fall slightly short of the 70 sq metres required by policy, all areas are useable and the character of the development is such that in layout terms the best layout involves all properties having street frontages. The density of the scheme is 42.3 per hectare, which represents an efficient use of land consistent with UDP Policy and in accordance with guidance contained within PPS3.

It is considered that the layout of the buildings affords a level of development that can be acceptably accommodated on the site with a height and scale and reflecting the identified pattern of development prevailing in the locality, whilst making efficient use of urban land.

The dwellings are of symmetrical appearance taking their influence in part from the Shakespeare pub, itself a 3 storey building with stone, bay and quoin features, albeit of much smaller scale. The roof pitches are relatively shallow and though two storey

The dwellings would be placed on the open market and there is no affordable housing requirement for the scheme as it comprises less than 15 dwellings. It would not be possible to sustain a refusal based on the potential for noise disturbance as it would be residential development within a residential location. A planning condition is attached requiring that all rear gardens have combined walls/fencing of a minimum 1.8 metres in height.

(ii) The suitability of access, internal circulation and the effect on the prevailing highway network;

One space per dwelling is provided for vehicle parking. It is considered that this level of parking is acceptable in this location close to the town centre. There are excellent links to public transport and the scheme ought not to give rise to substantial car dependence.

Access as stated above is provided via the demolition of the existing property, and can be provided without loss of amenity in the absence of windows to the respective side elevations of the pub and no. 1. There are

The scheme will make provision for some significant improvements to the highway. This will consist of:-

# Agenda Item 4b

- The reconstruction of the footway on the south-east side of Virginia Street adjacent to the development site, incorporating flush kerbs and tactile paving either side of the proposed vehicular access;
- The provision of flush kerbs and tactile paving either side of the junction with Arbour Street on the south-east side of Virginia Street;
- The provision of flush kerbs and tactile paving either side of the existing vehicular access to the adjacent public house on the south-east side of Virginia Street; and,
- The improvement of the pedestrian refuge on the Virginia Street arm of the roundabout, including provision of flush kerbs and tactile paving on the footway either side.

Though close to a busy junction, the prevailing highway network is more than capable of accommodating the additional traffic proposed and there are no objections in relation to parking or highway safety. Similarly, there is turning within the site for larger vehicles such as a fire engine/refuse vehicle and these would be capable of entering and exiting the site in forward gear.

(iii) The need to provide tree planting and public greenspace as required by policy

30 trees would be provided within the landscaping layout. The accommodation on site has been increased chiefly to address concerns from residents at Arbor Street, and there will be some significant tree planting to the rear of plots 6 to 11, to afford visual breakage and increased levels of visual amenity. The amount at 2009/10 rates is £448 per tree not planted. This would also need to be adjusted with 2 additional trees required for each one to be removed. This amount cannot be specifically established until the final landscaping layout for the site is known.

The required greenspace contribution under Policy DQ4 is £18,524 at 2009/2010 rates. The same Section 106 Agreement would cover this. The applicants have confirmed agreement to payment in respect of both trees and greenspace. It is fully expected that this sum would make a meaningful contribution towards improved greenspace facilities specifically within the locality.

(iv) The bowling green

The applicant was invited to undertake a review of recent use of the bowling green prior to submitting the planning application. The land is presently overgrown, subject to limited public access, and is not allocated for either greenspace or with a nature conservation designation within the current UDP framework. Nevertheless, it is considered important to analyse its potential value as useable area in the locality and Policy G5 makes reference.

The applicant has contacted and spoken direct with Mr. L Davies, the President of the 'Southport LV Bowling League'. Mr. Davies has confirmed that the 'WD Sutton's' Pub (Previous Name of Shakespeare Pub) Bowling Team have not entered a team into the league for at least 6 years to his knowledge. He noted that the closure of the bowling club/team was due to the lack of financial commitment from the brewery. It should be noted however, that the bowling club members have since joined other teams in the league and the majority of these are understood to

have strengthened the 'Crowlands Bowling Club'.

The previous owner of the pub has been contacted by the applicant with a view to obtaining a statement to the effect that, during his ownership, from 3 years ago, and therefore since, no bowling activity has taken place, this would support the information received from Mr. Davies.

Aerial photography records have been examined dating back to 2004 which suggest that the green was out of use at that time, and tend to corroborate the comments of Mr. Davies.

In the event that the bowling green remained in continual use, it would all the same be regarded as land ancillary to the public house, and planning permission would not be needed to revert the land to, for example, a beer garden, or a childrens' play area in connection with the public house. Though the land is not in use at present, an alternative owner could carry out such activity bringing potential for detriment to the amenity of residents adjacent lying outside of planning control.

With regard to accessibility, the bowling green when in use would not have afforded a level of public accessibility consistent with that of conventional such space, as it would be necessary to walk through the pub to use the space, and the potential future use of the land for greenspace purposes would be questionable given the difficulty of access. There is no established evidence base to suggest complaint over a lack of crown green bowling facilities.

Given this evidence, it is considered that Policy G5 is not applicable in this instance. The value of the site has been examined as fairly and thoroughly as may be expected of a non-designated greenspace, and that the balance lies with providing a form of residential development which in itself accords with the thrust of UDP Policy, subject to the provision of a commuted sum payment in line with Policy DQ4.

#### (v) Contamination

The site is very likely to require a degree of remediation in view of its proximity to the petrol filling station fronting Scarisbrick New Road. A full suite of conditions are applied to address this issue.

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

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

SF

Petition to [Action Petitioned For]

SECTION COUNCIL  
- 8 JAN 2010


**Petition summary and background - NEMATIC**  
An Application has been put in by G.D.D. Limited to start construction of 11 houses in total which will compromise of 5 pairs of semi-detached two storey houses and one detached bungalow. This could potentially cause a great deal of disruption to local traffic on Virginia street, plus it would increase noise pollution in the area of the houses surrounding the construction. This will also infringe of the privacy of those dwelling in the houses surrounding the bowling green.

Thus we seek to take action to prevent these proposals from being given planning permission.

We, the undersigned, are concerned citizens who urge our leaders to act now to reject the planning permission for construction of houses on the bowling green, adjacent to the Former Shakespeare Public house.

Printed Name	Signature	Address	Comment	Date
IGAN MOUNT	<i>[Signature]</i>	14 LIMAKKE ST		11/1/10
JANE KEALS	<i>[Signature]</i>	12 LIMAKKE ST		11
RAM JONES	<i>[Signature]</i>	6 LINDSEY SE		11
HILPPON HAY	<i>[Signature]</i>	17 ARBOUR ST		11
JANE SILVER	<i>[Signature]</i>	6 ARBOUR ST		11
M THOMPSON	<i>[Signature]</i>	14 ARBOUR ST		11
A. YATES	<i>[Signature]</i>	2A ARBOUR ST		11
S. HEWARD	<i>[Signature]</i>	9 VIRGINIA ST.		11
ALYBERRY	<i>[Signature]</i>	15 VIRGINIA ST		11
S. JONES	<i>[Signature]</i>	15 VIRGINIA ST		11



Printed Name	Signature	Address	Comment	Date
WENDY WALKERONE		10 LINAKER ST		2-1-10

# Agenda Item 4b

SEFTON COUNCIL  
27 JAN 2010  
REGENERATION BSU

15 Virginia St  
Southport  
PR66RZ  
25<sup>th</sup> Jan 10

Your Ref

S/2009/1167

Dear Mr Steve Faulkner

I enclose more names (19 in total) to add to the 11 already sent & also sponsorship of Councillor Weaver which you told me was also needed to make the petition into a petition. Councillor Weaver has told me that it gives me the chance to speak at the planning committee which I am happy to do.

My phone numbers are 01704 546561

07875679393

Would be grateful if you would contact me thank you

Yours

A Lydians  
(MRS)


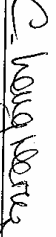

MRS

Printed Name	Signature	Address	Comment	Date
D. JAMES		44 WARDEN CREST SOUTHPORT		22/1/10
M COLLIER		40 Stapleford Rd Farnham		22/1/10
P Taylor		134 SASSER RD		22/1/10
S Toth		15 BOOTHY RD		22/1/10
S APPLETON		149 CENTRAL AVE		22.1.10
NO CHADWICK		138 GLOUCESTER RD		22/1/10
M GOSBY		9 BEECHFIELD MANS		22.1.10
M.E. WALKER		FLAT 7 LINNIS HOUSE 87-89 KENYON ROAD SOUTHPORT		22-1-10
M. Chadwick		19a Gloucester Road PR. 2 2U		23.1.10
B. STAFFORD		69 GLENASCAS DRIVE PR. 3U.		23-1-10
M. STAFFORD		---		---
B. WILKINSON		78 Kennington Road		25/1/10
M. HOBSON		7, Sandringham Road		25/1/10
D. HOBSON		" " "		25/1/10
V. HUTTON		9 SANDRINGHAM RD		25.1.10
S. DARTON		" " "		"

SEFTON COUNCIL  
27 JAN 2010  
REGENERATION BSU

## Petition to [Action Petitioned For]

Petition summary and background	An Application has been put in by G.D.D. Limited to start construction of 11 houses in total which will compromise of 5 pairs of semi-detached two storey houses and one detached bungalow. This could potentially cause a great deal of disruption to local traffic on Virginia street, plus it would increase noise pollution in the area of the houses surrounding the construction. This will also infringe of the privacy of those dwelling in the houses surrounding the bowling green.		
Action petitioned for	Thus we seek to take action to prevent these proposals from being given planning permission. We, the undersigned, are concerned citizens who urge our leaders to act now to reject the planning permission for construction of houses on the bowling green, adjacent to the Former Shakespeare Public house.		

Printed Name	Signature	Address	Comment	Date
L AUSTIN		91 SCARBOROUGH RD		25/1/10
C. LANGSTON		18 UNAKER ST		25/1/10
A. N. LEWIS		15 VIRGINIA STREET		25/1/10

SEFTON COUNCIL  
27 JAN 2010  
REGENERATION BSU

Committee: **PLANNING**

Date of Meeting: **10 February 2010**

Title of Report: **S/2010/0041**  
**Land Adjacent to Hall Road BR Station Hall Road East, Crosby**  
(Blundellsands Ward)

Proposal: Layout of a Park & Ride facility, including bus transport facilities and altered site entrance

Applicant: Mr Darren Hazelwood Mersey Rail

## **Executive Summary**

As the land to the east of Hall Road railway station has been allocated as a site for the development of a Park and Ride facility within policy T4 'Safeguarding the Public Transport Network' of the Unitary Development Plan, the principle of the proposal has therefore been accepted. However, the detailed issues relating to vehicular movement to and from the site, the impact of the development upon existing trees and the cumulative impact upon neighbouring residential amenity must be considered. When assessed against the Unitary Development Plan and all other material considerations, particularly policies AD1, AD2, CS3, D1, DQ3, H10, T1 & T4 the proposal for a Park & Ride facility is acceptable as it would not cause harm to highway safety or detrimental harm to neighbouring residential amenity.

## **Recommendation(s)                      Approval**

### **Justification**

When assessed against the Unitary Development Plan and all other material considerations, particularly policies AD1, AD2, CS3, D1, DQ3, H10, T1 & T4 the proposal for a Park & Ride facility is acceptable as it would not cause harm to highway safety or detrimental harm to neighbouring residential amenity.

### **Conditions**

1. T-1 Full Planning Permission Time Limit
2. L-1 Protection of trees
3. L-2 Method Statement
4. L-3 No felling
5. Landscaping (scheme)
6. L-4 Landscape Implementation
7. NC-5 Japanese knotweed scheme
8. Prior to the commencement of the development, the approved scheme and timetable for the eradication of Japanese Knotweed referred to in condition 7

# Agenda Item 4c

above, shall be implemented in full and a validation report confirming the remediation treatment carried out and that the site is free of Knotweed shall be submitted to and approved in writing by the Local Planning Authority.

9. No part of the development shall be brought into use until the existing vehicular access on to Hall Road East has been permanently closed off and the footway reinstated. These works shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
10. No part of the development shall be brought into use until a means of vehicular and pedestrian access to the site has been constructed. These works shall be in accordance with details, which have been approved in writing by the Local Planning Authority
11. No part of the development shall be brought into use until visibility splays of 2.4 metres by 40.0 metres at the proposed junction with Hall Road East have been provided clear of obstruction to visibility at or above a height of 0.9 metres above the carriageway level of Hall Road East. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. Until otherwise agreed in writing by the Local Planning Authority, no part of the development shall be brought into operational use until a scheme to remove/relocate/replace the existing telephone kiosk on the north side of Hall Road East outside the development site has been implemented in accordance with plans submitted to and approved by the Local Planning Authority.
13. 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 a new junction access onto Hall Road East incorporating tactile paving and flush kerbs together with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority.
  - the provision of 'Give Way' carriageway markings (diag. 1003, 1009, 1023 & 1004) at the new junction access with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority.
  - the provision of 'Give Way' sign (diag. 602) together with a new post, illumination and electrical connection with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority.
  - the provision of Level Crossing sign (diag. 770 & 573 - 20 yards with right hand arrow) together with a new post, illumination and electrical connection with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority.
  - the provision of yellow box junction carriageway markings within the extent of a level crossing (diag. 1045) with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority, and;

- the provision of a scheme of direction signs to 'Hall Road Station - Park & Ride' (e.g. diag. 2503 & 2504) 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.

14. Unless otherwise agreed in writing, the development shall not be brought into use until a Traffic Regulation Order to introduce waiting restrictions on Hall Road East, Hall Road West, The Serpentine North, Dowhills Road and Spinney Crescent in the vicinity of the development site has been implemented in full.
15. H-6 Vehicle parking and manoeuvring
15. X1 Compliance

## Reasons

1. RT-1
2. RL-1
3. RL-2
4. RL-3
5. In the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.
6. RL-4
7. RNC-5
8. RNC-6
9. RH-1
10. RH-2
11. RH-3
12. In the interests of highway safety and to accord with policies CS3 and DQ1 of the in the Sefton Unitary Development Plan.
13. RH-5
14. In the interests of highway safety and to accord with policies CS3, DQ1 and AD2 of the Sefton Unitary Development Plan.
15. RH-6
16. RX1

## Drawing Numbers

NG6661-05, NG6661-09, NG6661-10, NG6661-16, NG6661-17, NG6661-018

# Agenda Item 4c

## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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





<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>		S/2010/0041 Land Adjacent to Hall Road BR Station Hall Road East Crosby L23 OSGR: 330455, 400698 <b>Sheet(s):</b> 146A <b>Area:</b> 4076 sqm		<b>Standard Site Plan</b> Scale: 1:1250 Date: 26/1/2010 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. 1000181923</small>		<small>Created by Sefton Council Planning &amp; Economic Regeneration Department using MapInfo</small>		Ward(s): Blundellsands Postcode Sector(s): L23 8 Polling District(s): M2, M1 Parish(es): None Found	

# Agenda Item 4c

S/2010/0041

## The Site

A disused area of land to the east of Hall Road Railway Station secured to the east and north boundaries by palisade fencing.

## Proposal

Layout of a Park & Ride facility, including bus transport facilities and altered site entrance.

## History

S/2000/0723 – Application under Schedule 2, Part 24 of the General Permitted Development Order for the installation of a telecommunications mast. Refused 2 November 2000.

## Consultations

*Highways Development Control* – There is an existing vehicular access to this site, however as part of this development it will be slightly repositioned and widened to cater for the traffic which will be generated by the Park & Ride facility (including buses).

In order to improve the visibility for motorists exiting the Park & Ride facility onto Hall Road East, the existing boundary wall and fence should be realigned or reduced in height so that no part of it is higher than 900mm above road level. In addition, the existing telephone kiosk will need to be removed/relocated/replaced such that it does not interfere with the visibility sight lines.

A scheme of off-site highway works will be required in order to facilitate this development and ensure the safe operation of the level crossing.

In order to encourage the use of the car park and safeguard against any future problems caused by overspill car parking if the demand exceeds the capacity of the car park (as has happened at other locations) a scheme of waiting restrictions will need to be introduced covering sections of Hall Lane West, Hall Lane East, The Serpentine, Dowhills Road and Spinney Crescent.

In view of the above, there are no objections as there are no highway safety implications, subject to conditions and informatives being added to any approval notice.

*Environmental Protection Director – To be included as late representations.*

*Merseyside Environmental Advisory Service – To be included as late representations.*

*Network Rail* – No objections to the proposal subject to the provision of yellow hatching on the road approaches to the level crossing and that buses are permitted to only turn left out of the car park.

## Neighbour Representations

**Last date for replies:** 25<sup>th</sup> January 2010 (date extended from 20<sup>th</sup> January due to a technical fault).

**Representations received:** A petition supported by Councillor Parry with 29 signatories objecting to the proposal plus five Letters of objection from Number 52 Hall Road East and Numbers 21, 32, 40, 42 Spinney Crescent.

Points of objection relate to non material issues such as consideration of other sites and inadequate consultation by the application, but also to material considerations such as the impact upon highway safety due to vehicles turning right towards the level crossing and harm to neighbouring amenity through increased disturbance.

## Policy

The application site is situated in an area allocated as part Primarily Residential and part Green Belt 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
T1	Transport Network Priorities
T4	Safeguarding the Public Transport Network

## Comments

As the land to the east of Hall Road railway station has been allocated as a site for the development of a Park and Ride facility within policy T4 'Safeguarding the Public Transport Network' of the Unitary Development Plan, the principle of the proposal has therefore been accepted.

However, the detailed issues relating to vehicular movement to and from the site, the impact of the development upon existing trees and the cumulative impact upon neighbouring residential amenity must be considered.

While a section to the left hand side of the site is allocated as Green Belt, the impact upon this designation was considered in the production of the adopted 2006 Unitary Development Plan.

### Highway Safety

# Agenda Item 4c

The proposed layout will allow for a widening of the existing vehicle access with the provision of a 2 metre wide pedestrian access into the site from Hall Road East. The submitted plans indicate the removal of the existing brick boundary wall with concrete coping to the left hand side, which would provide an adequate visibility splay for vehicles leaving the facility. However, the loss of this boundary wall in its entirety is considered to be detrimental to the character of the area and as such, a revised plan has been requested to retain this wall but with a reduction in height to 900mm and for it to be resited to provide for an acceptable pedestrian access.

So as to ensure an adequate visibility splay from the vehicle access, the telephone box to the pedestrian footpath must be removed/relocated/replaced and this will be secured with a condition to any approval.

As stated by the Highways Engineers, so as to encourage the use of the car park and safeguard against any future problems caused by overspill car parking if the demand exceeds the capacity of the car park (as has happened at other locations) a scheme of waiting restrictions will need to be introduced covering sections of Hall Lane West, Hall Lane East, The Serpentine, Dowhills Road and Spinney Crescent.

The proposed Park & Ride facility plus the scheme of waiting restrictions will address an existing concern raised by residents of the area with regards to users of Hall Road railway station parking within neighbouring roads.

With regards to the requirement of Network Rail that buses may only exit the site to the left (to the east), it is not considered that this is a matter to be controlled by condition attached to consent as it is an operational matter that can be instigated by agreement between Merseyrail and Network Rail. Furthermore, it is considered that vehicles turning right (to the west) towards the level crossing would not be to the detriment of highway safety due to the scheme of signage and off-site highway works that will be conducted.

## Trees & Development

The southern half of the site, towards Hall Road East, is well served by a number of mature and recently self-seeded trees. The proposal as submitted indicates that all trees within the site are to be removed, yet no replacement planting scheme, or landscaping scheme in general has been submitted for consideration. So as to accord with UDP policy DQ3, any trees that are to be removed to enable development must be replaced on at least a 2:1 basis. If the replacement trees cannot be accommodated on site then the developer will be required to enter into a legal agreement to provide a commuted sum for off-site planting.

While a landscaping scheme has not been provided, the arboricultural report submitted does provide justification for the level of tree removal required and also suggests a possible replacement planting scheme (as set out in Appendix 8).

Following site visit, it was considered that there is sufficient justification for the removal of a number of trees but that the Council disagrees with the report in that the

level of tree cover provides little amenity value when assessed against the existing standing of the neighbouring residential areas.

In addition to the amenity value of trees to the front of the site, the existing trees to the right hand side of the proposed access have a positive impact to the amenity of properties on Spinney Crescent and Number 54 Hall Road East as they will screen the facility to some degree to the first-floor windows of these neighbouring properties.

The retention of some of the existing trees would allow some maturity to tree cover within the site to be retained and offset any loss of amenity in the short term while new tree planting establishes.

So as to address this concern, and the potential shortfall of replacement planting within the scheme, amendments have been requested to the proposed layout of the Park & Ride facility to incorporate the retention of specific existing trees and the provision of replacements elsewhere within the site.

Any amendments received will be presented as late representations.

It is also noted that Japanese Knotweed has been identified within the site, yet no scheme of its removal and eradication has been submitted. As such, conditions will be attached to any approval to address this issue.

## Residential Amenity

At its nearest point, the site for the Park & Ride proposal is positioned 14 metres away from the rear boundary of Number 42 Spinney Crescent to the west, the rear wall of which is set a further 30 metres away. The separation distance to neighbouring properties to Spinney Crescent increases to the north with a maximum distance of 24 metres to the boundary with Number 32, with a further 22 metres to the rear elevation.

It is evident that a separation distance of no less than 35 metres is retained to all the properties on Spinney Crescent, assisted by the depths of residential gardens and the undeveloped strip of land between the proposal and rear boundaries to residential properties.

The property closest to the proposal, Number 54 Hall Road East has a side elevation 5 metres from the undeveloped strip of land with a further 14 metres to the boundary of the Park & Ride.

Following a site visit, the applicant has been requested to provide amended plans to address a number of concerns, one of which was the absence of acoustic fencing to the eastern boundary to neighbouring residential properties. It is considered appropriate to require close boarded fencing to the eastern boundary so as to screen the facility to some degree from neighbouring properties and to mitigate for potential noise disturbance. The incorporation of close boarded fencing was considered to be reasonable by the applicant during site visit, and as such it is expected that a revised

# Agenda Item 4c

plan will be received indicating its inclusion after the removal of the existing palisade fencing.

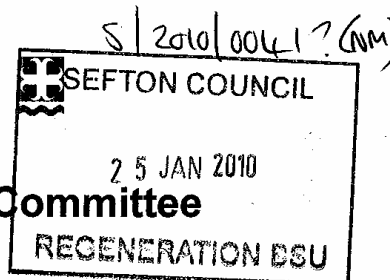
By virtue of the separation distance afforded by the vacant strip of land, the trees to be retained, and the potential for a close boarded fence to be provided to the east elevation, it is not considered that the residential amenity of neighbouring properties will be significantly harmed.

**For the reasons set out above, it is recommended that, subject to acceptable plans being provided, the application be granted consent with conditions as the Park & Ride facility adheres to a formal allocation within the adopted Unitary Development Plan and when assessed against the policies within the UDP would not cause harm to highway safety or detrimental harm to neighbouring residential amenity.**

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

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

## Sefton Council



### Petition To Speak At Planning Committee

You have recently submitted a petition to the Planning Department of Sefton Council regarding planning application:

Site Address: land adjacent to Hall Road  
Station, Hall Road East Crosby

Application Number: 5/2009/1184

Would you please confirm whether or not you wish to address a Planning Committee

Yes  No

If you intend to speak, the petition must be signed by 25 Sefton residents and be supported by a Councillor. Please give the name of the Councillor submitting your petition.

This petition is being submitted by Councillor Paula Parny

We will also need to contact the person intending to speak at Committee. Please confirm the following details:

Name Mr. William R. Hill

Address 42 Spinney Crescent, Blundellsands,  
Liverpool L23 8TZ

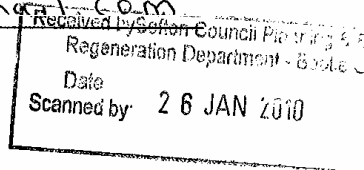
Telephone Number 0151 931 1724

E-mail address wrhill2000@hotmail.com

**Please return this form as soon as possible to:**

Sue Tyldesley  
Planning Department  
Balliol House  
Bootle  
L20 3NJ  
Fax: 0151-934-3587  
E-mail: [planning.dcsouth@planning.sefton.gov.uk](mailto:planning.dcsouth@planning.sefton.gov.uk)  
(for applications in the South area)

Or  
Phil Hardwicke  
9-11 Eastbank Street  
Southport  
PR8 1DL  
Fax: 0151-934-2213  
E-mail: [planning.dcnorth@planning.sefton.gov.uk](mailto:planning.dcnorth@planning.sefton.gov.uk)  
(for applications in the North area)



# Agenda Item 4c

Warrington Council Planning & Economic  
Regeneration Department - Bootle Office  
Date  
Scanned by: 26 JAN 2010

## OBJECTION TO PLANNING APPLICATION S/2009/1184 CONSTRUCTION OF PARK & RIDE HALL ROAD STATION

We the undersigned object to the above and appended are some of the reasons.

- No consultation with the community.
- Inadequate notice, taking account of national holiday period.
- No assessment of effect on biodiversity on nearby green belt fields.
- No assessment of effect on residents of noise or pollution from vehicle emissions.
- No assessment by consulting engineers of relative merits of a location WEST of the railway line. In this context any commercial value of the west side land should be ignored if safety is compromised by the proposal of a location on the EAST.
- Apart from usage by rail replacement buses there is no information on usage by any other buses.
- Most importantly, the car park entrance would be too close to the level crossing. Traffic on Hall Road East and West is heavy and congestion will be inevitable. The risk of a vehicle being trapped on the crossing is very real.

Signature	Print Name	Address	Date
	E. MATTHEWS	32 SPINNEY CRES	6/1/10
	F. WALMSLEY	23 SPINNEY CRES	6/1/10
	DAVID GARNER	32 SPINNEY CRES.	6/1/10
	R. ASHCROFT	34 Spinney Cres	12/1/10
	A. ASHCROFT	34 Spinney CR.	12.1.10.
	W. ASHTON	36 SPINNEY CRES.	12/1/10
	M. J. ASHTON	36 SPINNEY CRES.	12.01.10.
	M WHITTAKER	38 spinney cres	12.01.10
	M WHITTAKER	38 spinney cres	12.01.10
	K. WHITTAKER	38 spinney cres	14.01.10
	K WHITTAKER	38 SPINNEY CRES	15.01.10.



# Agenda Item 5

**Committee:** **PLANNING**

**Date of Meeting:** **10 FEBRUARY 2010**

**Title of Report:** **Planning Approvals**

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

**Contact Officer:** **S Tyldesley (South Area) Tel: 0151 934 3569**

<b>This report contains</b>	<b>Yes</b>	<b>No</b>
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

<b>Corporate Objective</b>		<b>Impact</b>		
		<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>
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

<b>A</b>	<b>S/2009/0873</b>	<b>Various Properties On Keble Road, Hertford Road, Exeter Road, Queens Road, Kings Road, College View, Marble Close and Balliol Road, Bootle</b>	<b>Linacre Ward</b>
<b>B</b>	<b>S/2009/0929</b>	<b>Carlton Hotel, 86-88 Lord Street, Southport</b>	<b>Dukes Ward</b>
<b>C</b>	<b>S/2009/1019</b>	<b>St John &amp; St James Church, 50a Monfa Road, Bootle</b>	<b>Derby Ward</b>
<b>D</b>	<b>S/2009/1082</b>	<b>Land rear 45-51 High Park Road, Southport</b>	<b>Norwood Ward</b>
<b>E</b>	<b>S/2009/1083</b>	<b>131 Southport Road, Lydiate</b>	<b>Park Ward</b>
<b>F</b>	<b>S/2009/1103</b>	<b>Hawthorne Tannery, Hawthorne Road, Bootle</b>	<b>Litherland Ward</b>
<b>G</b>	<b>S/2009/1125</b>	<b>Maggies Public House, Bridle Road, Netherton</b>	<b>Netherton Ward</b>
<b>H</b>	<b>S/2009/1133</b>	<b>The Croft, 8 Thirlmere Road, Hightown</b>	<b>Manor Ward</b>
<b>I</b>	<b>S/2009/1136</b>	<b>21 Victoria Road, Formby</b>	<b>Harington Ward</b>
<b>J</b>	<b>S/2009/1145</b>	<b>Salvation Army, Shakespeare Street, Southport</b>	<b>Kew Ward</b>
<b>K</b>	<b>S/2009/1194</b>	<b>Netherton Activity Centre, Glovers Lane, Netherton</b>	<b>St Oswalds Ward</b>
<b>L</b>	<b>S/2009/1205</b>	<b>Laurel Cottage, Broad Lane, Thornton</b>	<b>Manor Ward</b>

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Committee: **PLANNING**

Date of Meeting: **10 February 2010**

Title of Report: **S/2009/0873**  
**Various Properties On Keble Road, Hertford Road, Exeter Road, Queens Road, Kings Road, College View, Marble Close and Balliol Road, Bootle**  
(Linacre Ward)

Proposal: Construction of 159 no. (2,2.5 and 3 storey) residential dwellings, garages and cycle/bin stores including the layout of car parking and public realm areas

Applicant: Keepmoat Homes Keepmoat Homes North West

## **Executive Summary**

This application seeks approval for a revised scheme for the Queens/Bedford phases 1B and 2. the proposal is an important part of the regeneration strategy for south Sefton which is being delivered through the Housing Market Renewal programme. The main issues to consider are the acceptability of the revised layout and design and its relationship to the Kings centre. Type of housing, housing tenure and detailed planning criteria are also discussed in the report.

**Recommendation(s)                      Approval**

## **Justification**

The principle of development on this site has been agreed under previous applications. The proposals have been assessed against UDP policies and in the context of all other material considerations the proposals are considered acceptable. The detailed layout and design has been negotiated and is now acceptable .

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. The works comprised in Phase 2 of the development shall not be completed until works to bring the Kings Centre back into use have been commenced.
4. M-2 Materials (sample)
5. M-6 Piling
6. L5 Landscaping (scheme)
7. L-4 Landscape Implementation
8. L-5 Landscape Management Plan
9. H-2 New vehicular/pedestrian access

# Agenda Item 5a

10. H-6 Vehicle parking and manoeuvring
11. H-7 Cycle parking
12. H-9 Travel Plan required
13. H-10 Mud on carriageway
14. H-11 Construction Management Plan
15. Unless otherwise agreed in writing, no part of the development shall be occupied until a Traffic Regulation Order (TRO) to introduce a scheme of parking controls/waiting restrictions on all roads within the development site has been implemented in full.
16. Unless otherwise agreed in writing, no part of the development shall be occupied until a Traffic Regulation Order (TRO) for a 20mph zone on all roads within the development site has been implemented in full.
17. Unless otherwise agreed in writing by the LPA, no development shall take place until a detailed scheme of highway improvements, including the reconstruction of the footways adjoining the site, incorporating the provision of flush kerbs and tactile paving, has been submitted for the approval of the LPA. No part of the development shall be occupied until the approved scheme has been implemented in full.
18. Unless otherwise agreed in writing by the LPA, no development shall take place until a detailed scheme of street lighting on all roads within the development site, has been submitted for the approval of the LPA, the said scheme shall comply with the requirements of BS5489. The approved scheme shall be implemented in full prior to the development being brought into use.
19. S-106 Standard S106 Parking and Waiting
20. S106 Agreement
21. R-2 PD removal garages/ extensions/outbuildings
22. S-1 Site Waste Management Plan
23. M-8 Employment Charter
24. 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.
25. All dwellings shall meet at least Code 3 sustainable homes
26. Con-1 Site Characterisation
27. Con- 2 Submission of Remediation Strategy
28. Con-3 Implementation of Approved Remediation Strategy
29. Con-4 Verification Report
30. Con-5 Reporting of Unexpected Contamination
31. No dwelling shall be commenced on the Balliol road frontage until a revised noise assessment including mitigation measures taking into account the noise on Balliol Road, Stanley Road and the railway has been submitted to and approved in writing by the LPA. All approved mitigation measures shall be incorporated into the development.

## Reasons

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1. RT-1
2. RX1
3. To ensure that the Listed building is retained in conjunction with this development
4. RM-2
5. RM-6
6. RL1
7. RL-4
8. RL-5
9. RH-2
10. RH-6
11. RH-7
12. RH-9
13. RH-10
14. RH-11
15. RH-5
16. RH-5
17. RH-5
18. RH-5
19. RH-5
20. R106
21. RR-2
22. RS-1
23. RM-8
24. To meet the requirement of UDP Policy H2.
25. To accord with the Interim Planning guidance for South Sefton
26. RCON-1
27. RCON-2
28. RCON-3
29. RCON-4
30. RCON-5
31. RP-3

## **Drawing Numbers**

To be advised

# Agenda Item 5a

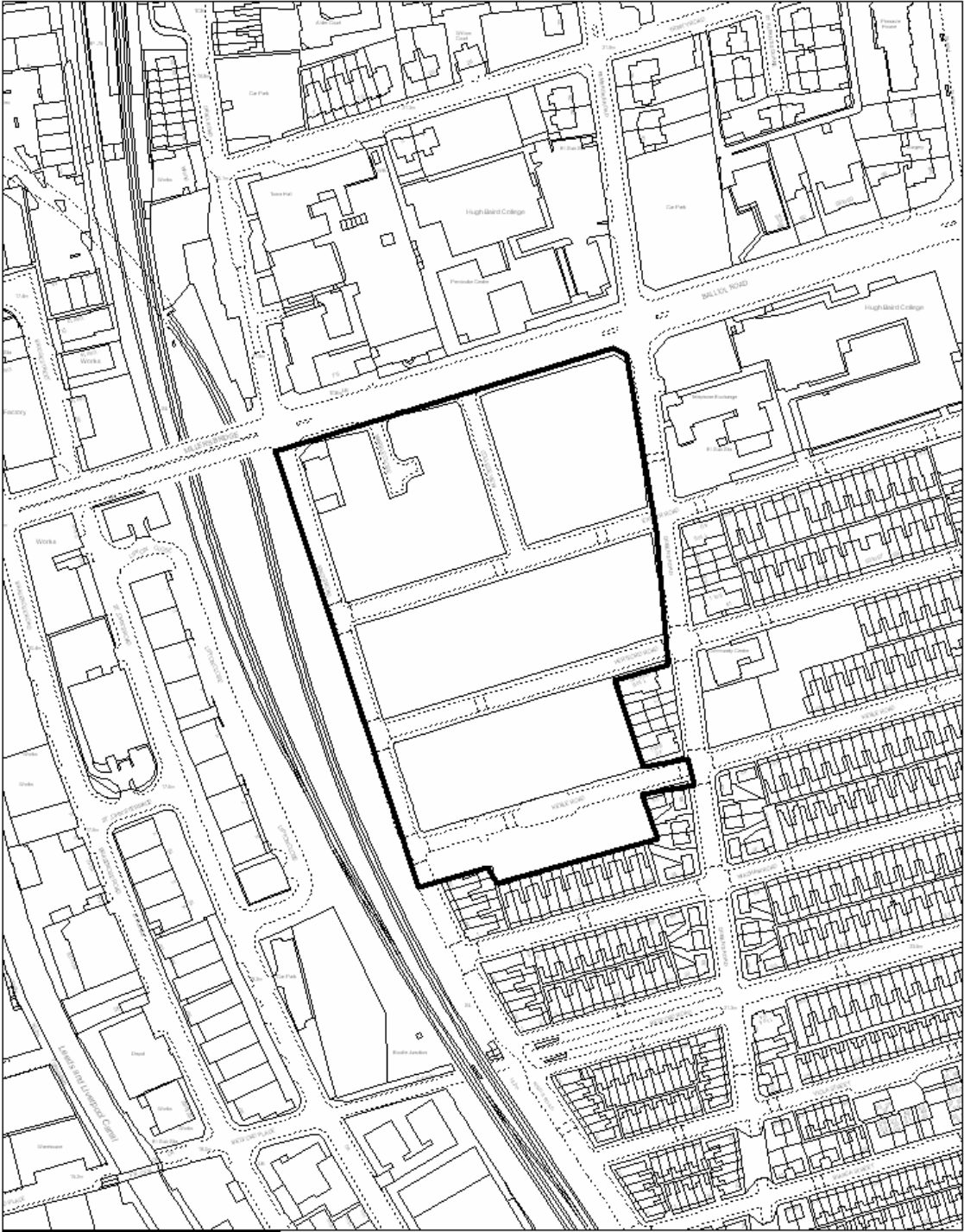
## Financial Implications


<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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





 <b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the                  Regeneration &amp; Environmental Services Directorate</small>	S/2009/0873 Various Premises Queens / Bedford Bootle L20 OSGR: 334166, 394671		Sheet(s): 306, 30A Area: 37666 sqm		Standard Site Plan Scale: 1:1250 Date: 26/1/2010 Drawn By: EBERT 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 Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.                  Sefton Council Licence No. 1000181923</small>		<small>Created by Sefton Council Planning &amp; Economic Regeneration Department using MapInfo</small>		Ward(s): <i>Isaacre</i> Postcode Sector(s): <i>L20 8, L20 7</i> Polling District(s): <i>J6</i> Parish(es): <i>None Found</i>

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S/2009/0873

## The Site

This application concerns Phases 1B and 2 of the Queens Road/Bedford Road housing market renewal scheme. It basically covers the area bounded by Queens Road, Kings Road, Balliol Road and Keble Road with the exception of part of the frontage to Queens Road (already developed as Phase 1A) and the Kings Centre (which is now a Listed building). The houses which previously occupied the site were subject of a CPO and have now been demolished. The site has been cleared and lies vacant.

## Proposal

Construction of 159 no. (2, 2.5 and 3 storey) residential dwellings, garages and cycle/bin stores including the layout of car parking and public realm areas

## History

- S/2008/0295 - Variation of house types for S/2006/0239. Approved 15/05/2008
- S/2006/0239 - Reserved matters for 220 flats and houses and associated works - Approved 18/05/2006
- S/2004/1326 - Outline application for new residential development, mixed use development to Stanley Road frontage and associated works - Approved 02/06/2005 (Phases 1B, 2, 3, 1D)

## Consultations

*CABE* - initial response attached. Comments on revised plans awaited.

*Highways Development Control* – there are no objections to the proposal in principle, as there are no highway safety implications.

The proposed layout of the site access roads, together with the alterations to the alignment of Kings Road and Queens Road, will create a 'Homezone', where priority is shared between all road users (pedestrians/cyclists/motor vehicles) resulting in lower vehicle speeds and a safer and more attractive environment for residents. A scheme of traffic signs to indicate the 20mph speed limit/homezone will be required.

The existing roads and passageways within the extent of the development site have already been 'Stopped-Up'. The applicant will be required to submit a drawing to clearly define which areas are intended to form part of the adopted highway, and which areas will be within private ownership or maintained by any subsequent RSL/management company. Details regarding the drainage, construction details and palette of materials for use in the areas intended for adoption, are subject to the approval of the Highway Authority and the roads will be adopted under s38 of the Highways Act 1980.

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The drawing indicates each residential unit as having one allocated car parking space, which given the highly accessible location of the development site, close to Bootle Town Centre and excellent public transport facilities, is acceptable.

The Bootle Parking Strategy has identified the area for a Residents Privileged Parking scheme. The applicant will be required to fund the implementation of this scheme through a Section 106 Agreement (including legal procedures, advertising, traffic signs and carriageway markings).

Secure enclosed cycle parking for residents of the flats will be provided in dedicated cycle stores, however a number of 'Sheffield' stands will be required for use by visitors, which should be located close to the main entrances to each block.

A Travel Plan for the eventual occupants of residents will need to be developed and a condition attached to any approval notice to secure this.

In view of the above, there are no objections to the proposal, subject to conditions.

*Merseytravel* – no objections but wish to ensure traffic can be accommodated on the network; Travel plan to be prepared; good quality walking routes to bus stops provided and contribution towards improvements at Oriol Road station; access for dial-a-ride.

*Environmental Protection* - no objections subject to conditions. The noise assessment requires some review.

*Police Architectural Liaison Unit* – views on revised scheme awaited.

*United Utilities* –no objections

*Merseyside Fire and Rescue* - access and water supplies to accord with guidance.

## Neighbour Representations

Objections received to original scheme from occupier of 34 Mersey house, 43 Wadham road, on grounds that

- out of place and inappropriate design; destroys setting of Kings Centre.
- development on Balliol road unsustainable –impact of traffic, poor design
- house types poor; flats over garages indeterminate; no bungalows, too many apartments
- social rented housing is on Balliol road frontage –worst conditions for the most disadvantaged and too many 2 bed units
- too much parking; streets too narrow; inadequate greenspace and trees.
- parking for the college is needed and would be better use of the site-need some sort of residents parking scheme

Letters from 32 Kings Road and 78 Keble Road

One resident objects only to the inclusion of social housing in the scheme as it won't be looked after and will lower values in the area.

One resident is concerned about being misinformed about proposals in the area.

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## 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
CS1	Development and Regeneration
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
DQ5	Sustainable Drainage Systems
EP3	Development of Contaminated Land
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
H12	Residential Density
H2	Requirement for Affordable, Special Needs and Housing
H7	Housing Renewal, Clearance and Regeneration
H8	Redevelopment within the Pathfinder Area
HC4	Development Affecting the Setting of a Listed Building
UP1	Development in Urban Priority Areas

RSS L4 Regional housing Provision

## Comments

### Background

This application concerns phases 1B and 2 of the Queens /Bedford redevelopment project. Proposals for Housing Market Renewal in this area were initially approved in June 2005 under planning application S/2004/1326. This outline application followed the guidance in the Supplementary Planning Guidance and Development Brief for the Bedford road/Queens Road area. It was recognised that this area of south Sefton was in urgent need of regeneration. The outline application covered an area greater than Phase 1B and 2 - including also phases 3 and 1D. These last two phases have now been dealt with under different permissions.

Reserved matters for Phase 1B/2 were submitted in March 2006 (application S/2006/0239) following a period of discussion with the CABE enabling team to produce a scheme which met the planning requirements of the outline application and met CABE's concerns. Permission was granted in May 2006

The Compulsory Purchase Order for the area was subsequently confirmed and demolition has taken place. The site now lies vacant with the exception of the Kings Centre on the corner of Balliol Road and Kings Road which was Listed on 29/01/2007.

Variations to the scheme, mainly to alter house types were approved in May 2008.

The present application seeks to revise the scheme to take into consideration the changed market conditions and also take into account the retention of the Kings Centre. The main changes seek to increase the number of houses relative to apartments which in turn reduces the number of units. The applicant also seeks to increase the within curtilage/off street parking provision and to vary house types to make the scheme stack up more reasonably in economic terms.

The principle of the development has been established by the previous permission and the issues raised by the present scheme primarily relate to layout and design. The impact on and future of the Kings Centre in its relationship to this application is also a very important consideration. Housing mix and affordable housing; access and parking; impact on residential amenity and issues of landscaping trees and greenspace also must be considered.

## **Layout and design**

The proposed layout generally follows the layout of streets established under the previous reserved matters application which was agreed with CABE. In this respect no significant issues are raised. The layout follows the general pattern of previous development on the site but includes a small greenspace area for use by residents. The block pattern is therefore acceptable.

The main issues have arisen in respect of the detailed layout of dwellings within the blocks. The original submission was considered by CABE and the initial response is attached to this report. This report is quite negative. CABE were not convinced that the perception of Sefton would be transformed by this new housing. In more detail they raised the followings major concerns

- parking courts
- fragmented arrangement of houses along streets
- poor quality of architecture
- relationship to Kings Centre.

Planning Officers have worked closely with the applicant, Keepmoat to see if these issues could be resolved and the revised proposals represent the outcome of these discussions. These revisions are being shared with CABE and their response will be reported at the meeting.

## *Parking courts*

The applicant has been very concerned about this issue. From a marketing point of view they feel that houses, especially 3/4 bed houses (which comprise most of this development) require 1 and ideally 2 within curtilage spaces. This provides a real challenge. The previously approved scheme relied greatly on on-street unallocated parking which the applicant feels reduces the saleability of the scheme and will result in conflicts between residents over availability of parking.

The parking arrangements have been discussed further and the parking courts reduced in size to become less dominant aspects of the scheme. The scheme has now been designed to use these courts to provide one parking space for those

# Agenda Item 5a

houses which would otherwise have no off street parking. This seems a reasonable compromise - although it falls well short of the applicant's aspirations. Courts would be securely gated.

The Director considers that the revisions to reduce these courts and reconsider parking now result in an improved and acceptable scheme.

## *Street scenes*

The fragmentation of streets is largely due to the difficulty of turning corners and providing gardens whilst maintaining a continuity of street scene. The applicant has looked at this issue and introduced a new corner turning house type. This has increased the number of units proposed on the site to 157. In addition to this the side elevation of other units has been redesigned to relate to the corner. These changes have been done in conjunction with redesigning the appearance of the house types used in the scheme.

The frontages to properties will be defined by low walls/railings Details have been requested.

## *Architecture*

The original submission sought to use standard house types and standard elevations in a way which gave the development no sense of character and did not relate to surrounding development. These have now been developed and features added to create some variation and provide an improved scheme. The apartments to Balliol Road frontage have been redesigned and bays and features added. These features are then repeated in different ways throughout the development. Materials are still under discussion, but in addition to brick and render some grey cladding is proposed. Again the further views of CABE are awaited. The Director considers that significant improvement has been made and that the revised scheme, whilst not exceptional, is now acceptable.

## *Kings Centre*

The original outline and reserved matters approvals provided for the demolition of the Kings Centre. Its Listed status now changes the situation. The Kings Centre is not included in the present scheme but the applicant has been asked to consider future uses in conjunction with the HMRI team. It is clear that this will be a very considerable challenge. A scheme is under discussion and it is hoped that this will lead to a planning application. It is, however, appropriate to link the timing of the works to the Kings Centre to the phasing of the proposed development on the application site, a condition requiring this is attached.

There are no major concerns in terms of the impact of the proposed scheme on the setting of the Listed building. The scheme allows space for gardens and parking for future users.

## **Housing mix and affordable housing**

The dwellings all exceed the minimum sizes required by the South Sefton IPG. They also designed to meet Code 3 Sustainable homes and almost all of the properties will meet Lifetime Homes.

The proposals provide 60 units out of 159 for social renting and this breaks down to 34% of proposed bedspaces which meets the requirements for affordable housing.

The scheme provides a good mix of sizes of units from 2-4 bedrooms.

## **Access and parking,**

The Highways Development Control team raise no major concerns. Road closures have been carried out already. The detailed scheme will require detailed discussion with the Director of Technical Services to agree detailed design of homezones and highway works.

The developer will be required to pay the costs of implementation of a residents parking scheme especially in view of the indiscriminate parking currently taking place on the site. Moreover, the previous agreements for this site included the provision of monies to pay for the pedestrian crossing at Balliol road. This has now been put in but consideration should be given to a contribution. This matter will be reported in more detail in the late information.

## **Residential amenity and security**

The proposals have little impact on adjoining residents and the scheme is acceptable in this respect. The new dwellings in Keble Road do not quite achieve full intervisibility distances to existing houses but the design is unchanged from the previous approval which accepted that the distances provided exceed those previously existing. Most houses in the scheme achieve close to the 21m between habitable room windows.

Garden sizes fall short of the 70sq m norm but greatly exceed the previous yard amenity areas. This reduction was accepted as part of the previous scheme. All dwellings have suitable provision for bin stores and have an amenity area.

On account of the tight nature of the scheme it is recommended that PD rights be withdrawn for extensions and outbuildings.

In terms of security the Architectural Liaison officer raised no significant concerns in respect of the original submission and has been reconsulted on the revised plans.

## **Trees and greenspace**

The proposal includes an area of greenspace within the scheme. This is designed as a square in the centre of the development and full details of its design and provisions for future maintenance are yet to be agreed. The location and size of this

# Agenda Item 5a

space is as previously agreed and is in principle appropriate. Houses face onto it on all sides and it has the potential to be an attractive amenity. However the greenspace provided is only sufficient to provide for 40 dwellings. A commuted sum for £200,396 (119 x £1,684) at current prices would be required for the remainder in order to comply with Policy DQ4

Policy DQ3 requires 3 trees per dwelling ie 477 trees. A commuted sum for those which cannot be provided on site will be required, but is not clear how many would be provided on site the full figure is £213,219 which will need to be reduced pro rata for those on site.

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



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London WC2B 4AN  
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E enquiries@cabe.org.uk  
www.cabe.org.uk

4 December 2009

Susan Tyldesley  
Planning & Economic Regeneration  
Sefton Council  
Balliol House  
Balliol Road  
Bootle  
L20 3RY



Our Ref: CSE-17849

Dear Susan Tyldesley

**SEFTON: BEDFORD ROAD AND QUEENS ROAD, PHASE 1B**  
**YOUR REF: S/2009/0873**

Thank you for consulting the Commission for Architecture and the Built Environment (CABE) about this proposal. We have reviewed proposals for this project on three previous occasions, including in response to the previous planning application (S/2006/0239). Following a site visit prior to the earlier application, and a recent telephone conversation with the local authority, the revised planning application drawings have been considered by chair of design review, Neil Deely, CABE panel member Keith Williams, and design review staff. CABE's views, which supersede all views that may have been expressed previously, are set out below. This is our formal response to the planning application.

#### *Summary*

We are disappointed to note the deterioration in the design quality of development proposed for this site since the previous planning application, approved in 2006. We have no objection in principle to a reworking of the mix of housing that the scheme provides, in line with market conditions. We also support the retention and conversion of the Kings Centre, which has been listed since 2006. However, it is CABE's view that the site layout and house type drawings demonstrate a significant reduction in the design quality of development proposed. We also note that the Kings Centre is excluded from the current application, and that there is a risk it may be left derelict if its conversion is not brought forward as an integral part of the development. We therefore regret to say that we are unable to support the

Commission for Architecture  
and the Built Environment  
  
The government's advisor  
on architecture, urban design  
and public space

# Agenda Item 5a

The arrangement of homes is also less convincing than in the approved scheme. When the previous architects were involved in the scheme, bespoke house types had been developed responding to specific positions, such as corner locations. This allowed good enclosure along street frontages, creating coherent streetscapes, and well protected gardens. This is no longer the case in the current scheme, which has a more fragmented arrangement of houses along streets such as Exeter Road, Hertford Road and the Mews Links.

## *Architecture*

We are disappointed by the very poor quality of architecture now proposed for this development. We note that Halsall Lloyd Partnership, architects for the approved scheme for this site, are no longer involved in the project. In our view a lack of design expertise is evident in the house types now proposed, which seem to be the lowest common denominator of developer housing. The homes proposed have very small space standards and small windows. No effort appears to have been made to respond to the characteristics of the area, for example through use of bay windows, which could give a greater sense of space and light to homes. Overall, we think the architecture of this scheme would do little to lift the spirits of people living here or change perceptions of the place.

## *Kings Centre*

The one positive aspect of the revised planning application for this scheme is the proposed retention of the Kings Centre, which was previously to have been demolished. This fine building has been listed since the 2006 planning approval, and we think its retention will play an important role in maintaining the distinctive character of this area. However, it is not yet clear what the future use of this building will be, and we understand that the local authority is keen that proposals for its conversion should be brought forward in parallel with the current application for housing development. We would support this view, and think it is essential that the local authority are able to influence the phasing of redevelopment of the Kings Centre through the use of planning conditions relating to the current application.



current planning application, which we think will fall well short of the governments aspirations to “transform the prospects of those areas worst hit by low demand through excellent design, high quality homes and public spaces” *Sustainable Communities: Homes for All (ODPM)*.

### *Site context*

We make the general point that this part of Sefton has a strong character that should be regarded as an asset to build upon. There is a great deal this area potentially offers new and existing residents; for example the quality of the historic fabric, the proximity of a local park, easy access to Liverpool city centre, and the proximity of local services. We believe that the regeneration strategy in Sefton should embrace not just the renewal of parts of the fabric but a broader approach to reviving the perception of the place. How can the programme of renewal build on the special qualities already evident in the place, celebrating its richness and making it a place of character and distinction? In this regard we are not convinced that the perception of Sefton will be transformed by this new housing.



### *Site layout*

The general arrangement of streets, homes and public spaces on the site was the most convincing aspect of the approved scheme for this site. The street layout remains, in broad terms as before, with the addition of several parking courts, and a reduction in on street parking. We strongly recommend that the use of parking courts as the primary means of accommodating cars should be reconsidered.

On street parking, if thought of as an integral part of the public realm design, can be highly beneficial; calming traffic without the need for speed bumps, generating activity on streets, avoiding wasteful doubling up of vehicular circulation, freeing space for more generous front gardens. On street parking would allow people arriving by car to enter their homes through the front door, rather than via their garden through french doors, straight into their living room. It would also allow the creation of higher quality private gardens, backing onto gardens in a traditional way. This is not to say that a small amount of courtyard parking could not be included in a successful scheme; but that in our view they should not be the dominant solution.

# Agenda Item 5a

If there is any point on which you would like clarification, please telephone me.

Yours sincerely



Deborah Denner  
Design review advisor



cc	Carol Mather	Keepmoat Homes North West
	Cathy Tuck	English Heritage
	Ian Garland	Government office for the North West

**Declaration of interest**

Jason Prior is a CABE Commissioner, his practice EDAW were the original masterplanners for Sefton.

**Public scheme**

As this scheme is the subject of a planning application, we will publish our views on our website, [www.cabe.org.uk](http://www.cabe.org.uk)

**Regional Affiliation**

CABE is affiliated with independent regional design review panels which commits them all to shared values of service, the foundation of which are the 10 key principles for design review. Further information on affiliation can be found by visiting our website: [www.cabe.org.uk/design-review/regional](http://www.cabe.org.uk/design-review/regional)

Committee: **PLANNING**

Date of Meeting: **10 February 2010**

Title of Report: **S/2009/0929**  
**86-88 Lord Street, Southport**  
(Dukes Ward)

Proposal: Change of Use from bar, restaurant and manager's accommodation to hotel providing conferencing and associated facilities. Hotel and penthouse accommodation to floors one to five, construction of an extension including roof terrace above the existing hotel, enclosure of the fire escape to the rear of the hotel, layout of car parking and landscaping to the front and external renovations

Applicant: Mr M McComb Formby Hall Investments Ltd

## **Executive Summary**

This application is seeking consent for the conversion of the existing hotel to provide restaurant, conferencing and associated facilities, hotel and penthouse accommodation to floors one to five, construction of a roof terrace above the penthouse, enclosure of the fire escape to the rear of the hotel, layout of car parking and landscaping to the front and external alterations.

The main issues for consideration in the assessment of this application are the impact of the proposal on the character and appearance of the Conservation Area, impact on residential amenity and the proposed design and visual impact on the street scene.

**Recommendation(s)                      Approval**

## **Justification**

The proposed change of use and conversion of the property into a hotel is acceptable in principle within Southport Town Centre, the design of the extensions and external alterations will make a positive contribution to the street scene, surrounding area and help to enhance the Lord Street Conservation Area. The proposal will not have a significant detrimental impact on residential amenity and complies with the Council's adopted policy requirements set out in policies CS3, DQ1, DQ3, EP6 and EDT13.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. Before any construction commences, samples of the facing materials to be used in the external construction of this development shall be submitted to and

# Agenda Item 5b

approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

3. P-5 Plant and machinery
4. P-8 Kitchen Extraction Equipment
5. H-6 Vehicle parking and manoeuvring
6. H-7 Cycle parking
7. L-4 Landscape Implementation
8. No part of the external verandah at upper ground floor level shall be used outside the hours of 0800 and 2330.
9. Any windows to be replaced shall be timber and painted in a colour to be agreed in writing with the Local Planning Authority.
10. S-106 Standard S106
11. X1 Compliance

## **Reasons**

1. RT-1
2. RM-2
3. RP-5
4. RP-8
5. RH-6
6. RH-7
7. RL-4
8. In the interests of residential amenity and to comply with policy EDT13.
9. In order to preserve the character and appearance of the Conservation Area and to comply with Sefton's Adopted UDP policy HC1.
10. RS-106
11. RX1

## **Drawing Numbers**

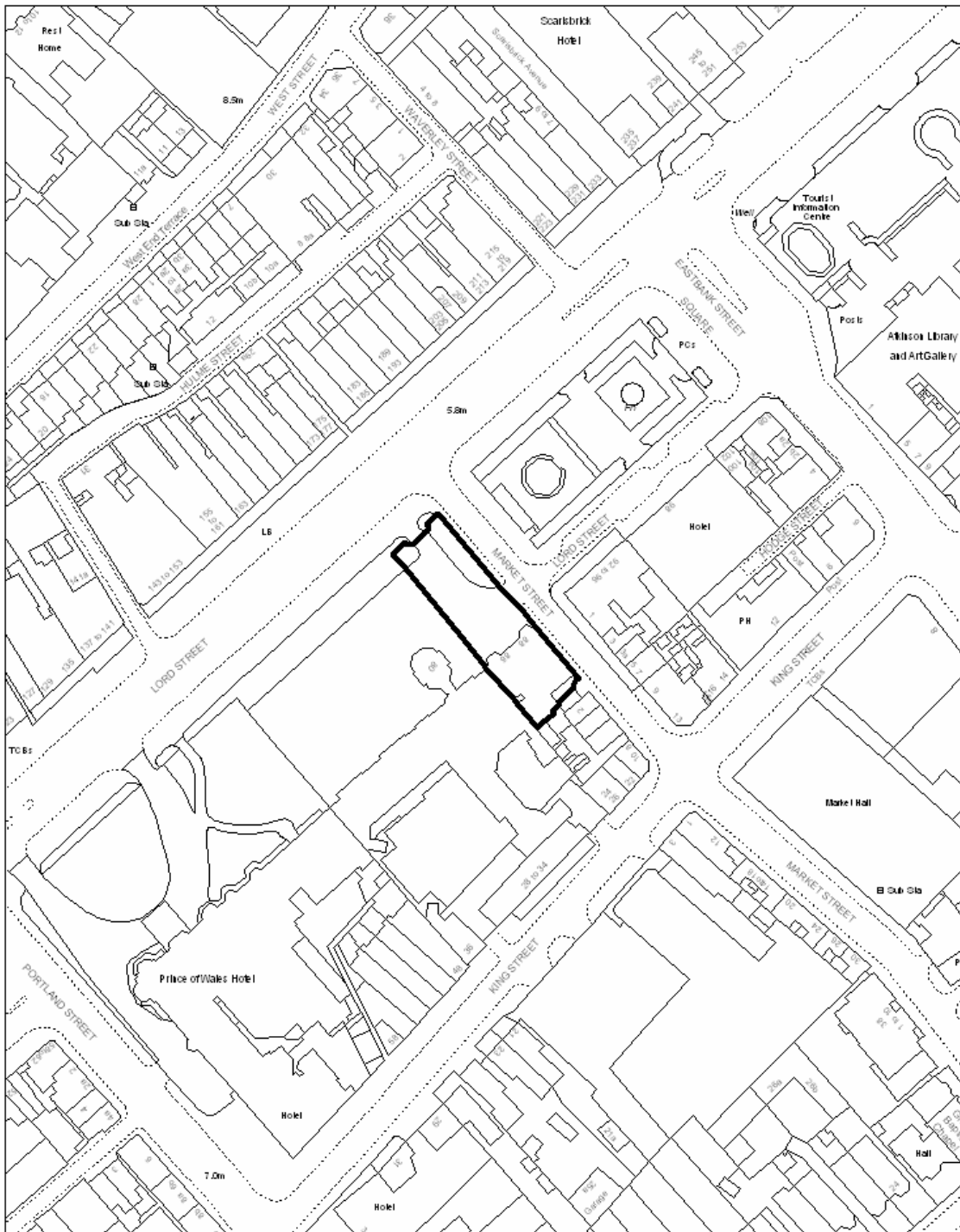
## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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 5b



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>		S/2009/0929 86-88 Lord Street Southport PR8 1JP OSGR: 333469, 417121    Sheet(s): 4896    Area: 879 sqm	Standard Site Plan Scale: 1:1250 Date: 26/1/2010 Drawn By: BEERTON Ward(s): Dukes Postcode Sector(s): PR8 1 Polling District(s): W3, W2 Parish(es): None Found
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S/2009/0929



## The Site

The site comprises a vacant five storey building situated on the south-eastern side of Lord Street at its junction with Market Street. Pedestrian access exists from both Market Street and Lord Street. The site lies within the Lord Street Conservation Area and was formerly used as a public house / restaurant with some residential accommodation to the third floor.

## Proposal

Change of use from bar, restaurant, and managers accommodation to hotel providing conferencing and associated facilities. Hotel and penthouse accommodation to floors one to five, construction of an extension including roof terrace above the existing hotel, enclosure of the fire escape to the rear of the hotel, layout of car parking and landscaping to the front and external renovations.

## History

S/04379 Retention of a two-storey extension at basement and ground floor at the rear and side of the hotel premises to provide additional toilets, staffroom, boilerhouse and store. Granted 03/08/1976

N/1988/0420 Erection of single storey extension at rear of hotel and layout of beer garden on site frontage. Granted 06/07/1988.

N/1987/0123 Change of use from hotel to public house / restaurant and erection of verandah on ground floor and conservatory on the first floor on the front elevation. Granted 10/06/1987.

N/1987/0695 Erection of fire escape staircase at rear of hotel. Granted 27/01/1988.

N/1992/0320 Display of illuminated fascia signs and four free-standing boards. Granted 24/06/1992.

## Consultations

*Environmental Protection Director:*

**S/2009/0929** – No objection in principle subject to conditions re plant and equipment and kitchen extraction equipment.

*Highways Development Control:*

**S/2009/0929** – No objections in principle as there are no highway safety implications. There is an existing 4.2m wide vehicular access and an acceptable footway crossing in situ. The proposal includes the provision of ten car parking spaces to the front of the site which is acceptable, however, at least 2 spaces should be marked out for use by disabled persons. No cycle parking has been shown on the drawings. For the 27 hotel

# Agenda Item 5b

bedrooms, at least 6 secure cycle spaces, ideally contained within an area on the ground floor of the building for staff and visitors should be provided in order to comply with the requirements of the SPD Ensuring Choice of Travel. A minimum of 2 'Sheffield' stands should also be provided for visitors to the restaurant and conference facilities.

## Neighbour Representations

Last date for replies: 3<sup>rd</sup> December 2009

Received: Letter from residents of Forum Court adjacent to the site which is very sheltered housing for people over the age of 60. This letter raises the following concerns:

- The materials chosen for the rear enclosure of the fire escape do not match existing building. Some apartments overlook this part of the building and so will not be pleasant to look at.
- Noise levels from the roof terrace and also the balcony / terrace to the front of the building when in use.
- Privacy for residents of Forum Court from the roof terrace.

## Policy

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

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Greenspace and Development
EP6	Noise and Vibration
HC1	Development in Conservation Areas
HC2	Demolition of Listed Buildings and Demolition in Conservation Areas
R2	Southport Town Centre
EDT13	Southport Central Area Development Principles
EP2	Pollution
EP6	Noise & Vibration
SPD	Trees, Greenspace and Development

## Comments

### **S/2009/0929**

The main issues for consideration in the assessment of this application are the principle of the reinstatement of the hotel use within Southport Town Centre, impact on the character and appearance of the Lord Street Conservation Area, design and impact on the street scene and its surroundings, impact on residential amenity and compliance with trees and greenspace requirements of policies DQ3 and DQ4 and renewable energy requirements of policy DQ2.

### **Principle**

The site lies within Southport Town Centre and Policy R2 states that this area should

remain the focus for new retail development, especially in the Primary Retail Frontages. This site does not form part of the Primary Retail Frontages for Lord Street. Policy EDT13 sets out development principles for proposals within the Southport Central Area and states that development should be consistent with and make a positive contribution to the economic function of the area in a number of sectors including tourism, leisure, the historic character of the Lord Street Conservation Area and re-using and redeveloping land and buildings for activities which strengthen the mixed function and wider role of the area. This proposal clearly meets the criteria of this policy by bringing back into use a large and prominent building for a tourism related use which helps strengthen the mixed function of the area. The principle of this development is therefore considered acceptable.

### **Design and impact on street scene and its surroundings**

Policy DQ1 requires development to make a positive contribution to its surroundings through the quality of their design in terms of scale, form, massing, style, detailing and use of materials.

The external alterations proposed for this property involve a number of features of the existing building. Given the minor nature of some of these alterations, they are considered to be acceptable and include the removal of the existing extension to the side and the removal of palisade fencing to the rear which will improve the appearance of the building given their poor quality and design. The revised glazing to the first floor conservatory on the front elevation is considered appropriate and the insertion of a transom rail will provide appropriate proportions to these windows.

The removal of the brick infill to the lower ground level under the existing verandah will expose the brickwork / bays and enable the main entrance to the hotel to be in a fully accessible position. Amended plans have been submitted showing a small infill extension at the front of the building at lower ground level beneath the verandah. This is a largely glazed feature which will provide a focal point to the front elevation at this level and improves the legibility of the building by clearly demonstrating the position of the main entrance.

Whilst visually this will significantly alter the front elevation and the loss of the central staircase is not ideal, it is considered acceptable given the need to provide level access to the building. A very small extension of the verandah at the front of the building is considered acceptable as it will not have a significant affect on the street scene or building as a whole.

The main alterations proposed to the property are the enclosure of the existing fire escape at the rear of the property and an extension to the top of the building to create a penthouse suite for the hotel. The fire escape will be enclosed from lower ground level up to the fifth floor and clad in pre-patinated copper of colours to reflect that of the existing building's mix of brick and terracotta materials. The design of this extension is a modern addition to this historic building which will allow the building's history to be legible over time and is considered to make a positive contribution to its surroundings as a result. The removal of the existing unsightly external fire escape to the rear is welcomed.

# Agenda Item 5b

The most prominent extension to this building is to the top with the creation of a penthouse suite and roof terrace. This will also be clad in pre-patinated copper as with the fire escape enclosure. The extension will be partially visible from positions along Lord Street but given that it will not project beyond the height of the ridge of the existing building, is not considered to dominate the building or have a negative impact on the overall street scene. Views from Market Street are the most affected as the extensions are positioned to the rear of the building and are clearly visible from Market Street. Despite the visibility of the extension, it is not considered to be harmful to the street scene given its quality of design. Furthermore, the rear and side elevations visible from Market Street will be improved by the removal of the poor quality side extension, palisade fencing and enclosure of the external fire escape and so the development is considered to bring positive improvements to this area.

The extension to the top of the building will be assisted visually in linking it to the rest of the building by the vertical fire escape extension as it is proposed to be constructed of the same materials and will provide a consistent design approach to the additions to the building.

Many windows have previously been bricked up in the building and these will be reopened as part of this scheme which is welcomed.

The alterations to the frontage of the site include the creation of seven car parking spaces. The existing levels will be lowered slightly as shown on sections submitted which is considered appropriate and in accordance with surrounding sites. Vehicles will access the site from Market Street where there is an existing dropped kerb and the existing boundary wall and gate piers will be retained to both the Lord Street and Market Street entrances. The remainder of this frontage area will be landscaped with the existing pedestrian access from Lord Street also being retained. The need for a quality landscaping scheme is essential in this location given its position within the Lord Street Conservation Area. The limited hardsurfacing proposed is a positive element of the proposal on the basis that the existing paved area is excessive in size, is of poor quality and as such detracts from the Conservation Area. The proposal is considered to make a positive contribution to its surroundings by virtue of its design and therefore complies with policy DQ1.

## **Impact on character and appearance of the Lord Street Conservation Area**

The reuse of this prominent building as a hotel will enhance the character and appearance of the Conservation Area as the building has declined in condition in recent years since becoming vacant and is becoming increasingly visually harmful given its prominent location.

In terms of the specific elements of the scheme, the extensions proposed will be of a high quality design and will bring modern additions to a historic building which will allow it to function effectively in the future. The replacement windows will be timber and are therefore appropriate and the alterations to the verandah, removal of the central staircase and creation of new entrance lobby at lower ground floor level are also all considered appropriate in that they allow the re-use of the building with fully accessible entrances. The proposal preserves the character and appearance of the overall Conservation Area.

Furthermore the redevelopment of the frontage area which is currently hardsurfaced in poor quality paving will bring about significant positive improvements to the appearance of the Lord Street Conservation Area with new tree planting and quality soft landscaping. The parking spaces proposed are sited to the front of the hotel, not immediately adjacent to the Lord Street frontage, and a quality landscaped area is provided. The current hardsurfacing of the whole of the frontage area is detrimental to the Conservation Area and the proposal will bring a positive visual benefit to the wider area. The proposal therefore both preserves and enhances the character and appearance of the Conservation Area and therefore complies with policy HC1.

## **Residential Amenity**

Adjacent to the site is Forum Court which provides very sheltered accommodation for people over the age of 60. A letter of objection has been received regarding the potential noise and disturbance for residents from the roof terrace and front verandah. Environmental Protection has confirmed that conditions should be used to ensure the amenity of neighbours continues to be protected in terms of the submission of a scheme for any plant and equipment and kitchen extraction equipment to be submitted. In terms of the use of the verandah to the front of the proposed function / conference room, concern has been raised relating to the potential noise and disturbance from the use of this verandah by patrons of the hotel. This is considered important and whilst a slightly reduced level of amenity can normally be considered acceptable in town centre locations, given the proximity of residential accommodation adjacent at Forum Court, it is important to protect their amenity to some degree. It is therefore considered prudent in this case to restrict the use of the verandah to the front of the property to between 08.00 and 23.00 hours as nearby residents can expect to enjoy a reasonable level of quiet during the night time hours. The proposal therefore complies with policy EP6, CS3 and EDT13 in this respect.

Another concern raised was the visual impact of the rear extension which will enclose the fire escape and the fact that the materials chosen are not in keeping with the existing building. The design of the extensions proposed have been assessed above and given their position and scale are not considered to cause significant harm to residential amenity by virtue of overlooking, overshadowing or a poor outlook.

## **Trees and Greenspace**

Policy DQ3 requires the provision of 1 new tree per 50 sq m of gross floorspace created in the extensions to the building to be planted on the site. The landscaping plan shows a number of trees to be planted within the landscaped area to the front of the property and confirmation is awaited regarding the number of remaining trees which will be provided off site via a section 106 agreement. This will be confirmed through late representations.

Policy DQ4 has a requirement for proposals for changes of use of 1,000 sq m or more to make a financial contribution towards off-site greenspace improvements. For hotels of 1,000 sq m or more gross floorspace, the financial requirement is £1,684 for each 20 sq m of bedroom floorspace. Confirmation is awaited regarding

# Agenda Item 5b

the financial contribution required via a S106 agreement which will also be confirmed through late representations.

In terms of renewable energy, policy DQ2 requires proposals for major non-residential development to incorporate renewable energy production equipment to provide at least 10% of their predicted energy requirements from renewable sources. The applicant has submitted a Sustainability Statement which sets out measures taken in the conversion of the building which will contribute to the energy efficiency of the building. However, it is unlikely that this will be sufficient to satisfy the policy so the agent has been asked for further information in this respect. This issue will be dealt with in more detail through late representations.

## **Conclusion**

The change of use and conversion of this prominent, vacant building into a tourism related use is welcomed as it will help strengthen the mixed function of the area and the design of the extensions and external alterations to the building are of a high quality. The proposal will make a positive contribution to the surrounding area and help to enhance the Lord Street Conservation Area. The proposal will not have a significant detrimental impact on residential amenity and an hours restriction will be implemented for the use of the external verandah to the front of the building to ensure this. The proposal complies with the Council's adopted UDP policies and is therefore recommended for approval.

Contact Officer:	<b>Mrs S Tyldesley</b>	<b>Telephone 0151 934 3569</b>
Case Officer:	<b>Andrea Fortune</b>	<b>Telephone 0151 934 2208</b> <b>(Wed, Thurs, Fri only)</b>

Committee:	<b>PLANNING</b>
Date of Meeting:	<b>10 February 2010</b>
Title of Report:	<b>S/2009/1019</b> <b>St John And St James Church, 50a Monfa Road, Bootle</b> (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.

The application was removed from the January 2010 agenda after an application was made to English Heritage with a view to listing the building. The outcome of this is currently pending and will be reported in time for the meeting. Further recommendations as appropriate will supplement the report once the final decision of English Heritage is received.

## **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

# Agenda Item 5c

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
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](mailto:development.control@technical.sefton.gov.uk) for further information.
2. 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.
3. 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 5c

## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2009/1019 St John And St James Church 50a Monfa Road Bootle		Standard Site Plan Scale: 1:1250 Date: 26/1/2010 Drawn By: EBERT on	
	OSGR: 334710, 396633	Sheet(s): 70C	Area: 2506 sqm	
<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. 1000181923.</small>			Ward(s): Derby Postcode Sector(s): L20 6 Polling District(s): E5 Parish(es): None Found	

# Agenda Item 5c

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.

Letters of objection from 41 Jubilee Road, Crosby and 34 Mersey House, Marsh Lane, Bootle, on the following grounds.

- Failure to address architectural/historic interest of the church,
- Failure to make reference to heritage conservation,
- Report fails to consider historic interests,
- Applicant is not a Registered Social Landlord.

## 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.

# Agenda Item 5c

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 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.

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: **10 February 2010**

Title of Report: **S/2009/1082**  
**Rear of 45-51 High Park Road, Southport**  
(Norwood Ward)

Proposal: Outline planning application for the erection of one detached 1.5 storey dwelling after demolition of the existing store

Applicant: Mr Finn

## **Executive Summary**

The application is seeking outline consent for the erection of a 1.5 storey dwelling on land at the rear of 45-51 High Park Road, fronting the head of Tarleton Road.

The main issues for consideration are the principle of development and whether the erection of a dwelling would be appropriate in this location in terms of impact on residential amenity, access, impact on character and form of surrounding area. No details are for assessment at this stage as the application is in outline only.

**Recommendation(s)                      Approval**

## **Justification**

The proposed dwelling is acceptable in principle and it is considered that a dwelling would cause no significant harm to residential amenity and is able to provide a reasonable standard of accommodation subject to a number of conditions and details to be submitted at reserved matters stage. The application therefore complies with policies CS3, AD2, DQ3, H1 and H10 of Sefton's Adopted UDP.

## **Conditions**

1. T-2 Outline planning permission (Time Limit)
2. D1 Details
3. D7 Submission of Ground and Slab Levels
4. H-2 New vehicular/pedestrian access
5. H-6 Vehicle parking and manoeuvring
6. M-6 Piling
7. Con-1 Site Characterisation
8. Con- 2 Submission of Remediation Strategy
9. Con-3 Implementation of Approved Remediation Strategy
10. Con-4 Verification Report
11. Con-5 Reporting of Unexpected Contamination
12. The maximum height of any part of the proposed dwelling hereby approved

# Agenda Item 5d

- shall not exceed 5.8m.
13. X1 Compliance

## Reasons

1. RT-2
2. RD1
3. RD7
4. RH-2
5. RH-6
6. RM-6
7. RCON-1
8. RCON-2
9. RCON-3
10. RCON-4
11. RCON-5
12. In order to protect residential amenity of surrounding properties and to comply with policy H10.
13. 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.
2. 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...(Con-1 to Con-5) 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.

## Drawing Numbers

298/4

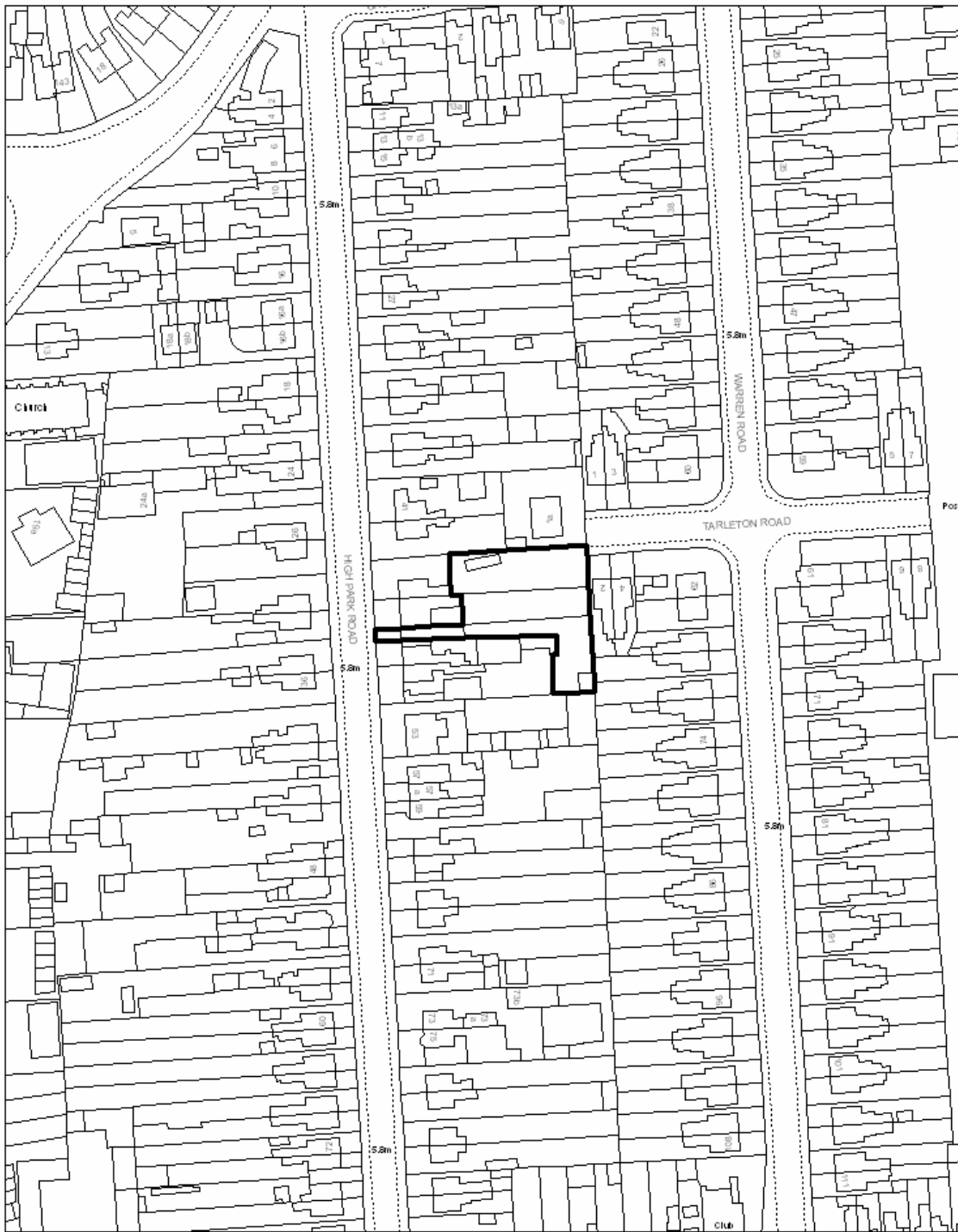
## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2009/1082 Rear of 45-51 High Park Road Southport		Standard Site Plan Scale: 1:1250 Date: 26/1/2010 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.</small> Sefton Council Licence No. 1000181921	OSGR: 336330, 417700	Sheet(s): 462A	Area: 952 sqm

S/2009/1082

## The Site

The site comprises a vacant area of land at the rear of dwellings fronting High Park Road. Vehicular access to the site is via an access road between 47 and 49 High Park Road and a pedestrian access is also available from Tarleton Road. The surrounding area is residential with the character and form of the area being traditional residential streets where backland development, including non-residential uses, is a common feature.

## Proposal

Outline planning application for the erection of one detached 1.5 storey dwelling after demolition of the existing store.

## History

None

## Consultations

*Environmental Protection Director* – No objection in principle subject to the standard contaminated land conditions being attached to any approval notice.

*Highways Development Control* – No objections to the proposal as there are no highway safety implications. There is an existing footway crossing in situ on high Park Road, which caters for vehicular and pedestrian access to the site. An additional pedestrian access will be provided at the rear of the site onto the footway on the south side of Tarleton Road.

## Neighbour Representations

Last date for replies: 24<sup>th</sup> December 2009

Received: Letters of objection received from 45, 47 and 53-55 High Park Road raising the following concerns:

- The store referred to on the plans does not exist and the area is just open garden area.
- Bungalow at 1a Tarleton Road has 3 habitable room windows in side elevation facing site which would not meet the minimum distances if windows proposed on this side of the dwelling.
- House at 2 Tarleton Road has windows at ground and first floor level that face towards the site and serve habitable rooms. Distance between these and proposed dwelling is less than 21m minimum as required by SPG.
- Siting of dwelling is restrictive in terms of potential positions for windows serving habitable rooms.
- Principle of use of land for a single dwelling is acceptable but given size / siting indicated and site constraints, the proposal is not acceptable.
- Out of context with surrounding dwellings.

# Agenda Item 5d

## Policy

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

AD2 Ensuring Choice of Travel  
CS3 Development Principles  
DQ3 Trees and Development  
H1 Housing Requirement  
H10 Development in Primarily Residential Areas  
PPS3 Housing  
RSS L4 Regional Housing Provision

## Comments

The main issue for consideration in the assessment of this outline application is the principle of the erection of a 1.5 storey dwelling on this site. As all matters are reserved there are no major other issues to be addressed although a site plan has been submitted and this will be referred to for information.

### Principle

The site lies within the primarily residential area where residential development is acceptable in principle subject to other policy constraints. Furthermore, there is currently no housing restraint mechanism in place and PPS3, and RSS Policy L4 sets out the need for new housing sites to meet housing need.

### Residential Amenity

Residential amenity is assessed both in terms of that of the existing neighbours of the site and also that of prospective occupants of the proposed dwelling. SPG New Housing Development recommends that new dwellings have a minimum private amenity space of 70 sq m and this proposal includes a garden area in excess of this. Each habitable room should also have a reasonable outlook. This cannot be assessed at outline stage as the position of windows is not shown, although the position of the dwelling suggests that this recommendation can be achieved.

Objections submitted by neighbours have referred to loss of residential amenity for neighbouring properties in terms of proximity of proposed dwelling to existing habitable room windows of surrounding dwellings. The boundary between the site and the side of 1a Tarleton Road is currently a concrete fence and there are side windows facing the site. However, it is considered that the boundary treatment can be altered if necessary to prevent any overlooking issues arising and it is not possible to assess any proposed side windows as the application is outline only and does not include this level of detail at this stage. A condition will be used to ensure that the position of any windows will need to demonstrate that they meet the minimum distance recommendations set out in SPG New Housing Development.

Another objection refers to the proposal being out of context with the dwellings at 45 – 51 High Park Road that back onto the site. The character of the area is residential but has an unusual form in that there are a number of backland sites in non-residential use, with numerous outbuildings present. Furthermore, the presence of

the existing dormer bungalow adjacent adds to the area's unusual form of built development. This dwelling would lie at the head of Tarleton Road as does the existing dormer bungalow and is therefore appropriate in terms of the character and form of the area.

Whilst the application is in outline, details of the proposed height of the dwelling have been submitted and a condition will be used to ensure the maximum height of the ridge of the dwelling does not exceed 5.8m as stated on the plan submitted. This proposal for a 1.5 storey dwelling is comparable to the existing dwelling adjacent to the site at 1a Tarleton Road which is also a dormer bungalow and is therefore considered appropriate in this location.

A condition requiring details of the levels across the site will be required in order to ensure the siting of this dwelling does not cause significant residential harm to surrounding dwellings in terms of the overall height of the dwelling and position of proposed windows.

### **Access**

The proposed access to the site is between 47 and 49 High Park Road and is 3 metres wide. SPG New Housing Development requires access roads to backland sites to be a minimum of 3.5m wide and this proposal clearly fails this guidance as there is a landscape strip shown along the length of the access. However, given that the access will only be serving a single dwelling and there are no side windows in the gables of frontage dwellings immediately abutting the access, the level of potential noise and disturbance to neighbours is considered to be limited. For this reason, the access is considered on balance to be acceptable in this instance. Furthermore, Highways Development Control have assessed the application and raise no objections to the access in terms of highway safety

### **Trees**

Policy DQ3 requires the provision of 3 new trees to be planted on site per new dwelling created. A condition will be used to require the provision of a detailed landscape plan at the time of submitting a reserved matters application which will need to demonstrate the proposed planting of three new trees in order to comply with policy DQ3.

# Agenda Item 5d

## **Conclusion**

The principle of a single dwelling being erected on this site is acceptable given it is within a residential area. The vehicular access does not strictly meet the recommended minimum width for access roads to backland sites as set out in SPG New Housing Development, but given the access will serve only one dwelling, it is considered to be acceptable on balance. The details to be submitted at reserved matters stage will be determined by conditions and will include levels, window positions in relation to surrounding dwellings, boundary treatments and landscape details. On this basis the proposal presents no significant harm to residential amenity, complies with policies for such development and is therefore recommended for approval.

Contact Officer:	<b>Mrs S Tyldesley</b>	<b>Telephone 0151 934 3569</b>
Case Officer:	<b>Andrea Fortune</b>	<b>Telephone 0151 934 2208</b> <b>(Wed, Thurs, Fri only)</b>



Committee: **PLANNING**

Date of Meeting: **10 February 2010**

Title of Report: **S/2009/1083**  
**Land at 131 Southport Road, Lydiate**  
(Park Ward)

Proposal: Outline application for the erection of 10 detached dwellinghouses

Applicant: Daverick Motor Company

## **Executive Summary**

This application seeks approval for development of the site presently occupied by Daverick Motors for 10 house plots. The issues concern the principle of use for housing rather than retention for employment purposes together with considerations of design and density, access and parking, amenity and security and trees and greenspace contributions.

## **Recommendation(s)                      Approval**

### **Justification**

The outline proposals for residential development help meet the council's housing need and the proposals do not lead to loss of employment. The form of development and density are appropriate to the area and the proposals meet SPG requirements for new housing. Taking these and all other material considerations into account, approval is recommended.

### **Conditions**

1. T-2 Outline planning permission (Time Limit)
2. T-3 Reserved Matters (Time Limit)
3. D-3 Slab levels (Outline)
4. D-4 Landscaping
5. The detailed plans submitted as reserved matters shall provide rear gardens of at least 11 metres length to all proposed dwellings.
6. M-6 Piling
7. L-4 Landscape Implementation
8. L-5 Landscape Management Plan
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. S106 Agreement
14. Con-1 Site Characterisation

# Agenda Item 5e

15. Con- 2 Submission of Remediation Strategy
16. Con-3 Implementation of Approved Remediation Strategy
17. Con-4 Verification Report
18. In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14 (and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (condition 15), which is subject to the approval in writing of the Local Planning Authority.

Following completion of the remedial works identified in the approved remediation strategy a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with (condition 4) above.

19. L-3 No felling
20. The garage to plot 10 as shown on drawing No 09/043/PO1 Rev A shall be located to avoid the crown spread of the trees on the adjacent site
21. S-1 Site Waste Management Plan

## Reasons

1. RT-2
2. RT-3
3. RD-3
4. RD-4
5. RD-3
6. RM-6
7. RL-4
8. RL-5
9. RH-1
10. RH-2
11. RH-5
12. RH-6
13. R106
14. RCON-1
15. RCON-2
16. RCON-3
17. RCON-4
18. RCON-5
19. RL-3
20. RL-5
21. RS-1

## 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.

2. 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](mailto:development.control@technical.sefton.gov.uk) for further information.
3. 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...(Con-1 to Con-5) 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.
4. For advice with regard to Local Labour Agreements (condition M8) please contact Karen Towle, Employer Liaison Officer, [Sefton@work](mailto:Sefton@work), 268-288 Stanley Road, Bootle, L20 3ER. Tel 0151 934 2621.

## **Drawing Numbers**

09/043/P01 Rev A

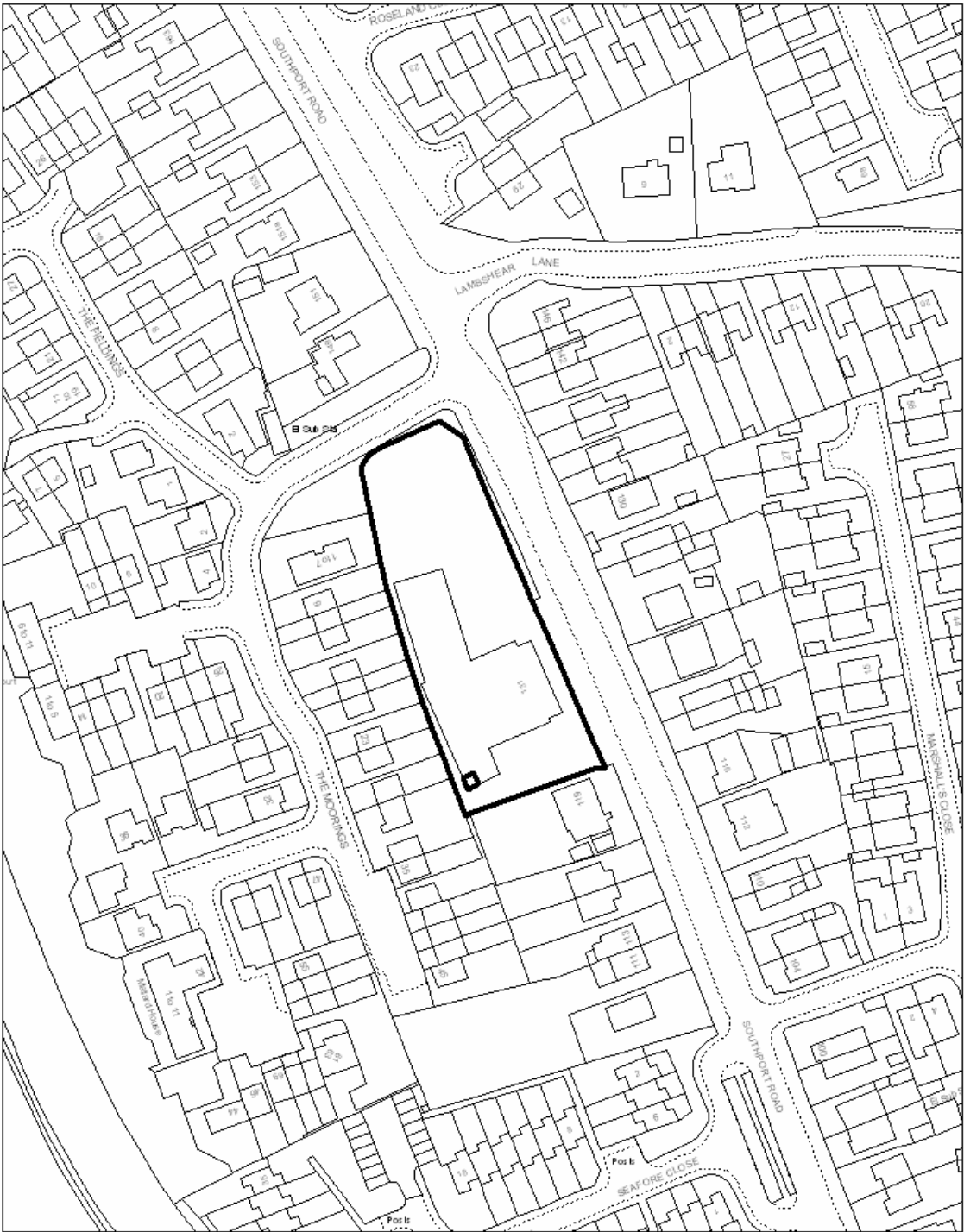
# Agenda Item 5e

## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2009/1083 Land at 131 Southport Road Lydiate L31 2JW OSGR: 336972, 403729		Sheet(s): 213A, 212C Area: 3130 sqm	<b>Standard Site Plan</b> Scale: 1:1250 Date: 26/1/2010 Drawn By: EBERT 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. 1000181923</small>		Ward(s): Park Postcode Sector(s): L31 2 Polling District(s): B2 Parish(es): Lydiate Cp	

S/2009/1083

# Agenda Item 5e

## The Site

This application concerns a 0.33 ha site located on the west side of Southport Road backing on to the modern estate at The Moorings.

## Proposal

Outline application for the erection of 10 detached dwellinghouses

## History

No recent relevant applications.

S/1989/0601 -	single storey workshop - Approved 05/10/89
S/1988/1031-	building for paint spray booth - Approved 16/01/89
S/1987/0122 -	portakabin for toilet block - Approved 07/04/87
S/25400 -	Residential development - Approved 15/09/86
S/26272 -	Outline residential development - Refused 11/06/86 Dismissed on appeal.
S/26272 -	change of use of land for repair and storage of vehicles and new access - refused 11/06/86 Dismissed on appeal.
S/24806-	Single storey building to form paint preparation bay for cars ` approved 14/08/85
S/21491-	reduction in height of building and new roof - Approved 14/09/83
S/12017 -	Single storey building to store motor vehicles..- Approved 16/05/80
S/04719 -	New building for trimming and cleaning of vehicles - Approved 23/11/76

## Consultations

*Environmental Protection* – standard contamination conditions required.

*Highways Development Control* - There are no objections to the proposal as there are no highway safety implications.

The proposed vehicular access arrangements as shown on the plan are acceptable. New footway crossings will need to be provided to each of the accesses and the redundant footway crossings associated with the present use of the site will need to be removed and the footway/grass verge reinstated.

In order to improve the level of accessibility for pedestrians, there is a requirement to introduce flush kerbs and tactile paving either side of the junction of Southport Road/The Moorings.

## Neighbour Representations

Last date for replies: 1/01/10

Objections received from 9, 25, 29 The Moorings, concerned about loss of security and privacy and noise and disturbance during construction.

## 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
DQ3	Trees and Development
DQ4	Public Greenspace and Development
EDT18	Retention of Local Employment Opportunities
H10	Development in Primarily Residential Areas
H12	Residential Density

RSS Policy L4 Regional housing Provision

## Comments

This application seeks outline planning permission for the development of 10 house plots on land at the corner of Southport Road and The Moorings, currently occupied by Daverick Motors. Layout and access are for approval at this stage.

The planning issues concern the principle of the use of the site for housing purposes; design and density; access and parking; impact on residential amenity and trees/greenspace requirements.

### **Principle of use for housing**

The site lies within a primarily residential area in the UDP where the principle of residential use is generally acceptable subject to residential amenity considerations and compliance other UDP Policies. The housing requirement for the Borough set out in RSS Policy L4 also supports the development of sites to meet housing needs. However this site is actually in employment use and Policy EDT18 must therefore be considered. This policy states that proposals for non-employment uses which involve loss of land or buildings last used for employment purposes will only be permitted where the loss would not result in loss of land/building of a type for which there are insufficient alternatives locally or the proposals would compensate fully for the loss of the site for employment or where it would replace an employment use which is seriously detrimental to local amenity. In this case the site is not designated for employment purposes in the UDP but has a longstanding use as a vehicle repair depot. The business has declined recently and the applicant states that remaining employees would relocate to another local site with no loss of employment. More details of this have been sought.

# Agenda Item 5e

This site was promoted as a housing site through our SHLAA 'Call for Sites' exercise, and as such it has been assessed by both the SHLAA and Employment Land & Premises Study (EL&PS). The EL&PS conclusion for this site was to "release for other uses" (appendix 35 of the draft final report). The SHLAA considered that the site was suitable for housing. Whilst both of these studies are still in draft form, they are currently approaching completion and therefore some weight can be attached to them.

The balance between uses of land for housing and employment is a key issue for emerging planning policies at a time when the need for both is apparent. In this case this is an isolated and specific employment use which would be relocated elsewhere to retain employment; there is employment land available in the general area at Maghull and the site is ideally suited to residential use. Taken together with the urgent need to provide more housing to meet the Borough's requirements, the principle of the proposed use is considered acceptable.

## **Design and density**

The proposed development of 10 house plots provides a density of approximately 30 dwellings per hectare. This is at the low end of PPS3 densities but in this case the shape of the site makes it difficult to develop other than as a single row of dwellings. Indeed this is the pattern of development along Southport Road which comprises detached, semi-detached and terraced houses all fronting and with direct access from Southport Road. The provision of 10 detached houses is shown and layout is for approval at this stage. Whereas a greater mix of house types might be preferred there is no policy basis on which to oppose the present layout. The land at the corner of Southport Road with The Moorings is not in the applicant's ownership being a landscaped area which would remain. The dwelling on the corner plot will nevertheless be expected to make reference to its corner location in terms of its design and fenestration.

## **Access and parking**

The Highways Development Control team raise no objections to the proposed individual accesses subject to conditions. Parking is within curtilage and is acceptable. Some improvement to pedestrian accessibility by provision of flush kerbs and tactile paving can be required by condition.

## **Residential amenity**

There are houses at the rear of the site in The Moorings and objections have been received from occupiers on the grounds of overlooking/loss of amenity/security. These houses are sited at a lower level than the application site and there is an existing fence in the region of 4 metres high to their rear. They are concerned that houses would overlook. However, all new dwellings are shown as a minimum of 11 metres and up to 17 metres from the rear boundary of the application site and the existing houses in The Moorings have gardens approximately 12 metres in length. These distances exceed the minimum intervisibility distances and there should be no loss of privacy. A condition can ensure that these distances are retained in the



detailed proposals.

In terms of security the provision of gardens back to back is normally considered a form of development which assists security.

## **Trees and landscape**

There are some existing trees, mainly poplars, on the site but these are in very poor condition and difficult to accommodate within the site because of the onerous maintenance which would be required. The removal of 26 trees would require replacement with 52 (2:1) and 3 trees per plot gives a total of 82. This number cannot easily be incorporated into the new development and an off site contribution for those which cannot be provided on site will be required. At this stage it would seem reasonable to require the 3 trees per plot to be provided on site and an off site contribution for 52 trees (£23,244) provided for off site planting. Street trees in front of the development will be expected to be retained or replaced if required to be relocated to allow for accesses.

A contribution of £16,840 for greenspace will also be required in the S106 Agreement.

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

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Committee: **PLANNING**

Date of Meeting: **10 February 2010**

Title of Report: **S/2009/1103**  
**Hawthorne Tannery Hawthorne Road, Bootle**  
(Litherland Ward)

Proposal: Erection of 56 dwellings, new roads and associated works

Applicant: Bellway Homes North West

## **Executive Summary**

This application is a revised proposal for housing development on this site. The difference from the scheme previously approved is that the scheme now comprises houses only with no apartments. The main issues are the design and layout parking and access and other details of the scheme.

**Recommendation(s)                      Approval**

## **Justification**

The scheme complies with the aims and objectives of the Sefton UDP and, in the absence of 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. The development permitted by this application (other than in the red line area specified on drawing no. HMR/CL/PTK/S1103/AAB01) shall not be started by undertaking a material operations as defined by Section 56 (4) (a-d) of the Town and Country Planning Act 1990 until a planning obligation under S106 of the Town and Country Planning Act 1990 has been made and lodged with the Local Planning Authority has given its approval in writing. The planning obligation will provide for a commuted payment for highway works/improvements relating to the number of dwelling units hereby permitted.
4. M-2 Materials (sample)
5. M-6 Piling
6. 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.
7. The proposed development shall meet Code 3 Sustainable Homes.

# Agenda Item 5f

8. Landscaping (scheme)
9. L-4 Landscape Implementation
10. L-5 Landscape Management Plan
11. H-1 Remove existing vehicular/pedestrian access
12. H-2 New vehicular/pedestrian access
13. H-6 Vehicle parking and manoeuvring
14. H-9 Travel Plan required
15. There shall be no direct vehicular access to Hawthorne Road from this site unless the Local Planning Authority gives its consent to any variation.
16. Notwithstanding the details shown on the approved plan unless otherwise agreed in writing no development shall take place until a detailed scheme of traffic calming for all roads within the development site has been submitted for the approval of the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority within 60 days of the setting down of the foundations for the final dwelling unit. In the event of the phasing of the development the approved scheme shall be implemented in phases in accordance with the above condition.
17. Unless otherwise agreed in writing no part of the development shall be occupied until Traffic Regulation Orders designed to introduce a 20 mph zone has been made and a programme for the implementation of the Order has been agreed to the satisfaction of the Local Planning Authority.
18. Prior to the occupation of any of the proposed dwellings a detailed scheme shall be submitted for the approval of the Local Planning Authority for the provision of a footpath/cycle track together with associated landscaping along the canal side frontage and unless otherwise agreed in writing the approved scheme shall be completed to the satisfaction of the Local Planning Authority.
19. Unless otherwise agreed in writing the no part of the development shall be occupied until Traffic Regulation Orders designed to control parking, loading and unloading along the frontage to the site on Hawthorne Road and Harris Drive has been made and a program for the implementation of the Order has been agreed to the satisfaction of the Local Planning Authority
20. All glazing shall be constructed in accordance with the details provided in the submitted Noise Impact Assessment or in line with any variation to said document.
21. Con-1 Site Characterisation
22. Con- 2 Submission of Remediation Strategy
23. Con-3 Implementation of Approved Remediation Strategy
24. Con-4 Verification Report
25. Con-5 Reporting of Unexpected Contamination
26. X1 Compliance
27. M-8 Employment Charter

## Reasons

1. RT-1
2. RS-106
3. In the interests of highway safety and to comply with Sefton UDP Policy AD2.
4. RM-2
5. RM-6

6. To meet the requirements of UDP Policy H2.
7. To provide sustainable development and comply with UDP Policies CS3 and DQ1 and the South Sefton Interim Planning Guidance.
8. RL-3
9. RL-4
10. RL-5
11. RH-1
12. RH-2
13. RH-6
14. RH-9
15. In the interests of highway safety and to comply with Sefton UDP Policy DQ1.
16. RH-1
17. In the interests of highway safety and to comply with Sefton UDP Policy T1.
18. In order to improve accessibility and promote a choice of travel and to comply with Sefton UDP Policy T2.
19. RH-1
20. In the interests of amenity for future occupiers and to comply with policy EP6 of the Sefton Unitary Development Plan.
21. RCON-1
22. RCON-2
23. RCON-3
24. RCON-4
25. RCON-5
26. RX1
27. RM-8

## Notes

1. The applicant is advised that it will be necessary to enter into an agreement under section 38 & 278 of the Highways Act 1980 before any work to any adopted public highways is undertaken. It should be noted that work on the adopted public highway may only be undertaken by a contractor appointed by the Council unless agreed otherwise and authorised through a section 38 & 278 agreement.
2. 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.
3. 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, greenspace and highway improvement works.  
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 the five contaminated land conditions 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 the appropriate condition 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.

# Agenda Item 5f

## **Drawing Numbers**

To be confirmed prior to despatch.

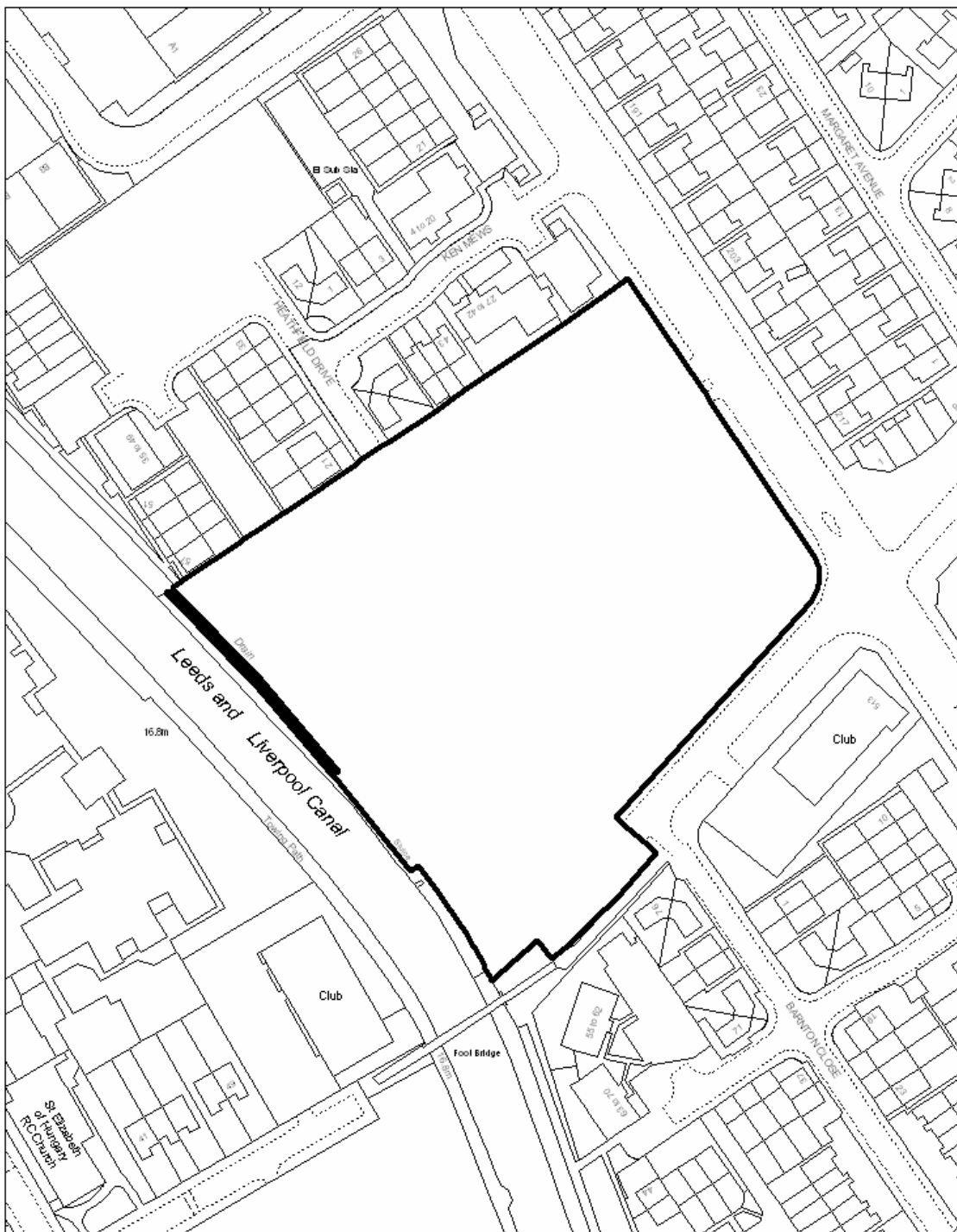
## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2009/1103 Hawthorne Tannery Hawthorne Road Bootle		Standard Site Plan Scale: 1:1250 Date: 26/1/2010 Drawn By: BEERTON
	OSGR: 334246, 396817	Sheet(s): 70A	Area: 147.12 sqm

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## The Site

The site comprises the former Tannery site on the western side of Hawthorne Road, between the already developed Toprain site to the north and the almost completed development at 511/Mel Inn to the south. The site is bounded to the west by the Leeds-Liverpool canal.

There are remediation works ongoing which are informed by previous planning permissions. The site is now entirely cleared.

## Proposal

Erection of 56 dwellings, new roads and associated works

## History

95/0043/S - Demolition of buildings and the reconstruction of new – approved 30 March 1995

95/0777/S - Partial Phases demolition of the existing Tannery - approved 8 February 1996

97/0280/S - Erection of a single storey extension and boiler house and the erection of a boundary wall – approved 8 July 1997

97/0971/S - Retrospective application for the enclosure of an adopted highway – approved 27 February 1998

S/2004/1230 - Outline permission for the erection of dwellinghouses – approved 4 April 2005

S/2006/0561 - Reserved matters application pursuant to S/2004/1239 - approved 21 September 2006.

## Consultations

*Highways Development Control* - comments following submission of Transport Assessment on 25 January 2010.

I would raise no objections in principle to this proposal from a highway safety and transportation point of view.

### Trip Generation and Impact on the Highway Network

A Transport Assessment (TA) was undertaken in June 2006 which considered the impact of the traffic generated by the various residential developments within the Klondyke HMR area. Given that this is over three years old and the new Tesco store

# Agenda Item 5f

at Litherland has recently opened, an addendum to that TA, based on up-to-date traffic surveys, has been produced and submitted alongside this current application. The purpose of the addendum is to present the results of sensitivity testing undertaken on the traffic signal junction of Hawthorne Road/Harris Drive and it confirms that the junction will continue to operate well within its theoretical capacity once this development is built and fully occupied.

It should also be noted that this development of for 56 houses, whereas the previously approved scheme was for 67 houses. Given the net reduction of houses, it is reasonable to assume that there will be a corresponding reduction in the amount of traffic likely to be generated by the site.

## Vehicular and Pedestrian Access

The layout of the access roads is generally acceptable and has been designed to keep vehicle speeds below 20 mph. Indicative traffic calming features have been shown, but the precise details and materials will need to be approved. A Traffic Regulation Order and appropriate signage will be required in order to enforce the 20 mph zone.

Adequate provision for pedestrians has been made throughout the site by incorporating 2.0m wide footways and a dedicated direct pedestrian access onto the existing footway on the west side of Hawthorne Road.

The drawing also specifies the extent of the proposed footways and carriageways that will be put forward for adoption and is acceptable in this regard.

## Parking

Each of the 56 houses will have one parking space on a driveway, which given the accessible location of the site close to Bootle Town Centre with excellent public transport links is an acceptable level of car parking provision.

## Accessibility

The site is in an excellent location in terms of accessibility, being within close proximity of the town centre. This will be greatly enhanced with the provision of a new DDA compliant footbridge across the canal. There are fully accessible bus stops close to the site on both sides of Hawthorne Road.

Notwithstanding the above, a Travel Plan should be developed and an appropriate condition will be added to secure this. Rather than provide a travel plan for this site in isolation, it would be more appropriate for the developer to 'sign-up' to a travel plan for the whole of this HMR area.

## Off Site Highway Maintenance/Improvement Scheme

As referred to in connection with the outline approval for this site the impact of this development on the highway infrastructure has been assessed as part of the wider

development of the area. It was identified that the developments proposed for the area will result in a need for highway improvements to cater for the additional traffic flows and to improve pedestrian safety. These improvements include the junction of Willard Street and Hawthorne Road to be made a signal controlled junction with pedestrian facilities and the junction of Linacre Lane and Hawthorne Road to be improved to increase capacity and to provide safe pedestrian crossing facilities.

The developer of this site would be expected to make a contribution toward the cost of the infra structure improvements by way of a commuted sum through a Section 106 Agreement. This sum would be index linked between March 2009 and the date of payment to allow for inflationary increases in construction costs.

The developer of this site would be expected to make a contribution toward the cost of the infra structure improvements by way of a commuted sum through a Section 106 Agreement. This sum to be index linked between March 2009 and the date of payment to allow for inflationary increases in construction costs. Further details below.

In conclusion, I would raise no objection to this proposed development subject to a Section 106 Agreement to provide for a commuted sum as detailed below together with the following conditions and informatives listed below:-

## Section 106 Requirement

A covenant that prior to the Commencement of Development that the Developer will pay the sum of seventy six thousand eight hundred and seventy seven (£76,877) pounds as a contribution towards the Council's Hawthorne Road Corridor Improvement Scheme, particularly the improvements proposed to the Hawthorne Road/Linacre Road junction this contribution to be index linked.

*Environmental Protection Director* - no objection subject to improved glazing standards, ventilation and acoustic fencing.

*MEAS* - Flood Risk Assessment acceptable, need for renewable energy provision, need for construction management and Site Waste Management Plan (SWMP), water voles require protection, habitat survey acceptable.

*Environment Agency* - Need for remediation, no issues raised with regard to Flood Risk.

*Merseyside Police ALO* - Final comments pending revisions to layout.

## Neighbour Representations

Last date for replies: 28 December 2009.  
Site notice/press expiry 5 February 2010.  
No representations received.

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## Policy

The application site is situated in an area allocated as a housing site 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
EP2	Pollution
EP3	Development of Contaminated Land
EP6	Noise and Vibration
EP8	Flood Risk
H12	Residential Density
H3	Housing Land Supply
H7	Housing Renewal, Clearance and Regeneration
H8	Redevelopment within the Pathfinder Area
H9	Hawthorne Road/Canal Corridor
NC1	Site Protection

REGIONAL SPATIAL STRATEGY POLICY L4 - REGIONAL HOUSING PROVISION

## Comments

The proposal amends the previously approved layout chiefly by omitting the apartment elements and reducing the overall number of dwellings from 67 to 56. All units will now be dwellinghouses.

The main issues to consider in relation to this application are as follows:

### **The principle of the residential developments and the relationship to housing market renewal initiative in the Klondyke Regeneration Area**

The principle of residential development is deemed to be acceptable on this site following the approval of a previous outline application. The sites are designated for housing purposes on the Adopted Unitary Development Plan. The sites form part of the Klondyke Housing Market Renewal Area and they are appropriately identified as phase 1 housing sites in the Klondyke SPG. The strategy is compatible with the requirements of the Regional Planning Guidance and those of the Pathfinder Housing Market Renewal Area. The aim is to provide a sustainable community with new homes, shops and services in the wider area.

The housing requirement for the borough set out in RSS Policy L4 also supports the development of sites to meet housing needs.

### **Tenure type/mix**

The Klondyke SPG indicates that the new housing should be provided so as to provide a choice of house types and tenure and aims to achieve an overall mix of 30% rented properties and 70% private and shared ownership. These properties will be available in the first instance to people living in the Klondyke area whose homes are proposed for demolition with priority given to people living in the phase one redevelopment area. The remaining houses and flats not required to re-house existing residents who wish to stay in the area will be available on the general market.

## **Layout and design**

The scheme follows the overall concept already established by approvals on the adjacent site. The proposed development uses a simple block structure, which is formed into a continuous building line where they abut Hawthorne Road and the Leeds/Liverpool canal. The result will be a public and private face of the development, which will ensure acceptable amenity for future residents whilst ensuring a public presence.

The buildings will combine bungalows, two storey and three storey dwellings. The loss of apartments has presented an issue in terms of scale but has also offered the opportunity for individual dwellings with presence that offer a strong response to the Hawthorne Road frontage whilst addressing the corner with Harris Drive.

The applicant has amended the corner plot (no 52) elevationally to address both frontages. This is important in terms of overlooking and surveillance of the street scene and opens up an excellent opportunity for a considered solution at a later stage to the adjacent Mel Inn site. The layout also minimises 'dead end' terminal views and allows for most approaches to and within the site to be defined at their ends by a view of principal elevation.

The proposal will also complement canal side improvements by the linkage of footpath/cycleway links through the development linking into the proposed adjacent schemes.

The scheme will have a density of 39 units to the hectare which is considered to be an appropriate scale of development in the context of the redeveloped Klondyke Area envisaged by the SPG. This accords with the advice of the Sefton UDP which expects developments to achieve a density between 30 and 50 per hectare.

The proposed housing will respond positively to existing surrounding built form and in many respects is more distinctive in terms of its presentation. The key elements remain as previously agreed, with simple pitched roofs, strategically placed chimneys to provide a consistent roofscape with the existing surrounding built form, the rhythm of vertical elements and simple rational fenestration. The development will contain a simple palette of materials including brick, render, cast stone and imitation slate.

The scheme provides variations in garden and plot size, but all have useable gardens none of which are significantly smaller than those previously agreed and the

# Agenda Item 5f

average garden size is larger than already approved. Similarly, the scheme enables key interface distances to be met.

The scheme will afford direct links to the newly constructed footbridge to Pennington Road and will also maintain opportunity for improved linkages on the eastern side of the canal.

## **Noise and vibration and air quality**

A PPG24 Noise Assessment and an assessment of the air quality have been submitted. Though the documents appear broadly acceptable, some technical glazing and fencing issues will require resolution prior to committee. None of these will have substantial implications for layout and/or design.

## **Highways, means of access and car parking provision**

The primary point of access to this site for vehicles will be Hawthorne Road/Pennington Road. From this point internal estate roads in the form of homezones are created linking this site with the two adjoining sites and the internal spaces of the development.

This scheme provides for in curtilage parking for all dwellings. The site is accessible to public services and is within an area, which is well served by public transport. It is considered that this is adequate car parking provision at this level also accords with the aim of minimising the use of the private car.

The applicants have submitted a transport assessment which has been updated from the 2004 version in view of recent development nearby, chiefly Tesco. The scheme was received on 25 January 2010 and is now under appraisal but it is anticipated, given the reduction of dwellings from that already approved, there are no objections in principle to the proposal from a highway safety and transportation point of view.

The impact of this development on the highway infrastructure has been assessed as part of the wider development of the area. It was identified that the developments proposed for the area will result in a need for highway improvements to cater for the additional traffic flows and to improve pedestrian safety.

These improvements include the junction of Willard Street and Hawthorne Road to be made a signalled controlled junction with pedestrian facilities and the junction of Linacre Lane and Hawthorne Road to be improved to increase capacity and to provide safe pedestrian crossing facilities. A Section 106 Agreement will be required to cover these provisions as per the previous approval, and a condition requiring it to be entered into is attached.

There is a requirement for the access as existing to the adjacent Toprain site to be closed at such time as this scheme is "substantially completed". In practical terms, this closure will take place when all dwellings are made available for occupation.

## **Ground conditions and remediation**

The site is known to be contaminated by the previous activities of the on the site. There are therefore significant pollution linkages, which will need to be addressed before any new scheme can be developed. The Environmental Protection Director has previously acknowledged that the site is capable of being remediated to a residential standard.

However, there is an issue with phasing to be addressed by way of this permission. In particular, it is not possible to commence development in large areas of the site prior to March 31 2010. The significance of this date is that development of all social housing after that date will be subject to the requirement to comply with Sustainable Homes Code 4. This will bring substantial further cost implications and resulting impacts on the likelihood of delivering this much needed scheme.

It is therefore accepted that a material start can be made to form the access to the development without compromising the overall remediation strategy. The planning conditions are worded to allow for a commencement of development prior to this date.

## **Nature conservation**

There is a need for the remediation to have regard to the potential presence of water voles adjacent to the canal. A survey carried out in 2008 in conjunction with Pennington Road footbridge did not uncover any, butis would now of date and survey provided with this application does not extend fully to the canal side.

It is considered that whilst remediation of the site is important to the completion of housing development, the area adjacent to the canal should be subject to further investigation and any digging activity using machinery within 3 metres of the canal bank should not take place until such time as the finalised investigation for water voles takes place.

This should not present an obstacle to ongoing remediation elsewhere on the site.

## **Trees and public open space provision**

The proposals bring forward a requirement for trees and greenspace under Policies DQ3 and DQ4. Under Policy DQ3, a total of 168 trees are required. The plans are being amended to provide additional trees to those proposed and the final amount will be reported added to the requirement under Policy DQ3 by way of late representation.

Similarly, the provision of 56 dwellings will require, given that no formal greenspace is provided on site, a total of £1,684 per dwelling, equating to an overall requirement of £94,304 at 2009/10 rates. A condition is attached requiring that the applicant enters into a Section 106 Agreement to secure these payments. The applicant has acknowledged these requirements.

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## **Crime and anti social activity**

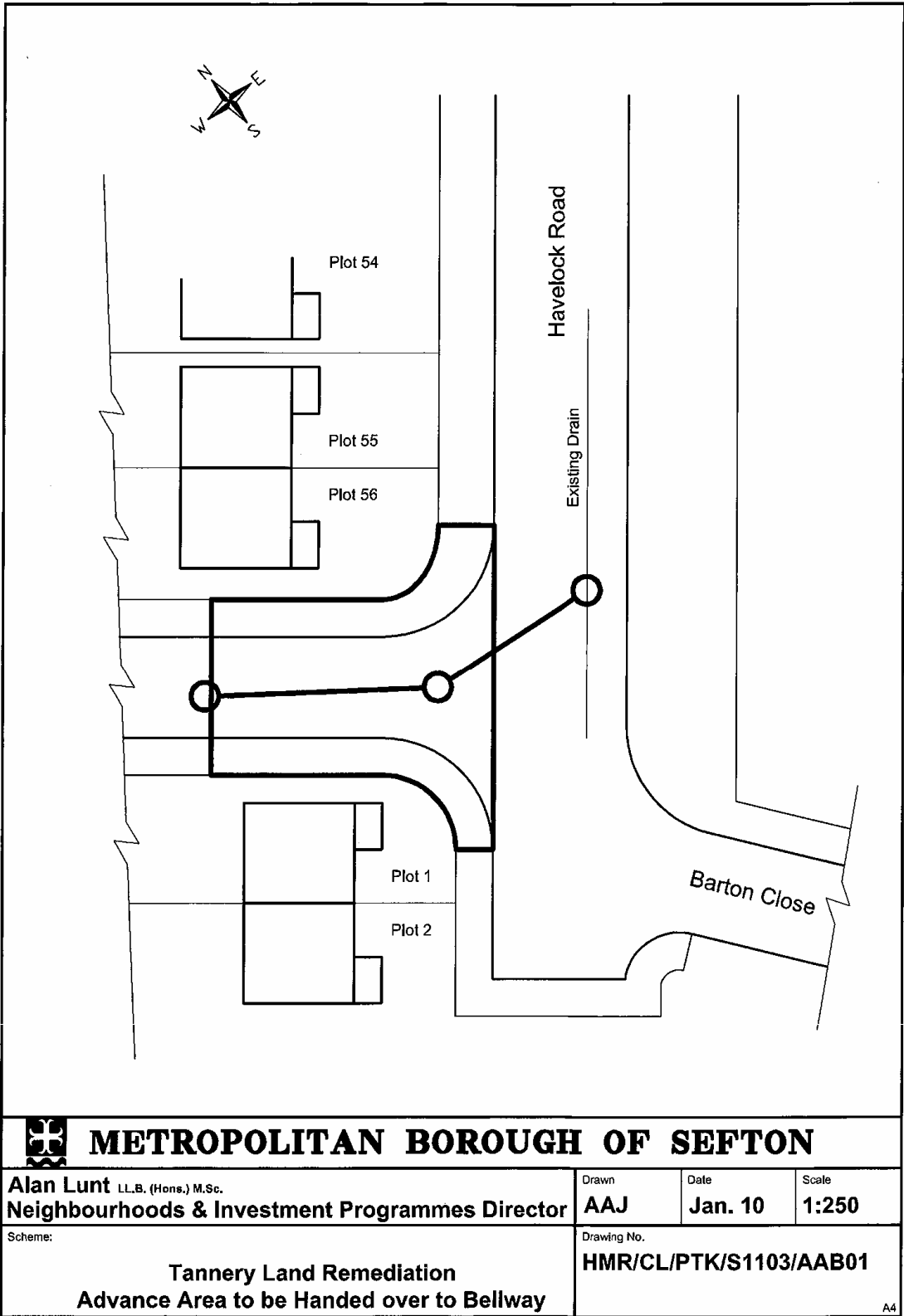
It is considered that the pedestrian access direct onto Hawthorne Road as originally proposed can be removed from the scheme. The sites at Toprain and 511 build this in, however, the site's proximity to the corner with Harris Drive is such that pedestrians will have a relatively short walk to shops and other facilities. This will offset concern that the opening of a pedestrian route adjacent to the turning head will present a gathering area of the form that has been the subject of criticism from occupiers of 511.

Other matters relating to gating of properties and clarification of some side garden boundary treatments are being discussed and a revised plan will be presented by way of late representation.

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: **10 February 2010**

Title of Report: **S/2009/1125**  
**Maggies Public House, Bridle Road, Netherton**  
(Netherton & Orrell Ward)

Proposal: Outline application for a mixed use development comprising of one retail unit (Class A1), one office unit (Class B1) and one drive-through restaurant (Class A3) together with alterations to the existing access road and new car parking layout after demolition of existing buildings

Applicant: Daniel Thwaites Brewery Limited

## **Executive Summary**

This is an outline application for a mixed use development comprising one retail unit, one office unit and one drive-through restaurant on a prominent site on the corner of Netherton way and Bridle Road. The issues concern the principle of the development, the scale and visual impact of the proposals, impacts on residential amenity and highway safety as well as issues of crime prevention, nature conservation and landscaping.

## **Recommendation(s)          Approval**

### **Justification**

The outline proposal is considered acceptable in principle and details of means of access are acceptable at this stage therefore approval is recommended.

### **Conditions**

1. T-2 Outline planning permission (Time Limit)
2. T-3 Reserved Matters (Time Limit)
3. X1 Compliance
4. S-106 Standard S106
5. D-4
6. M-2 Materials (sample)
7. M-6 Piling
8. P-5 Plant and machinery
9. P-6 Noise Abatement Scheme
10. Con-1 Site Characterisation
11. Con- 2 Submission of Remediation Strategy
12. Con-3 Implementation of Approved Remediation Strategy
13. Con-4 Verification Report

# Agenda Item 5g

14. Con-5 Reporting of Unexpected Contamination
15. The total area of gross retail floorspace on the whole site shall not exceed 372 square metres.
16. NC-6 Japanese knotweed eradication
17. The precautionary work identified in paragraph 4.5 of the Bat Inspection report dated January 2010 shall be carried out in full for the duration of the development.
18. H-1 Remove existing vehicular/pedestrian access
19. H-2 New vehicular/pedestrian access
20. No part of the development shall be brought into use until a scheme to provide "KEEP CLEAR" markings on the carriageway of Bridle Road at the site access has been submitted to and approved in writing by the Local Planning Authority and implemented in full.
21. H-3 Visibility splay (vehicles)
22. H-5 Off-site Highway Improvements
23. H-6 Vehicle parking and manoeuvring
24. H-7 Cycle parking
25. H-10 Mud on carriageway
26. H-11 Construction Management Plan
27. The retail unit hereby approved shall not be sub-divided into smaller retail units unless otherwise agreed in writing by the Local Planning Authority.

## Reasons

1. RT-2
2. RT-3
3. RX1
4. RS-106
5. RD-4
6. RM-2
7. RM-6
8. RP-5
9. RP-6
10. RCON-1
11. RCON-2
12. RCON-3
13. RCON-4
14. RCON-5
15. In order to protect the vitality and viability of nearby town centres and their retail function and to comply with Sefton UDP Policy R9.
16. RNC-6
17. RNC-1
18. RH-1
19. RH-2
20. RH-7
21. RH-3
22. RH-5
23. RH-6
24. RH-7

25. RH-10

26. RH-11

27. To protect the vitality and viability of nearby town centres and their retail function and to comply with Sefton UDP Policy R9.

## Notes

1. Bats may be present in your building. Bats are protected species. If you discover bats you must cease work immediately, contact Batline on 01704 385735 for advice.
2. 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 10 to 14 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 14 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.
3. 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.
4. 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 and that they will be expected to enter into an agreement under s278 of the Highways Act in order to facilitate the off-site highway works. Please contact the Highways Section on 0151 934 4175 or [development.control@technical.sefton.gov.uk](mailto:development.control@technical.sefton.gov.uk) for further information.

## Drawing Numbers

Location Plan ref. no. 5221/00, drawing no. 5221/05D and CC/R-M1132/201A

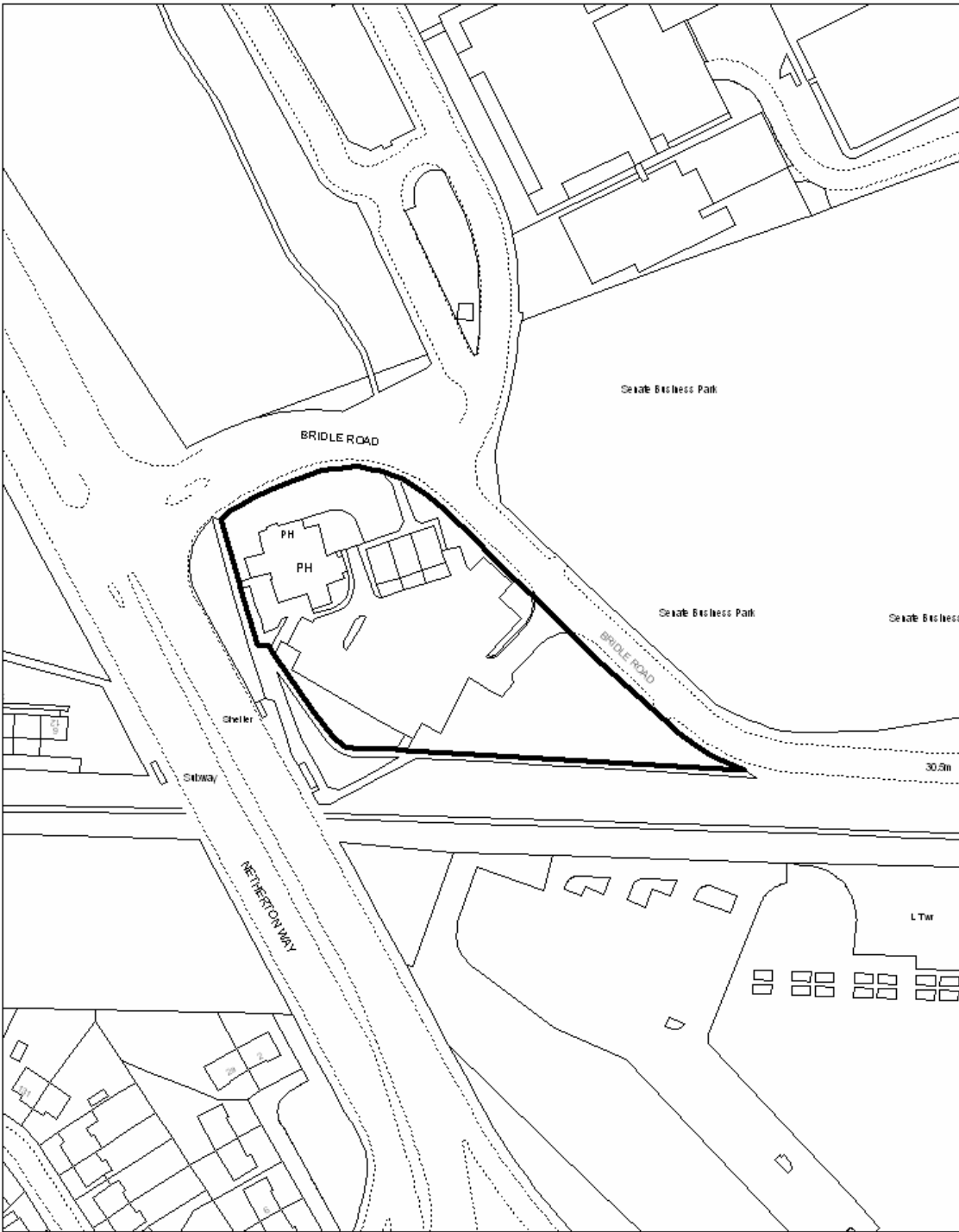
# Agenda Item 5g

## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2009/1125 Maggie's Public House, Bridle Road Netherton L30 4XR OSGR: 335419, 397481    Sheet(s): 916, 91A    Area: 5180 sqm		<b>Standard Site Plan</b> Scale: 1:1250 Date: 26/1/2010 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. 1000181923.</small>		Ward(s): Netherton & Orrell Postcode Sector(s): L30 4 Polling District(s): D4 Parish(es): None Found

# Agenda Item 5g

S/2009/1125

## The Site

The site lies on the south side of Bridle Road at its junction with Netherton Way. It is presently occupied by a vacant public house (Maggies) and a row of 3 single storey shop units in use as a computer repair centre, a hairdressers and a sandwich/coffee shop. There is a large car park on the site with access from Bridle Road.

The Alliance & Leicester offices and Senate Business Park are located on the opposite side of Bridle Road to the north with a former railway line and Peoples site situated to the south. There are residential properties on the opposite side of Netherton Way to the west of the site.

## Proposal

Outline application for a mixed use development comprising of one retail unit (Class A1), one office unit (Class B1) and one drive-through restaurant (Class A3) together with alterations to the existing access road and new car parking layout after demolition of existing building.

## History

- S/2008/0962 - Erection of a timber gazebo to the side, a 1.8m fence to create a landscape area, installation of a disabled access ramp to the front, laying out of a patio area to the side together with minor alterations to the elevations. Withdrawn 22/01/09
- S/21479 - Erection of a public house and 3 shops together with a car park for 61 cars (alternative to S/19297) - Approved 05/10/83
- S/19297 - Erection of a public house and 3 shops with associated car parking for 61 cars - Approved 18/11/82

## Consultations

*Environmental Protection Director* – no objection in principle subject to standard conditions regarding piling, hot food takeaway hours, scheme of noise control for plant and equipment, noise abatement scheme and contaminated land. Hours of operation should be restricted to 0700 to 2300 hours to prevent disturbance to residents on the opposite side of Netherton Way

*MEAS* – the proposals to deal with ragwort are acceptable and can be dealt with by condition; bat survey required prior to determination of the application.

*MEAS* (following completion of bat survey) – bat survey acceptable; need to refer to its findings in the Committee Report and impose condition regarding removal of loose roof tiles, etc by hand.

*Merseyside ALO* – crime prevention measures should be incorporated into the



scheme.

*Merseytravel* – would like to be assured traffic generated by the development could be accommodated in the local highway network without impacting upon local public transport services; developer should implement a travel plan to promote the use of sustainable travel; developer should create good quality walking routes between the site and the nearest bus stops; appropriate arrangements should be made to accommodate dial-a-ride service.

*Highways Development Control* - This is an outline application with all matters reserved, except access.

A Transport Assessment has been produced which has considered the impact of the additional traffic that is likely to be generated by the development and includes an assessment of the traffic signal junction of Netherton Way (A5038)/Bridle Road and the priority junction of Bridle Road/site access. It concludes that when taken in isolation, the proposed development traffic will have a negligible impact on the operation of the traffic signal junction and that the Bridle Road/site access will operate without any detrimental effect on the free-flow of traffic along Bridle Road.

The existing point of vehicular access on Bridle Road will be modified and slightly repositioned, approximately 3.0m further north-west. Appropriate visibility sight lines are achievable in either direction. In order to ensure that traffic travelling east-bound along Bridle Road can turn right into the site if queuing traffic extends from the traffic signals at Netherton Way beyond the access to the site, 'KEEP CLEAR' carriageway markings will need to be introduced.

In addition to assessing the implications of the vehicular traffic, the level of accessibility for other, more sustainable modes of travel (walking, cycling and public transport) has also been considered. Despite the TA concluding that the site is accessible by all modes and that no improvements are necessary, a separate assessment has been carried out by officers and has identified a need for some off-site highway works as follows:-

- Improvement of existing footway on the south side of Bridle Road (between Netherton Way and Bridle Way). Works will include removal of overgrown vegetation, removal of bollards and guard railing, the closure of redundant accesses, and reconstruction of footway, and provision of tactile paving/dropped kerbs at new and existing accesses;
- Upgrade footpath link to footpath/cyclepath between Bridle Road and Netherton Way, to provide 3.0m width including signage, lining and lighting;
- Upgrade existing subway and approaches, including but not limited to improved lighting and CCTV, painting and surface improvements; and,
- Upgrade two existing bus stops on Netherton Way, to include the provision of access kerbs and the alteration of footway levels together with the provision of enhanced carriageway markings.

# Agenda Item 5g

Although this is an outline application, an indicative site layout has been submitted. The layout of the site including the provision of car and cycle parking and an area for servicing the retail premises is generally acceptable.

In view of the above, the principle of a mixed-use development on this site is acceptable from a highways perspective and as such there are no objections to the proposal as there are no highway safety implications subject to the following conditions and informatives being attached to any approval notice:-

H-1 - Remove existing vehicular/pedestrian access  
H-2 - New vehicular/pedestrian access

“No part of the development shall be brought into use until a scheme to provide “KEEP CLEAR” markings on the carriageway of Bridle Road at the site access has been submitted to and approved by the LPA and implemented in full.”

H-3 - Visibility splay (vehicles)

“No part of the development shall be brought into use until visibility splays of 2.4m metres by 43.0m metres at the proposed junction with Bridle Road have been provided clear of obstruction to visibility at or above a height of 0.6 metres above the carriageway level of Bridle Road. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.”

H-5 - Off-site Highway Improvements

- Improvement of existing footway on the south side of Bridle Road (between Netherton Way and Bridle Way). Works will include removal of overgrown vegetation, removal of bollards and guard railing, the closure of redundant accesses, and reconstruction of footway, and provision of tactile paving/dropped kerbs at new and existing accesses;
- Upgrade footpath link to footpath/cyclepath between Bridle Road and Netherton Way, to provide 3.0m width including signage, lining and lighting;
- Upgrade existing subway and approaches, including but not limited to improved lighting and CCTV, painting and surface improvements; and,
- Upgrade two existing bus stops on Netherton Way, to include the provision of access kerbs and the alteration of footway levels together with the provision of enhanced carriageway markings.

H-6 - Vehicle parking and manoeuvring

H-7 - Cycle parking

H-10 - Mud on carriageway

H-11 - Construction Management Plan

I-1 - Addresses

The applicant must be advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense and that they will be expected to enter into an agreement under S278 of the Highways Act in order to facilitate the off-site highway works. Please contact the Highways Development Control Team 0151 934 4175 for further information.

Retail Consultants - consider that the proposed development broadly accords with relevant retail planning policy. Appropriate conditions should be attached to any grant of planning permission, including restricting the sales area and future subdivision of the retail unit. (Full comments are attached as an appendix to this report).

## Neighbour Representations

Last date for replies: 04/01/10

Letter of objection received from the proprietors of Simply Delicious Sandwich and Coffee Bar which is situated on the application site itself. They are concerned that the applicants have not contacted them directly about the proposals and they have a healthy business operating on the site with 5 years left on their lease.

## Policy

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

CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
EDT18	Retention of Local Employment Opportunities
EDT5	Primarily Industrial Areas
EP3	Development of Contaminated Land
EP6	Noise and Vibration
MD6	Food and Drink Uses
NC2	Protection of Species
R1	Retail Development Strategy

## Comments

This is an outline application with details of means of access to be considered at this stage. Details of layout, scale, appearance and landscaping are to be considered as part of a future reserved matters application.

The main issues to consider include the principle of the development in terms of planning policy, the scale and visual impact of the proposals, impacts on residential amenity and highway safety as well as issues of crime prevention, nature conservation and general landscaping matters.

### The Principle of the Development

The site is part of the wider Primarily Industrial Area (PIA) comprising the Bridle Road Industrial Estate as identified on the adopted Sefton UDP. Policy EDT5 therefore applies and this states that such areas are the preferred location for new business, industrial, storage and distribution development (Class B1, B2 and B8 uses). Other uses will only be permitted where it can be demonstrated that the proposal meets all of the following criteria :

# Agenda Item 5g

- (a) it would not prejudice the availability of an adequate supply of land for business and industrial development;
- (b) it cannot be located on any more appropriate site;
- (c) it would maintain an overall balance of uses and employment opportunities appropriate to a Primarily Industrial Area; and
- (d) it would assist urban regeneration.

The final draft Employment Land and Premises Study indicates that Sefton has a very limited employment land supply which needs to be protected. It also identifies the Bridle Road Industrial Estate as comprising over 73 ha of employment land with the advice that the land should be retained as a key employment area for B1, B2 and B8 uses.

Against the above context there is a clear presumption against allowing non-B1, B2 or B8 uses on PIA's generally. In this regard, whilst the Class B1 office unit would be acceptable in principle, the Class A1 retail unit and the Class A3 drive-through restaurant would not normally be considered acceptable.

In terms of Policy EDT5 mentioned above, the applicants advise that the site is not in active and lawful B1, B2 or B8 uses and so does not currently contribute to employment and industrial land supply. Consequently, it does not fail to meet criteria (a) and (c) above. Furthermore, by providing some B1 use class office provision where currently there is none, the proposal could be argued to positively contribute to the supply of land for business use and help to maintain the overall balance of uses and employment opportunities appropriate to a PIA. With regard to criterion (b) the applicants argue that the non-B uses will help preserve the existing service and retail uses of the site thereby meeting the day-to-day needs of local residents. In terms of criterion (d), the applicants advise that the proposal will lead to a net increase of approximately 52 jobs and will regenerate a prominent roadside location.

It appears that the application site has never been used for any B1, B2 or B8 activities and since the early 1980's has accommodated a public house and small parade of shops that have primarily acted as a local convenience facility for the industrial estate and immediate surrounding area. The current proposal would not involve any loss of B employment uses, in fact, in net terms, it would lead to an increase in B1 uses. The proposal is therefore considered to satisfy criteria (a) and (c). It is also considered that the proposed retail and service uses are appropriate for this location, both in scale and function (criterion b). With regard to criteria (d), it is considered that there are important local employment benefits arising from the proposal and it would assist in revitalising this prominent entrance to the industrial estate.

The thrust of the draft Employment Land and Premises Study is to not allow non-industrial uses to replace industrial uses. The application site has not been in industrial use and proposes a net gain in terms of B1 office use thereby adding to the effective employment supply in South Sefton. The proposal is not considered to

conflict with the draft Employment Land and Premises Study.

As the site has never been in B1, B2 or B8 employment use there is no loss of land or buildings which are either currently or last used for industrial, business, office or other employment uses. Policy EDT18 is therefore not considered to apply in this case.

The amount of Class A1 retail floorspace is 372 sq m which compares to the existing gross retail floorspace of 180.2 sq m gross, an increase of 191.8 sq m. The Council's retail consultants consider this scale to be relatively small and the proposal could assist in meeting local convenience needs without detrimental impact on surrounding retail centres.

The proposed Class A3 drive-through restaurant, given its road frontage location within the industrial estate, should provide a useful local facility for occupiers of the industrial estate.

For the above reasons, it is considered that there are no planning policy reasons why planning approval should not be granted for the proposed mixed use development.

### Scale and Visual Impact

The application is in outline form and does not include layout, scale and appearance at this stage. However, the indicative layout shows the proposed Class A1 retail convenience store located on the Netherton Way / Bridle Road corner with the offices and drive-through restaurant situated on the Bridle Road frontage. The indicative scale and layout of the proposal are considered appropriate. The precise scale, layout and design of the proposals will be considered at reserved matters stage and it is acknowledged that a high quality design will be required for this prominent site.

### Impact on Residential Amenity

There are no houses close to the site with the nearest houses being located on the opposite side of Netherton Way although these are set back from the main road. Whilst the Environmental Protection Director recommends the hours of operation be restricted, this is not considered to be necessary as the nearest houses are across a busy main road and local residents are unlikely to suffer unacceptable levels of noise and disturbance by users of the proposed scheme.

### Highway Safety

Details of means of access are to be considered at this stage. Highways Development Control do not object to the proposed mixed use development. The Transport Assessment submitted with the application concludes that traffic generated by the development will have a negligible impact on the operation of the nearby traffic signal junction and that the site access will operate without any detrimental effect on the free-flow of traffic along Bridle Road. A variety of off-site

# Agenda Item 5g

improvement works are suggested as conditions in order to improve accessibility to the site.

## Crime Prevention

The applicant advises that the redevelopment of the site will enhance the area by removing a derelict building subject to vandalism. He is not able to suggest specific crime prevention measures as part of this outline application but agrees to fully investigate designing the buildings to secure by design standards as part of the reserved matters submission.

## Nature Conservation

The applicant has submitted a Bat Survey as the proposal involves the demolition of a building adjacent to a railway corridor. MEAS advise that the bat inspection has been undertaken appropriately and is acceptable. The report identifies that the buildings have low bat roost potential and no further action is required. The report does identify that as a precaution works to remove loose roof tiles, timber cladding, timber barge boards, fascias and soffits should be undertaken by hand. This can be secured by condition.

## Landscaping

Whilst details of landscaping are to be considered at reserved matters stage, the indicative layout plan submitted with the application does indicate new landscaping primarily around the perimeter of the site. A high quality landscaping scheme will be required for this prominent site and, in line with Policy DQ3, a minimum of 1 new tree for every 50 sq m floorspace or for each parking space, whichever is the greater, will be required. In addition, trees to be removed should be replaced on a 2 for 1 basis. On the basis of the indicative layout, 50 new trees will be required (based on 50 car parking spaces) plus 2 new trees for each tree removed. It is unlikely that all of the required new trees will be accommodated on the site therefore a S106 contribution will be required to plant trees in the vicinity of the site.

## Other Considerations

The proprietors of the sandwich and coffee shop currently located on the site are objecting to the proposal on the basis that the applicant has not consulted them on the proposals therefore they are concerned about the uncertain future of their business. This is not a planning consideration which can affect the outcome of the application.

A condition can be imposed to deal with Ragwort in line with MEAS' comments and conditions recommended by the Environmental Protection Director regarding piling, scheme of noise control, noise abatement scheme, and contaminated land can also be added.

# Agenda Item 5g

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

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

# Agenda Item 5g

Our Ref: X001

Date: 24 January 2010

A Young  
Strategic Planning & Information Manager  
Planning and Economic Regeneration Department  
Sefton Council  
First Floor  
Magdalen House  
Trinity Road  
Bootle  
L20 3NJ

**BY**  
**(Alan.Young@planning.sefton.gov.uk)**

**E-MAIL**

Dear Alan,

## **FORMER MAGGIES PUBLIC HOUSE, BRIDLE ROAD, NETHERTON LPA REF: S/2009/1125**

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### Introduction

Daniel Thwaites Brewery has submitted an outline planning application for a mixed use development on land south of Bridle Road, Bootle.

WYG Planning & Design (WYG) as retained retail planning consultants for Sefton Council has assessed the evidence submitted in support of the application in considering the scheme's conformity with national, regional and local retail planning policy. This comprises:

- Planning, Design & Access Statement undertaken by Caldecotte Consultants (December 2009); and
- Supporting Retail Statement prepared by Rapleys LLP (November 2009).

### The Proposed Development and its Location

The 0.52 hectare application site is located approximately 1.5 miles north east of Bootle Town Centre, at the junction of Netherton Way and Bridle Road. The site comprises a vacant former public house (which is understood to have closed in 2008) together with a sandwich shop, hair salon and computer repair shop. The surrounding area is predominantly in employment use and includes the Netherton Industrial Estate, which is in close proximity to the site.

The proposal seeks the redevelopment of the site to accommodate a convenience retail unit (Class A1), a drive-through restaurant (Class A3) and offices (Class B1) together with associated on-site parking, servicing and landscaping. The retail element comprises 372 sq



m (gross) of floorspace, the drive-through restaurant totalling 185 sq m (gross) with up to 240 sq m (gross) of office floorspace.

Although no operators are formally attached to the convenience store, the type of development proposed would be suitable for a range of convenience retailers such as Tesco as one of their Tesco Express outlets.

## Relevant National Planning Policy

Since the preparation of the retail evidence submitted in support of the application, Planning Policy Statement 4 (PPS4) 'Planning for Sustainable Growth' has been published. Significantly, PPS4 supersedes guidance contained in PPS6, which informed the retail evidence prepared in support of the application.

Following the recent publication of PPS4, it is important to note that in determining planning applications the 'needs test' that was previously identified in PPS6 has now been removed. Therefore, the demonstration of 'need' is no longer a specific policy test that needs to be satisfied in determining applications for main town centre uses. However, the sequential test and consideration of impact (including scale and accessibility) remain policy tests that should be considered in assessing planning applications for main town centre uses.

## Need for the Proposed Development

As previously highlighted, following the recent publication of PPS4, it is no longer necessary to specifically consider need for the proposed development. However, it is important to note that there still remains a close relationship (as reflected by the practice guidance that accompanies PPS4) between need for main town centre uses and the other tests of impact and sequential approach that do remain within the recently published PPS4.

Therefore, in assessing the conformity of the proposed development, some consideration should be made to the need for the proposed development. On this basis, we have reviewed the assessment of need undertaken by Rapleys for the main town centre uses proposed.

In considering need for the proposed development, Rapleys refer to the findings of the Borough-wide Retail Study (June 2009), which was undertaken by WYG on behalf of Sefton Council. WYG considers the findings of the Borough-wide Retail Study are the appropriate starting point in considering retail need.

In this respect, Rapleys identify that outstanding commitments will meet the identified convenience goods capacity within South Sefton. Therefore, based on the findings of the Borough-wide Retail Study there appears no clear demonstrable need (over and above outstanding commitments) to support additional convenience goods floorspace as proposed. However, in considering need for the proposed development, although Rapleys identifies that committed floorspace has the potential to absorb the available surplus expenditure there is some uncertainty whether all committed floorspace will be developed.

In considering outstanding commitments within South Sefton it is significant to note that the two largest commitments identified in the Borough-wide Retail Study have come forward. The Asda store at the TAVR site near Bootle and the Tesco store at Lanstar have both now been constructed and are open for trading.

# Agenda Item 5g

Notwithstanding this, Rapleys state that there is a clear argument that the scale and format of the proposed convenience store will help meet the qualitative needs of those living and working within the immediate local area of the proposed development. Given the limited size of the proposed development (372 sq m gross) and its location, we accept that there is a specific localised need for the proposed development.

Whilst we question whether a clear quantitative need for the proposed development has been demonstrated, as outlined above, demonstration of need is no longer a specific requirement within the recently published PPS4.

Similarly, although the proposed drive-through restaurant is also identified as a main town centre use under PPS4, there is no longer any requirement to consider need for this element of the proposal.

## Sequential Approach

PPS4, as with PPS6, states that a sequential assessment is required for main town centre uses (i.e. the convenience store and the drive-through restaurant). Furthermore, PPS4 advises that in applying the sequential approach flexibility in terms of format is provided in terms of the format, disaggregation, etc. In this respect, Rapleys have considered sequential alternative sites that could accommodate either the proposed retail unit and drive-through restaurant in isolation. WYG considers that this is an appropriate approach to adopt.

Following discussions with Sefton Council, Rapleys have considered potential sites within Bootle Town Centre, Netherton District Centre, Seaforth Local Centre, Kirkstone Road North Parade, Orrell Road Parade and The Crescent parade.

However, in considering these centres, it is important to note that the recently published PPS4 (annex B) identifies that small parades of shops of purely neighbourhood significant should not be regarded as centres for the purposes of PPS4. Therefore, WYG does not consider it necessary to consider sequential alternative sites within the three shopping parades identified.

Furthermore, in applying the sequential approach, Rapleys highlights that the permitted change of the existing public house to either a A1 or A3 unit in accordance within the GPDO and as the site already accommodates existing retail use (which will be removed) we do not consider that the sequential test should be applied. Notwithstanding this, in order to provide a robust assessment Rapleys have undertaken a sequential site assessment.

In considering the proposed drive-through restaurant, Rapleys highlights that it is important to understand the specific requirements relevant to identifying a suitable site to accommodate this use. In this respect, Rapleys highlights that drive-through restaurants require a relatively large site area with good road access. Therefore, only sites that can readily accommodate the required level of development and circulation space proposed have been considered.

On this basis, Rapleys considers that there are no sites within existing centres that are suitable, viable or available to accommodate either the convenience store or drive-through restaurant. In reviewing the sites identified by Rapleys, it is evident that there are a number of vacant units within sequentially preferable locations that could potentially accommodate additional retail floorspace as currently proposed (e.g. the Stella Precinct in

Seaforth). WYG accepts that there are no clear opportunities to accommodate the drive-through restaurant proposed.

Despite this, it is acknowledged that the proposed development will primarily serve a localised catchment that would not be served by locating the development within or at the edge-of existing nearby centres such as Bootle, which already contains similar provision to that proposed. In addition, there are specific locational regeneration benefits associated with the proposed development through the redevelopment of the site, which has been vacant since late 2008.

Therefore, although there are likely to be sites within nearby centres that could potentially accommodate the further retail floorspace, the benefits associated with the application site and the specific need that the proposal will serve (i.e. local employees) will not be met by providing the development elsewhere.

## Retail Impact

In considering applications for main town centres, PPS4 states that proposals should be considered against two related and expanded 'impact tests' (Policy EC10 and Policy EC16). These policies identify a number of impact tests that should be considered by local planning authorities in determining planning applications for main town centre uses. These include, *inter alia*:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.
- The impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer.
- The impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan.
- In the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from time the application is made.
- If located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres.

Although the impact assessment undertaken by Rapleys has been based on guidance contained in PPS6, it is evident that a number of the impact issues identified in PPS6 remain within PPS4. However, it is notable that scale and accessibility now fall within the expanded impact tests within PPS4, rather than previously being separate policy tests under PPS6.

In assessing impact, Rapleys highlights that PPS6 confirms that impact assessment should be provided for all retail development of over 2,500 sq m (gross). Given that the proposed retail floorspace is only 372 sq m, Rapleys consider that the Council should therefore have no concern regarding the proposal's impact on existing centres. In this respect, it is important to note that PPS6 stated that impact assessment maybe necessary for proposals below this threshold may occasionally be necessary for smaller developments, such as those likely to have an impact on smaller centres. Furthermore, PPS4 (which supersedes PPS6) states that in the absence of local floorspace thresholds being set in an up-to-date development (as is the case for Sefton), an assessment of impact should be provided for retail and leisure developments below 2,500 sq m.

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In considering the potential impact of the proposed development, Rapleys identify that the proposed convenience store will achieve a limited convenience goods turnover (c. £3m). Accordingly, given the limited turnover of the proposal together with localised residential and workforce catchment Rapleys considers that proposed development will not result in an adverse impact on existing centres.

In reviewing the impact assessment undertaken by Rapleys, although the potential turnover of the convenience store may be higher than that identified (should be occupied by a leading operator such as Tesco), WYG accepts that the scale of proposal (both the convenience store and drive-through restaurant) is unlikely to result in adverse impact on existing centres nearby.

## Summary

Our conclusions reached on the suitability of the proposed development are heavily influenced by the limited scale of the proposed development in the context of retail provision in South Sefton. The size of the proposed development together with the localised catchment it is intended to serve means that the development will not have an adverse impact on existing centres.

In addition, although there are a number of vacancies within existing centres in the local area that could potentially accommodate additional retail floorspace (such as in Bootle), this would not help meet the localised need that has been identified by the applicant. It must also be noted that the existing A3 premises could be used by potential retail operators. Also there are clear regeneration benefits associated with the redevelopment of the prominent vacant site.

Overall, we consider that the proposed development broadly accords with relevant retail planning policy. Should the Council grant planning permission for the proposal it is important that appropriate conditions are attached to any decision, including restricting the sales area and future sub-division of the retail unit.

We trust this advice is helpful in your consideration of the application. Should you require any additional information, please do not hesitate to contact us.

Kind regards

**Adrian Fox**  
**Associate**  
**WYG Planning & Design**

Committee: **PLANNING**

Date of Meeting: **02 October 2010**

Title of Report: **S/2009/1133**  
**Land adjacent to The Croft 8 Thirlmere Road,**  
**Hightown**  
(Manor Ward)

Proposal: Erection of one detached two storey dwellinghouse after demolition of existing detached garage and summerhouse

Applicant: Mr M J Williams

## **Executive Summary**

The proposal is for a two-storey detached dwellinghouse within land to be severed from the side garden of 'The Croft', 8 Thirlmere Road. The plot benefits from outline approval for the erection of a two-storey dwelling and as such the key issues to consider are the scale and appearance of the proposed dwelling and its impact upon the character of the area. It is considered that the proposal responds harmoniously to the character of Hightown and should be granted consent with conditions.

**Recommendation(s)                      Approval**

## **Justification**

The proposed replacement dwelling is appropriate in style, height, scale and massing to the street scene of Thirlmere Road and makes a positive contribution to the character of the surrounding area. The dwelling will not result in a significant loss of residential amenity of neighbouring properties by virtue of overshadowing or overlooking and complies with the Council's adopted policies CS3, H10 and DQ1.

## **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. Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

# Agenda Item 5h

4. 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 three new trees to be planted;
  - ii) a schedule of implementation.
5. L-4 Landscape Implementation
6. M-6 Piling
7. No part of the development shall be brought into use until the existing vehicular access on to Thirlmere Road has been permanently closed off and the grass verge reinstated to match the existing. These works shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
8. No part of the development shall be brought into use until a means of vehicular and pedestrian access to the site has been constructed. These works shall be in accordance with details, which have been approved in writing by the Local Planning Authority
9. H-6 Vehicle parking and manoeuvring
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. To prevent damage to the trees in the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.
4. In the interests of amenity and to comply with UDP policy DQ3
5. RL-4
6. RM-6
7. RH-1
8. RH-2
9. RH-6
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.
2. 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](mailto:development.control@technical.sefton.gov.uk) for further information.
3. There are significant bands of peat deposits in Sefton and this development is in an area where these deposits may be substantial. Peat produces naturally occurring methane and carbon dioxide and if sufficient amounts of these gases are allowed to collect under or within a newly erected or extended building, there

is a potential risk to the development and occupants.

## **Drawing Numbers**

3617PL001, 002, 003, 004, 005, 006, 007, 008.

# Agenda Item 5h

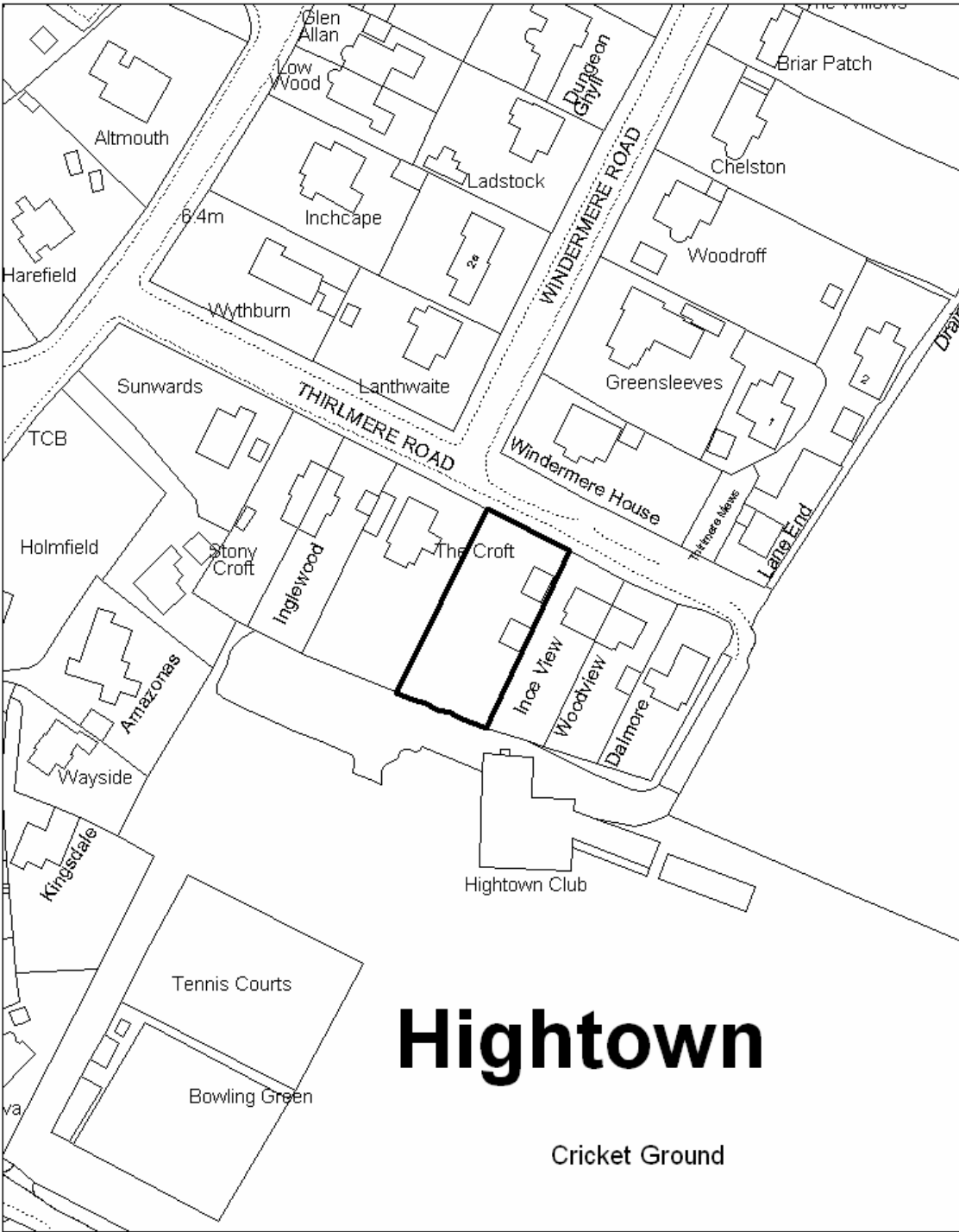
## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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





# Hightown

Cricket Ground

<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the                  Regeneration &amp; Environmental Services Directorate</small>	S/2009/1133 Land adjacent to The Craft 8 Thirlmere Road Hightown L38 3RQ		Standard Site Plan Scale: 1:2250 Date: 26/12/2010 Drawn By: BEERT on
	OSGR: 330222, 403672	Sheet(s): 206A	
<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>			Ward(s): <i>Adaxor</i> Postcode Sector(s): <i>L38 3</i> Polling District(s): <i>11</i> Parish(es): <i>Hightown C</i>

S/2009/1133

# Agenda Item 5h

## The Site

The application site is to be severed from 'The Croft' Number 8 Thirlmere Road to provide a new site for residential development. The site at present forms part of the private amenity space to The Croft.

## Proposal

Erection of one detached two storey dwellinghouse after demolition of existing detached garage and summerhouse

## History

S/2008/0944 – Outline Application for the erection of one detached dwelling on existing side garden. Approved 12 February 2009.

S/1993/0409 – Single storey extension and conservatory to the rear of the property and covered walkway at side passage to dwelling house. Approved 19 July 1993.

## Consultations

*Environmental Protection Director* – No objections to the proposal subject to a condition attached to any approval.

*Highways DC* - There are no objections in principle to building a separate detached dwelling on the existing garden area of the adjacent detached dwellinghouse. The existing vehicular access that serves this site will need to be closed off and the verge reinstated to match the existing. In addition a new vehicle crossing will need to be introduced in order to provide vehicular access to the proposed double garage and driveway. No objections to the proposal subject to the conditions attached to any approval.

## Neighbour Representations

Last date for replies: 31<sup>st</sup> December 2009.

Representations received: Letters of objection from Ince View, Lane End, 12 and 14 Thirlmere Road, Lanthwaite and Annisgarth on Windermere Road.

Points of objection relate to the scale and appearance of the proposed dwelling, particularly in its relationship to existing residential properties, in addition to non material considerations.

*In addition to the above, Ward Councillor Debi Jones called in the application to be determined by Planning Committee.*

## 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
DQ1	Design
DQ3	Trees and Development
H10	Development in Primarily Residential Areas
H3	Housing Land Supply

## Comments

The principle for the siting of a two-storey dwelling within this site has been established by the granting of outline approval S/2008/0944 with all matters reserved.

In light of the above, the main issues to consider in respect of this application are the impact upon the character of the area by virtue of the scale and appearance of the proposal and the impact upon the amenity of neighbouring residential properties.

### Scale and Appearance

The application site lies within the established and traditional area of the suburban commuter town of Hightown east of the bisecting Northern railway line. The character of this area is detached dwellings with external finishes of render or facing brick with predominantly rosemary tiles to roofs. However, within this area and the wider Hightown settlement there are numerous architectural forms with different roof treatments and subsequent pitches that provide for a varying skyline.

The proposal as submitted differs from the indicative proposal that formed part of the outline planning approval, in that the Huf Haus, while contemporary in design, retained traditional features such as a dual pitched roof and gables front and rear, while this application presents a unique dwelling within Hightown, though individual details of this proposal are evident within existing residential properties.

While the proposal appears to depart from the existing residential dwellings, the use of common external finishes such as stone, render, brick and timber and its setting within the plot show clear consideration for the form and layout of properties within the area.

As evident from the submitted drawing 3617PL006 'Proposed Elevations' the proposal has a lower ridgeline than that at The Croft, by 3 metres, and that at Ince View, by 1 metre, which ensures that the property is not overbearing in its relationship to the adjacent properties.

The different elements of the proposal ensures that it does not present a flat and

# Agenda Item 5h

blank frontage to the highway, nor to the side elevations, while the use of a range of materials provides contrast and interest when viewed from the street.

The rear elevation has been designed to utilise the private amenity space to the rear, and in conjunction with new trees to be planted to comply with UDP policy DQ3, it will provide an attractive and useable area that will benefit future occupiers.

In respect of the appearance of the proposed dwelling, it is considered that the proposed two-storey dwelling is of a high quality of design as the various elements of the architect designed property respond well to each other as well as to the wider location therefore complying with the criteria of Unitary Development Plan policy DQ1.

## Neighbouring Amenity

The proposal, while presenting a frontage of 19 metres, is modest in form, as it sits forward in the plot with a shallow first-floor in order to limit the potential for harm to the neighbouring property Ince View to the east with regards to outlook. Consideration is also given to the amenity of future occupiers of The Croft by ensuring a separation distance of more than 12 metres between the side elevation of the proposed dwelling and the principle elevation of the existing.

As the side elevations of the proposal do not have habitable room windows to the first floor this will further reduce the potential for overlooking, while the 1.8 metre high screens to the first-floor terrace will also address concerns of overlooking.

The front elevation is over 30 metres from habitable room windows to the side elevation of the facing property, Windermere House on Windermere Road, and as such will not cause harm to this neighbour, while to the rear are no residential properties.

In response to the objection from Lanthwaite on Windermere Road, the proposed dwelling will be over 45 metres from the nearest part of this residential dwelling and as such will neither overlook this neighbouring dwelling nor introduce a poor outlook.

## Environmental Impact

It is noted that the proposed dwelling will incorporate the use of grey water storage, solar panels to assist heating and a mixture of double and triple glazing to retain heat. The agent states that the proposal will aim for level 4 or 5 in the Code for Sustainable Homes, the national standard for sustainable design and construction of new residential dwellings. This ensures that the proposal complies in full with the criteria set out within UDP policy CS3.

After considering the above, It is clear from the submitted Design & Access statement and the submitted elevations that great thought has been put into the scale and siting of this property with regards to minimising the impact of the dwelling upon the amenity of the properties to either side in addition to providing a uniquely designed property to the benefit of Hightown as a whole.

# Agenda Item 5h

As such, it is recommended that as the proposal complies with Unitary Development Plan policies CS3, DQ1, DQ3, H10 and Supplementary Planning Guidance 'New Housing Development' it should be granted consent with conditions.

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: **10 February 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 5i

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

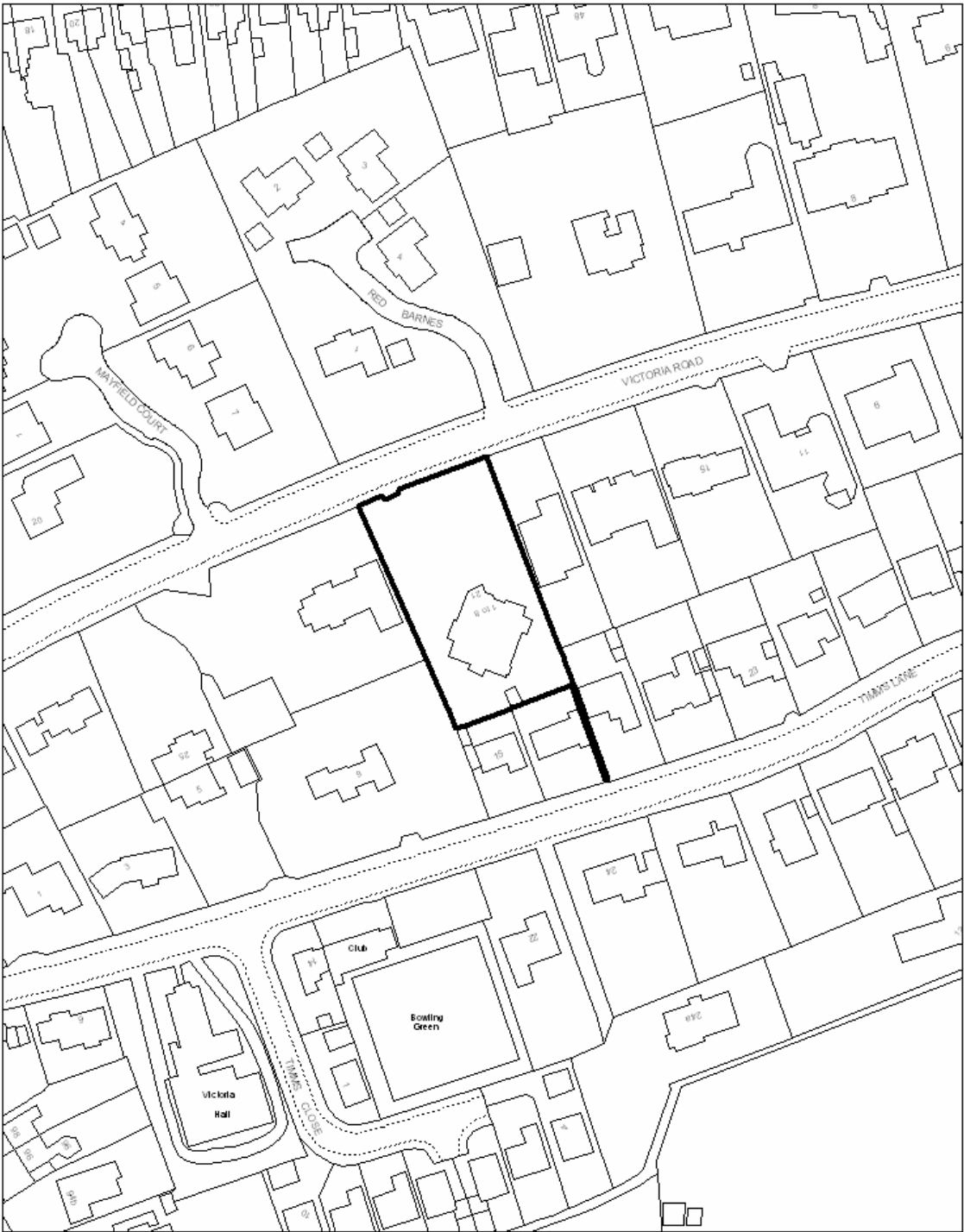
# Agenda Item 5i

## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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



<b>Sefton Council</b> S/2009/1136		<b>Standard Site Plan</b>	
<b>Planning &amp; Economic Regeneration Department</b> Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the Regeneration &amp; Environmental Services Directorate</small>		Scale: 1:1250 Date: 30/12/2009 Drawn By: EBERT on	
21 Victoria Road Formby L37 7AQ		OSGR: 329608, 408373	Sheet(s): 305D Area: 2053 sqm
<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. 1000181923.</small>			
		Ward(s): Harrington Postcode Sector(s): L37 7 Polling District(s): Q1 Parish(es): Formby Cp	

# Agenda Item 5i

S/2009/1136

This application was deferred by Committee on 13 January 2009 for a site visit.

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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Committee: **PLANNING**

Date of Meeting: **10 February 2010**

Title of Report: **S/2009/1145**  
**61-71 Shakespeare Street, Southport**  
(Kew Ward)

Proposal: Demolition of existing ATS industrial building and 2 semi-detached properties and erection of a two storey building to be used as a place of worship

Applicant: Mr P Chiverton Salvation Army Property & Finance Services

## **Executive Summary**

This application is for a replacement place of worship for the Salvation Army which would in due course free up the existing Citadel for retail use, bringing together their whole operation on one site. The issues raised by the proposal concern the principle of the use, design of the building - which is modern and distinctive - access and parking; residential amenity and security and environmental issues.

**Recommendation(s)                      Approval**

## **Justification**

The proposed use is appropriate in this District Centre and would make a positive design statement whilst having no adverse impact on highway safety or residential amenity. Taking these factors, UDP Policies and all other material considerations into account the proposal is considered acceptable.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. M-2 Materials (sample)
4. M-3 Obscure Glazing
5. M-6 Piling
6. P-8 Kitchen Extraction Equipment
7. P-5 Plant and machinery
8. D-5 Renewable Energy (Outline)
9. S-2 Renewable Energy
10. The premises shall not be open for business outside the hours of 0800 and 21.00 Monday-saturday and 0800 and 1900 on Sundays and Bank Holidays.
11. H-1 Remove existing vehicular/pedestrian access
12. H-2 New vehicular/pedestrian access
13. H-5 Off-site Highway Improvements
14. H-6 Vehicle parking and manoeuvring

# Agenda Item 5j

15. H-7 Cycle parking
16. H-8 Travel Plan submitted
17. L-4 Landscape Implementation
18. L-5 Landscape Management Plan
19. S-1 Site Waste Management Plan
20. P-1 Demolition

## Reasons

1. RT-1
2. RX1
3. RM-2
4. RM-3
5. RM-6
6. RP-8
7. RP-5
8. RD-5
9. RS-2
10. In the interests of residential amenity and to comply with policy CS3 and EP6 in the Sefton Unitary Development Plan
11. RH-1
12. RH-2
13. RH-5
14. RH-6
15. RH-7
16. RH-8
17. RL-4
18. RL-5
19. RS-1
20. RP-1

## Drawing Numbers

861/own, 001, 002, 012C, 020, 021C, 022, 023, 024



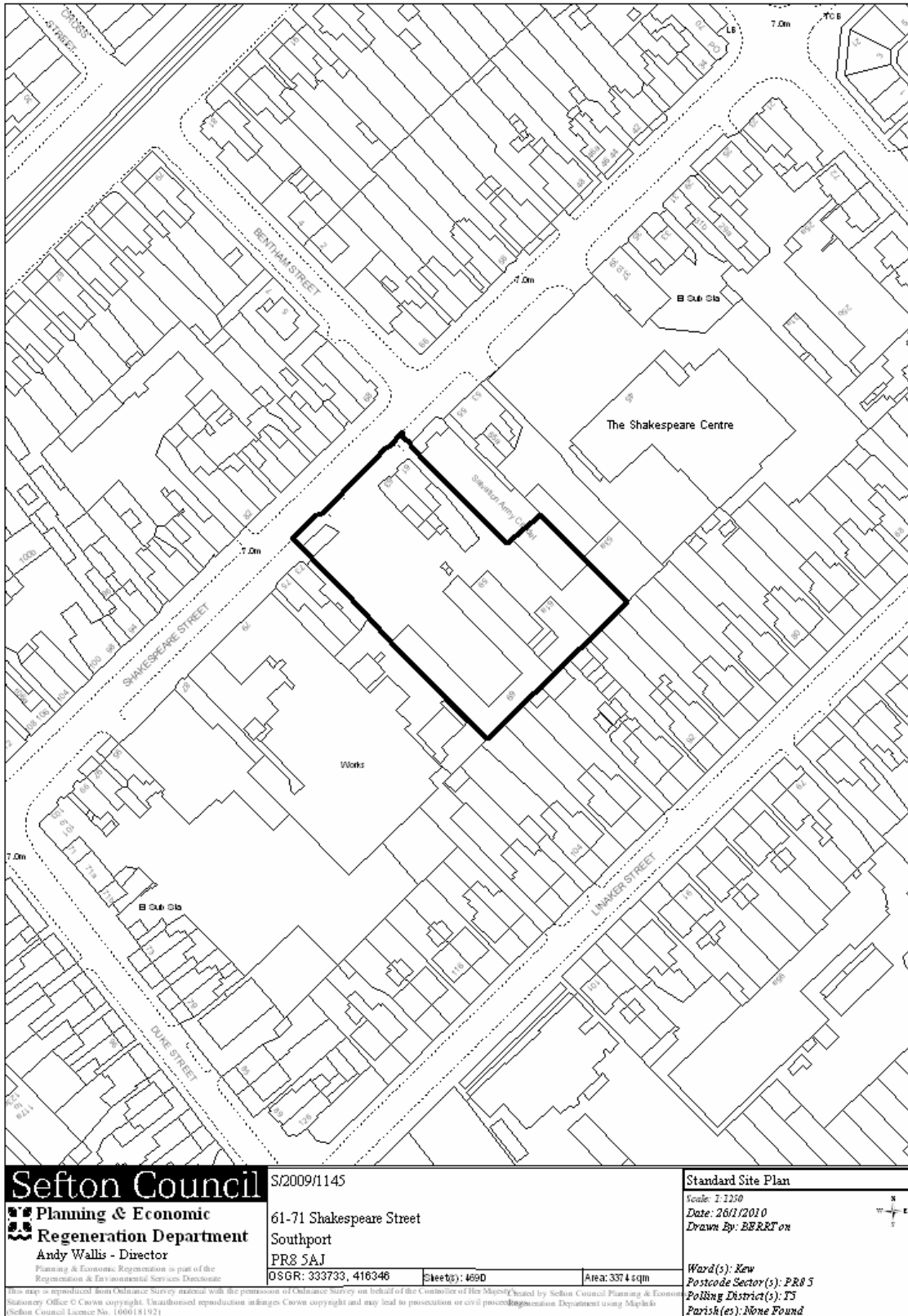
## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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 5j



S/2009/1145

[The Site](#)

This application concerns the land to the south and west of the Salvation Army Citadel in Shakespeare Street. This land is presently part vacant and part occupied by brick workshop buildings (last used by ATS) together with a pair of former semidetached houses and a collection of buildings to the rear of the Citadel all used by the Salvation Army. The site adjoins residential property in Linaker Street to the rear.

## Proposal

Demolition of existing ATS industrial building and 2 semi-detached properties and erection of a two storey building to be used as a place of worship

## History

None relevant

## Consultations

*Highways Development Control* - There are no objections to the proposal in principle as there are no highway safety implications.

There is an existing vehicular access to the former ATS site which will be closed off and the footway reinstated. A new 4.5m wide vehicular access will be provided onto Shakespeare Street which narrows to 3.0m further into the site.

There are a number of points of pedestrian access into the building along the frontage which provide a good degree of permeability from Shakespeare Street.

A surfaced car park with a total of 33 car parking spaces, including 8 spaces marked out for use by disabled persons, will be provided, which is well within the maximum standards as set out in the Supplementary Planning Document "Ensuring Choice of Travel". Motorcycle and bicycle parking spaces will also be provided in accordance with the minimum requirements.

The configuration of the car parking spaces is such that some spaces will be blocked by other parked vehicles, however these 'obstructed' spaces will only be utilised at time of high demand when the main hall is in use. The car parking area will also be used by large vehicles making deliveries/servicing the premises and as such the Salvation Army will need to manage the space to ensure that the times for deliveries to and from the warehouse do not occur at times when the car parking spaces are in use. This will need to be set out in a Traffic and Delivery Management Plan to be submitted to and approved by the LPA prior to the building being brought into use.

A Framework Travel Plan has submitted alongside this application, however a condition will be added to ensure that it will be developed further and implemented.

# Agenda Item 5j

The area in front of the properties numbered 61 & 63 and the former ATS site forms part of the adopted/unadopted public highway and as such this will need to be 'stopped-up' under the appropriate legislation so that it can be included within the front forecourt landscaping area.

In accordance with the requirements of the Supplementary Planning Document "Ensuring Choice of Travel" an accessibility audit has been undertaken and a scheme of off-site highway works to improve access for pedestrians and users of public transport have been identified including:-

- The removal of the existing redundant footway crossing to the former ATS site on Shakespeare Street together with the reconstruction of the footway in materials to match the existing;
- The removal of the existing redundant footway crossing adjacent to 35 & 37 Shakespeare Street together with the reconstruction of the footway in materials to match the existing;
- The provision of flush kerbs and tactile paving either side of the proposed vehicular access to the site, either side of both existing vehicular accesses to The Shakespeare Centre, either side of the vehicular access adjacent to 23 & 25 Shakespeare Street and either side of the junction with Portland Street on the south-east side of Shakespeare Street;
- The provision of access kerbs and the alteration of footway levels at the two existing bus stops to the south-west of the site on Shakespeare Street;
- The removal of the redundant 'Salvation Army Citadel' traffic sign from the existing lighting column; and
- The provision of a scheme of traffic signs, indicating directions to the 'Salvation Army Citadel'.

*Environmental Protection* -no objections subject to conditions

*United Utilities* -no objections

## Neighbour Representations

Last date for replies:

Objections received from 69, 77, Railway Street, 90, 92,96, 98,100 Linaker St,7 Bentham St, on the following grounds

- concern about loss of privacy and security in relation to the carpark
- height of the building; dominance of wooden cross
- dust and asbestos concerns in relation to demolition
- overlooking from roof terrace
- noise from traffic and café; long hours
- lack of parking
- lack of communication with Salvation Army about details of the proposals especially the impact of reconstructing boundary walls

## Policy

The application site is situated in an area allocated as Local Centre on the Council's

Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
EDT18	Retention of Local Employment Opportunities.
R6	Development in District and Local Centres

## Comments

This application is for a new worship hall for the Salvation Army on land which adjoins their existing Citadel at Shakespeare Street. The development involves the demolition of the existing buildings on the site (two former semi-detached houses presently used a coffee shop and office; industrial/warehouse buildings formerly ATS and other buildings to the rear of the site) and their replacement by a purpose built facility of modern design to accommodate the worship hall, coffee shop and offices. Once constructed the existing Citadel will cease to be used for worship purposes and an application is likely to be submitted for retail use to allow relocation of the Salvation Army shop on the other side of Shakespeare Street to a combined site.

The present application is for the new build facility totalling 956sq m comprising a place of worship, coffee lounge, offices, flexible community space and ancillary accommodation. Whilst just under the 1000 sq m to make this a major application and bring certain other UDP Policies into play, it is clear that the building is designed to accommodate a future mezzanine. On this basis it would seem reasonable to examine the requirements of these policies especially in relation to renewable energy. The proposal also includes parking for 33cars (although including an element of double parking) and greenspace provision.

The issues raised by this application concern the principle of the proposed use including loss of employment land as the site was previously partly in employment use. The design of the scheme; access and parking; residential amenity and security; greenspace use and; environmental issues must also be considered.

### Principle of the use

The site lies in a Local centre where the main focus is to provide retail development to serve local needs. However other uses are acceptable in accordance with UDP Policy R6 which maintain overall vitality and viability of the centre and are appropriate to the scale role and function of the centre. In this case the provision of a place of worship is already in the centre and its replacement by a development with a stronger community focus and provision of greenspace is to be welcomed. The applicant's intention is that the existing citadel would be used for retail use which in turn would free up retail space elsewhere in the centre. The principle is therefore acceptable.

In the context of UDP Policy EDT18 concerning loss of employment land, the applicant has sought to justify the proposals on a number of grounds. First, they

# Agenda Item 5j

point out that the former occupier ATS closed in 2003 and the 5 workers were offered transfer to Crosby or other local sites thus avoiding loss of employment. The premises have then been marketed but have remained vacant for more than 5 years. Purchase by the Salvation Army allows development combined with their existing site which will bring urban regeneration to the District Centre. The wider masterplan prepared by the Salvation Army will in time include additional furniture storage/repair space along with the retail sale of this furniture. Increased service provision will provide employment opportunities on the site and serve the local community. It is therefore accepted that the proposal is not in conflict with UDP Policy EDT18.

## **Design**

The applicant's Design and Access statement provides considerable detail on the concept behind the proposed design and how it has been developed. The proposal is contemporary and exhibits a high standard of architecture. Essentially it comprises a 2 storey building with single storey wings. A curved brick front wall would be balanced by a with a curved glazed wall set within the site for the coffee shop. A pergola link to the existing citadel is shown and behind that 2 areas of greenspace and a car park for up to 33 vehicles .

Shakespeare street is characterised by a great variety of building styles and finishes. There is no doubt that the proposed building would be distinctive and its maximum height will slightly exceed that of the existing Citadel and adjoining buildings. However the building is designed to provide lower , welcoming elements on the frontage and the height of the building is unlikely to be unduly prominent in the overall context. The building is well designed and the Director feels that it will make a positive statement in this area.

## **Access and parking**

The Highways Development Control team raise no objections in principle and require only that conditions be attached. The proposed car parking (up to 33 spaces ) is a considerable increase over and above that which presently exists (12) Objectors are concerned about parking levels but the amount would seem reasonable for the size of building in this location. Cycle parking is also provided. The site is in an accessible location and the scheme has been designed to provide good pedestrian access from the street.

## **Residential amenity**

Objections have been received from residents to the rear of the site in Linaker Street. These objections concern fears about noise and disturbance, overlooking, security and detailed considerations with regard to the boundary wall.

In terms of noise and disturbance, the building itself is set well off the boundary wall and the rear elevation has few windows. The Director of Environmental Protection has no concerns with regard to noise and disturbance from the building. Similarly the car park is set off the boundary with landscaping in between and there is no reason to expect that noise and disturbance would be an issue provided that the site is well

managed. Similarly the demolition process, if well managed should not result in adverse conditions for local residents. This can be required by condition.

Concern about security is clearly an important issue and one which is being discussed with the police architectural liaison officer. Gating to the car park and greenspace has been provided on amended plans to seek to improve the security of the site and prevent any loss of security to residents in Linaker Street.

In terms of overlooking , the concern appears to relate to the coffee bar which has an outdoor terrace but is located at the front corner of the building where it will not overlook residents in Linaker Street. The adjoining premises in Shakespeare Street are a funeral directors. There is a first floor window proposed elsewhere in the side elevation which could overlook gardens and should be obscurely glazed. A condition is recommended.

The issue of the precise ownership/treatment of the boundary wall is not a planning issue.

## **Greenspace**

The applicant proposes greenspace on site. Whilst remaining in private ownership this would be available to members of the public as a space to rest and relax. There is no requirement under UDP Policy DQ4 for greenspace in connection with a place of worship.

## **Environmental issues**

The applicant has submitted a tree report indicating that no trees of significance would be removed. The development requires the planting of 33 trees (one per parking space) 35 trees are proposed including some specimen trees. This meets Policy DQ3 requirements

In terms of renewable energy the applicant has confirmed that they are looking seriously at the options and would be happy to accept a condition requiring the 10% provision on site. It is the applicant's stated aspiration to achieve well above the DQ2 requirement in respect of renewables. Conditions are recommended.

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

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Committee: **PLANNING**

Date of Meeting: **10 February 2010**

Title of Report: **S/2009/1194**  
**Netherton Activity Centre, Glovers Lane,**  
**Netherton**  
(St Oswald Ward)

Proposal: Creation of a new two storey Activity Centre comprising; community/leisure facilities, library and changing facilities and the layout of football pitches, car parking and landscaping

Applicant: Alistair S Robertson Leisure Services Dept.

## **Executive Summary**

This proposals is for the replacement of the Netherton Activity Centre by a new building which would provide improved sporting and community facilities. The planning issues in this case concern the principle of this development on greenspace; design, landscaping and visual impact; access and parking and environmental considerations in relation to the canal, wildlife, trees and renewable energy.

**Recommendation(s)                      Approval**

## **Justification**

The provision of a modern compact building of smaller footprint to replace the existing NAC provides for the replacement and enhancement of existing facilities in accordance with UDP policy G1 and the additional facilities can be justified in the context of the overall development. The overall design and layout of the proposal is acceptable and parking levels reasonable. The proposal would have no adverse environmental or amenity impacts. Taking into account these and all other material considerations, approval is recommended.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. L5 Landscaping (scheme)
4. L-4 Landscape Implementation
5. L-5 Landscape Management Plan
6. M2 Materials (details)
7. M-6 Piling
8. P-5 Plant and machinery
9. H-1 Remove existing vehicular/pedestrian access

# Agenda Item 5k

10. H-2 New vehicular/pedestrian access
11. H-5 Off-site Highway Improvements
12. H-6 Vehicle parking and manoeuvring
13. H-8 Travel Plan submitted
14. H-10 Mud on carriageway
15. H-11 Construction Management Plan
16. Unless otherwise agreed in writing by the Local Planning Authority, the building shall not be brought into use until a Traffic Regulation Order (TRO) to introduce waiting restrictions to control parking on Glover's Lane and Eden Vale has been implemented in full.
17. L-1 Protection of trees
18. L-3 No felling
19. The proposed football pitches shall not be used outside the hours of 9 am-10 pm on any day
20. D-5 Renewable Energy
21. S-2 Renewable Energy
22. M-8 Employment Charter
23. S-1 Site Waste Management Plan
24. A scheme of lighting for the proposed pedestrian route to the front of the development shall be submitted to and agreed in writing with the Local Planning Authority before the development is commenced and the approved scheme shall be implemented before the building is first brought into use.
25. P-1 Demolition
26. The overflow parking area shall be gated to prevent vehicle access except when required for activities on the site.

## Reasons

1. RT-1
2. RX1
3. RL1
4. RL-4
5. RL-5
6. RM1
7. RM-6
8. RP-5
9. RH-1
10. RH-2
11. RH-5
12. RH-6
13. RH-8
14. RH-10
15. RH-11
16. In the interests of highway safety and residential amenity and to comply with UDP policy CS3
17. RL-1
18. RL-3
19. To protect the amenities of nearby residents and comply with UDP policies CS3 and EP6

20. RD-5
21. RS-2
22. RM-8
23. RS-1
24. In the interests of pedestrian safety and amenity and to comply with UDP policy CS3.
25. RP-1
26. The unregulated use of the car park would be detrimental to visual amenity and would fail to encourage other modes of transport contrary to UDP Policies CS3 and AD2.

## **Drawing Numbers**

To be advised

# Agenda Item 5k

## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2009/1194 Netherton Activity Centre Glovers Lane Netherton		Standard Site Plan Scale: 1:2000 Date: 26/1/2010 Drawn By: BBERT on
	<small>OSGR: 335285, 399825</small>	<small>Sheet(s): 131A</small>	<small>Area: 53281 sqm</small>

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S/2009/1194

# Agenda Item 5k

## The Site

This application concerns the site of the existing Netherton Activity Centre at Glovers Lane, Netherton and the adjoining recreation pitches to the east of the Leeds and Liverpool canal. For the avoidance of doubt this application does not include the land to the west of the canal.

## Proposal

Creation of a new two storey Activity Centre comprising; community/leisure facilities, library and changing facilities and the layout of football pitches, car parking and landscaping

## History

- S/2008/0164 Outline Planning Application for the restructuring and extension of existing sports facilities to provide a new sports pavilion, 2 No. senior football pitches (including 1 No. third generation synthetic turf pitch), 2 No. junior football pitches and 4 No. mini football pitches and associated works including car parking areas and the provision of a footbridge across the canal - Approved 08/05/2008
- S/1995/0822 - Erection of single storey extension to side of activity Centre -Approved 11/03/1996
- S/1990/0867 - Deemed application for conversion of east wing to a library -Approved 22/01/1991
- S/1989/0179 - Construction of access road to car park – approved 16/08/1989
- S/1987/0815 - Conversion of former school buildings into community and recreation centre - approved 27/01/1988

## Consultations

*Highways Development Control -*

*Traffic Generation and Impact -* The use of the site following the redevelopment will not significantly differ from how it is used at present. It will still primarily be a community facility.

It is anticipated that the busiest periods for this site would be at weekends when the football pitches are in use, but the peak hours on the surrounding highway network would be on a weekday in the morning and early evening. In view of this, the impact of any additional traffic generated by this development will be fairly minimal.

*Pedestrian and vehicular access -* A new wider vehicular access is proposed on Eden Vale located approximately 30 metres from the junction with Glover's Lane. The existing vehicular accesses on Glovers Lane and Eden Vale will be closed off and the footway/highway verge reinstated.

In order to ensure that there is a sufficient level of visibility for drivers emerging from the new vehicular access, the existing fence which runs adjacent to Eden Vale will need to be relocated/replaced along a line set back by 2.0m from the edge of the carriageway. A new section of footway, extending from the junction with Glovers Lane to a point that intersects with the extended boundary of 4 & 6 Eden Vale will need to be constructed to an adoptable standard and the area dedicated to the Highway Authority. This will improve access for pedestrians and will ensure that adequate visibility sight lines can be achieved in either direction.

There will be a number of pedestrian access points that will afford good permeability of the site and provide convenient access to development from the corner of Glovers Lane/Eden Vale and Glover's Lane itself. Appropriate lighting should be provided along the pedestrian paths within the site.

*Parking* - There are large areas of hardstanding within the site at present, which are used for car parking, however these are not marked out in a formal arrangement. This proposal includes a main car park with 112 standard car parking spaces and 7 disabled parking spaces, together with a separate 'grass-crete' area which can accommodate up to an additional 58 vehicles.

This level of car parking significantly exceeds the maximum allowable level as set out in the Supplementary Planning Document 'Ensuring Choice of Travel', however the standards are based on the gross floor area of the building only and do not take into account the significant levels of demand for car parking associated with the use of the football pitches. In view of this, the level of parking provision proposed for this development is acceptable.

Access to the additional car parking area will be managed as it is only intended to be utilised during periods of peak demand.

Notwithstanding the above, there is need to ensure that any occasional overspill car parking which could take place in nearby roads does not cause any congestion or highway safety issues and in this regard, a Traffic Regulation Order for an extended scheme of waiting restrictions will be required covering:-

- both sides of Glover's Lane, from the existing double yellow lines to the centre line of Fleetwood's Bridge; and,
- west side of Eden Vale from the existing double yellow lines to a point that intersects with the extended boundary of 4 & 6 Eden Vale.

An area within the site has been provided for two coaches to park up as well as an area for pick-up/drop-off. The layout of the car park is such that there is sufficient space to enable the coaches to turn around so as that they are able to enter and leave the site in a forward gear.

A total of 20 cycle parking stands will be provided, located close to the main entrance the building which are intended for use by both staff and visitors to the site.

*Servicing* - The layout of the site is such that goods vehicles and coaches will be able to access the site, turn around within the site and leave the site in a forward gear.

# Agenda Item 5k

*Travel Plan* - A Framework Leisure Travel Plan has submitted alongside this application, however a condition will be added to ensure that it will be developed further and implemented

*Off-site highway works* - A package of off-site highway improvements will be required in order to ensure that the development is accessible to pedestrians, cyclists and bus users. This will consist of:-

- The closing off of the existing redundant vehicle access together with the construction a new length of footway (2.0m wide) on the west side of Eden Vale from its junction with Glover's Lane to a point that intersects with the extended boundary of 4 & 6 Eden Vale;
- The provision flush kerbs and tactile paving either side of the proposed vehicular accesses to the site and at the end of the new section of footway on the west side Eden Vale and on the opposite side of the road;
- The provision of access kerbs and the alteration of footway levels at the two existing bus stops adjacent to the site on Glovers Lane;
- The provision of facilities for cyclists, including the upgrade of the existing 'Pelican' crossing to a 'Toucan' crossing on Glovers Lane, a scheme of traffic signs and carriageway markings along Glovers Lane to provide a direct link between the existing cycle network and the development site; and,
- A scheme of traffic signs, indicating directions to the development ("Netherton Activity Centre" or similar to be agreed at a later date).

In view of the above, there are no objections to the proposal, subject to conditions II"

*Environmental Protection* -I have no objection in principle to this proposal. I would recommend that the use of any of the football pitches indicated in application terminates at 22.00 hours.

It is noted that there is a general statement with regard to a proposed lighting scheme for the development. However, it is not clear from the application if flood lighting is to be provided to any of the proposed football pitches. Should this be the case the proposed lighting scheme should be submitted for approval prior to the commencement of the development

*Environment Agency* – comments awaited.

## Neighbour Representations

Letter from 88 Harrops Croft objecting to any football pitches off Harrops Croft.

Objection from 155 Glovers Lane objecting to unruly behaviour on the premises and drives being blocked.

## 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



- CS2 Restraint on development and protection of environmental assets
- CS3 Development Principles
- DQ1 Design
- DQ2 Renewable Energy in Development
- DQ3 Trees and Development
- EP6 Noise and Vibration
- EP7 Light Nuisance
- G1 Protection of Urban Greenspace
- G2 Improving Public Access to Urban Greenspace
- G4 Development adjacent to the Leeds and Liverpool Canal
- G6 Built Recreation Facilities

## Comments

### Background

This application concerns the provision of a new Activity Centre to replace the NAC at Glovers Lane Netherton. The existing NAC is currently housed in a former school building which dates from the 1950s. It delivers a wide range of services to the local community in terms of library, arts centre and leisure/recreation provision, but is in a poor state of repair in a building which is not well suited to the uses it provides. After an unsuccessful application to the Big Lottery for funding for redevelopment, a planning proposal which sought to link a housing development application in Orrell Lane with sporting development on land at the NAC was brought forward. An outline permission was granted in 2008 for extension of the building to provide 4 changing rooms together with a new third generation synthetic football pitch, reorganisation of existing pitches and provision of new mini-pitches across the canal. This would have been funded by S106 contributions from the residential development at Orrell Lane.

However further analysis of the facilities at the NAC, public consultation which supported a new facility and delays/uncertainties in availability of S106 led to a decision by the Council to demolish the existing NAC and provide a new purpose built facility. The new facility now proposed will provide a replacement library, sports/performance hall, fitness suite and health rooms, changing facilities, community rooms, creche and cafe. In addition a specialist sensory soft play area for the disabled and some offices would be provided. The S106 contributions from the residential scheme will be used to fund sporting elements of the proposal.

The application includes the revised layout of pitches to include a new 3G pitch (though no details of this or of any floodlighting are provided at this stage). The provision of pitches on the other side of the canal at Harrops Croft is not included as part of the current application.

The planning issues in this case concern the principle of this development on greenspace; design, landscaping and visual impact; access and parking and environmental considerations in relation to the canal, wildlife, trees and renewable energy and impact on residential amenity.

### Greenspace

# Agenda Item 5k

The provision of outdoor sporting facilities is one of the functions of greenspace and the provision of improved facilities for such use is to be welcomed. Policy G1 also allows for the development of built recreation facilities for which there is a recreational need and no alternative sites available subject to these not resulting in excessive loss of open area or loss of recreational facilities.

The proposed two storey building would have a floorspace of 2,500 sq m and footprint of 1506 sq m replacing a two storey building of 2,383 sq m which has a larger footprint. The location of the new building has been chosen to allow continuity of use and does not impact on existing pitches or outdoor use (it replaces caretaker accommodation). In terms of scale, the new building would have no greater impact on the greenspace and being more compact reduces the land occupied by built form. The uses are broadly a replacement for those existing. The provision of the sensory centre is a new element. This would comprise a specialist sensory facility with soft play area, light room and dark room specifically designed to provide a stimulating environment for children with special educational needs (Jakes Sensory World). Some new offices are proposed, relocating the staff already at the NAC and providing for a service support team from Childrens' Services who will work alongside Leisure services on a whole range of services. Since these do not result in a building which significantly exceeds the existing and since there is a clear relationship of functions with the NAC and a continuity and development of existing activities at the NAC, this is considered acceptable in policy terms.

## **Visual amenity**

The new building would be located adjacent to the canal where trees provide a backdrop of vegetation and the building will be mainly viewed from Glovers Lane. Its scale and massing is considered acceptable. It is essentially a simple box form but the provision of an area of polycarbonate cladding above the sports hall is designed to act as a light box. This would contrast strongly with the dark blue/grey glazed brick and simple windows. An area of glazing provides a central entrance. Discussions are still taking place with the applicant to improve the elevational treatment of the building, particularly to that part of the building closest to Glovers Lane.

The application is accompanied by a landscaping scheme focussing mainly on an open frontage to Glovers Lane. Again improvements are being sought to the proposed scheme which will be reported at the meeting.

Fencing and boundary treatment is still under discussion. The Architectural liaison team has provided a report on security which recommends a greater amount of fencing. However this would detract from the visual appearance of the scheme and a way forward is being discussed. Additional lighting along the proposed pedestrian routes will be required.

## **Access and Parking**

The application proposes a revised vehicular access from Glovers Lane to a car park of 119 parking space (7 for disabled users) together with a grasscrete area of overflow parking which could accommodate an additional 58 vehicles. Whilst these numbers exceed the parking requirements based on floorspace, they also provide for parking for the pitches which can, at busy times, be substantial. The overall level of parking is considered reasonable. Coach parking is also provided and 20 cycle stands.

The Highways Development control team raise no objections to the proposal subject to conditions which include traffic regulation to prevent parking taking place in nearby residential areas and off site works to make access easier for cyclists and pedestrians.

## **Environmental considerations**

The proposals involve removal of a number of trees. The Council's arboriculturalist has no objections to most of these being removed as they are of poor quality and discussions are taking place to retain the others. Replacement trees will be required on a 2:1 basis. Existing trees along the canal would be retained and a condition is recommended to provide protection for these during construction. The proposed building with a floorspace of 2,500 sq m would require the planting of 50 new trees under Policy DQ3 but the car park has 177 spaces. 70 new trees are shown. There will be a requirement for additional trees to be planted elsewhere on the site.

The proposals are for recreational use and improve the greenspace use. No contribution is required under Policy DQ4.

British Waterways Board raise no objections and there are no issues with regard to protected species along the canal.

The application is accompanied by a flood risk assessment. The response from the Environment Agency is still awaited.

The applicant had initially proposed that DQ2 requirements for renewable energy be met by a biomass boiler. This is being reconsidered and the outcome will be reported at the meeting. A condition should be imposed to ensure that the 10% renewables requirement is met.

## **Residential amenity**

The proposed new building is no closer to residential property and will be built to modern standards. There is no additional impact on residents from this element of the proposal. The upgrading of the pitches is accompanied by improved parking and there should be no additional impact on neighbouring residents. A condition imposing closing time for use of the facilities is included in the recommendations. In this respect the objection based on disturbance resulting from behaviour of clients is not justified in respect of the proposal.

# Agenda Item 5k

Contact Officer:

**Mrs S Tyldesley Telephone 0151 934 3569**

Committee: **PLANNING**

Date of Meeting: **10 February 2010**

Title of Report: **S/2009/1205**  
**Laurel Cottage, Broad Lane, Thornton**  
(Manor Ward)

Proposal: Erection of hardwood ranch security gates and posts, to a maximum height of 1.8 metres, across the access road at the front of the dwelling (re-submission of S/2009/1005 withdrawn 29/12/2009)

Applicant: Mr Neil Rogers

## **Executive Summary**

This proposal, by reason of its siting and design, would have no significant detrimental affect on the amenities of the surrounding premises, on highway safety, the character of the street scene, the character of the Conservation Area or on the Green Belt and therefore it complies with UDP Policies HC1, GBC1, GBC2 , DQ1 and MD1.

**Recommendation(s)                      Approval**

## **Justification**

It is considered that this proposal, by reason of its siting and design, would have no significant detrimental affect on highway safety, on the openness and amenity of the Green Belt, on the amenities of the surrounding premises or on the character and appearance of the Conservation Area and therefore it complies with UDP Policies HC1, DQ1, GBC1, GBC2 and MD1.

## **Conditions**

1. T1 Time Limit - 3 years
2. X1 Compliance
3. 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 a no through road traffic sign to diag.816 mounted on a new post at the junction of Lunt Road and Broad Lane 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.

# Agenda Item 5l

## Reasons

1. RT1
2. RX1
3. RH-5

## 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](mailto:development.control@technical.sefton.gov.uk) for further information.

## Drawing Numbers

Dwgs NR/2009/12/1, 2, 3 submitted on 24 December, 2009 and amended location plan and site plan received on 25 January, 2010.

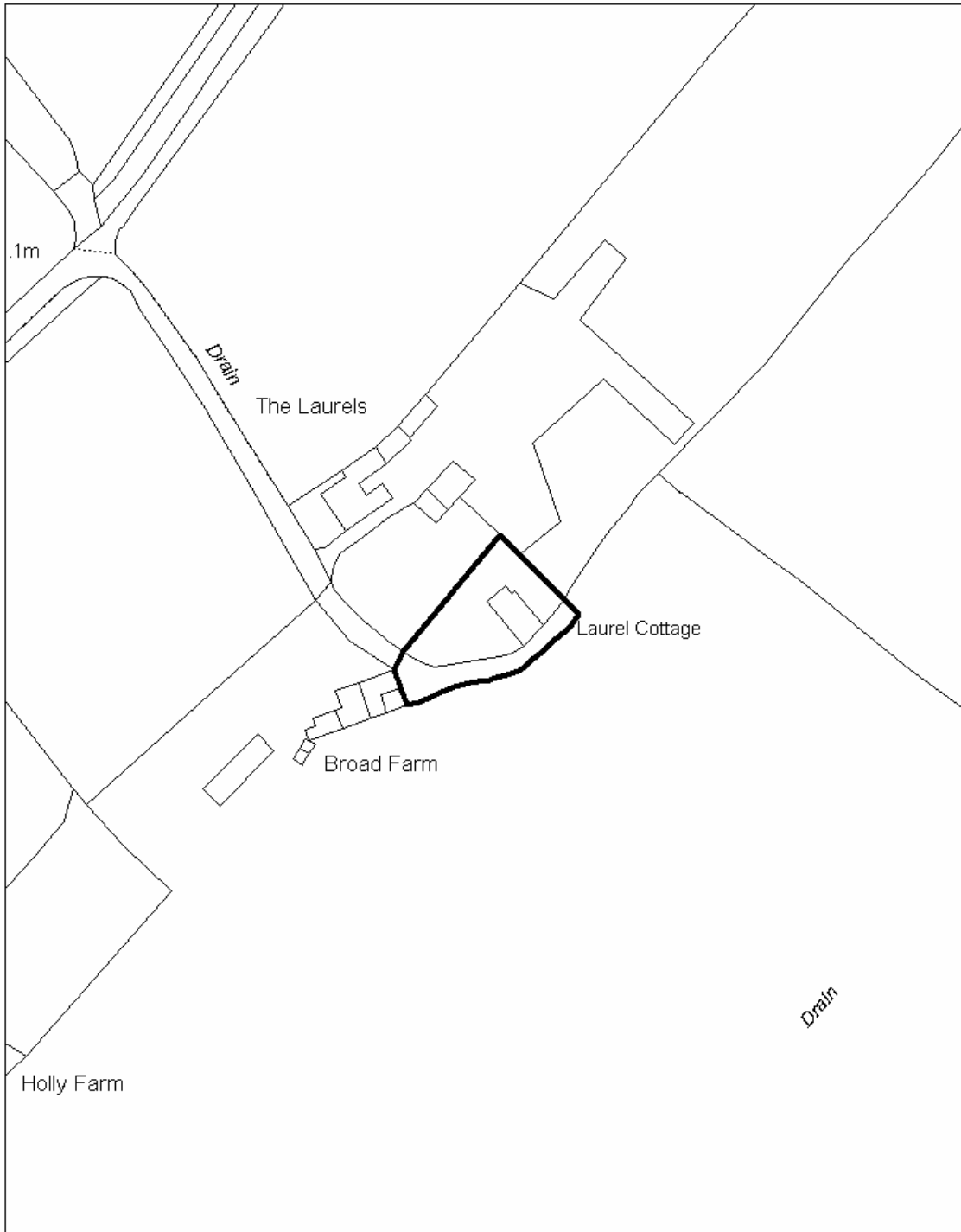
## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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 51



<b>Sefton Council</b> <b>Planning &amp; Economic</b> <b>Regeneration Department</b> Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the Regeneration &amp; Environmental Services Directorate</small>	S/2009/1205 Laurel Cottage, Broad Lane Thornton L29 8YB		Standard Site Plan Scale: 1:1250 Date: 26/1/2010 Drawn By: BEERT on
	OSGR: 334388, 402520	Sheet(s): 190A, 190B	
<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>			Ward(s): <i>Adaxor</i> Postcode Sector(s): <i>L29 8</i> Polling District(s): <i>115</i> Parish(es): <i>Thornton Cp</i>

S/2009/1205



This application has been called in by Councillor Barber.

## The Site

Comprises a detached dwelling house Laurel Cottage, Broad Lane Thornton within the Green Belt and within the Homer Green Conservation Area.

## Proposal

Erection of hardwood ranch security gates and posts, to a maximum height of 1.8 metres, across the access road at the front of the dwelling (re-submission of S/2009/1005 withdrawn 29/12/2009).

## History

- S/2006/1082 - Erection of a two storey rear extension and a single storey side extension - Granted 16/04/07.
- S/2007/0194 - Conservation Area Consent for the demolition of the existing single storey extension and porches at the front and rear - Granted 16/04/07.
- S/2009/1005 - Erection of access gates to the front of the dwelling house to a maximum height of 1.85m - Withdrawn 29/12/09.

## Consultations

*Highways DC* - No objections subject to conditions.

*Conservation Office r* - No objections.

*Property Services* - No objections subject to Legal Agreement for access and land ownership details being agreed.

## Neighbour Representations

Last date for replies: 27/01/10. Two letters of objection from Broad Farm re loss of turning circle, gates being built on land owned by Broad Farm and restricted access. One letter of objection from The Laurels re loss of turning circle .

Press Notice- 14/1/10 Expires 04/02/10.  
Site Notice - 15/1/10 Expires 05/02/10.

## Policy

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

MD1 House extensions.  
GBC1 The Green Belt.

# Agenda Item 51

GBC2            Development in the Green Belt.  
HC1            Development in Conservation Areas.  
DQ1            Design.

## Comments

The issues to consider are the affects that this proposal will have on the highway safety, on the character of the Conservation Area and the Green Belt and on the amenities of the adjoining premises.

This application is a resubmission of S/2009/1005 which was withdrawn on 29 December due to concerns over the design of the gate.

The design of the gate now is a ranch style gate (a typical farmer's field style) to a height of 1.8m. which will be more in keeping with a rural location.

The applicant is very concerned about security and believes that these gates would help secure the property from anyone coming down Broad Lane in a car, stopping them before they can enter the dirt track to the side of the property.

Policy HC1 Development in Conservation Areas states that development will normally be allowed in or adjacent to Conservation Areas where the appearance and character of the area will be preserved or enhanced.

The gates, which would be ranch style, are more in keeping with this countryside location and are considered to meet policy and statutory requirements that development preserves and/or enhances the character and appearance of the Conservation Area.

Policy GBC2 Development in the Green Belt states that permission will be given for development if it is considered that it will not affect the openness and amenity of the Green Belt.

The gate, because of its ranch style design, will not affect the openness or visual amenity of the Green Belt when viewed from Broad Lane or from the open fields adjacent to this property.

In terms of residential amenity, the nearest properties are 30m and 40m away respectively and I do not believe that the proposed gates and their use will impinge on the amenities of either of the two neighbours.

Objections have been received from two nearby neighbours at The Laurels and Broad Farm with regard to issues concerning highway safety- they both believe that when the gates are closed it will be difficult to turn around in Broad Lane and furthermore they have identified issues with regard to land ownership within the area. They state that the gate will be built on land not in the ownership of the applicant and that the gate will overhang land which may be owned by Broad Farm.

Highways Development Control consider that , although the positioning of the gates would mean that traffic would not be able to access beyond the gate when it is closed, the works would not lead to undue concerns regarding highway safety and that vehicles could turn around safely within Broad Lane itself.

Issues regarding land ownership are not a material planning consideration.

# Agenda Item 5l

Having taken all of the above into account, I believe that this proposal, if allowed, would have no significant detrimental affect on either highway safety, on the amenities of the surrounding premises, on the openness and amenity of the Green Belt or on the character of the Conservation Area and therefore I recommend that planning permission be granted subject to conditions.

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

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

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# Agenda Item 6

**Committee:** PLANNING

**Date of Meeting:** 10 FEBRUARY 2010

**Title of Report:** Visiting Panel

**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

To enable the Visiting Panel to visit the sites of the planning applications in order to help them reach a decision on whether to grant, refuse or visit for information only.

## Recommendation

As set out in each item

## 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 6

## **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.

PLANNING COMMITTEE  
VISITING PANEL SCHEDULE

MONDAY, 8 FEBRUARY 2010

Start: 9.30 am Bootle Town Hall

Item	Time	Application Site	Ward
1.	0945	S/2010/0041 Land at adj Hall Road BR Station, Hall Road East, Crosby	Blundellsands
2.	1010	S/2009/1205 Laurel Cottage, Broad Lane, Homer Green S/2009/1058 Broad Farm, Broad Lane, Homer Green	Manor
3.	1040	S/2009/1133 The Croft, 8 Thirlmere Road, Hightown	Manor
4.	1105	S/2009/1200 Power House, Hoggs Hill Lane, Formby	Ravenmeols
5.	1130	S/2009/1136 21 Victoria Road, Formby	Harington
6.	1225	S/2009/1167 Land rear 1A Virginia Street, Southport	Kew

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Committee: **PLANNING**

Date of Meeting: **10 February 2010**

Title of Report: **S/2009/1058**  
**Broad Farm Broad Lane, Thornton**  
(Manor Ward)

Proposal: Conversion of dis-used barn into 1 no. detached two storey dwellinghouse and detached garage

Applicant: Mr John Parr

## **Executive Summary**

This is an application to convert a rural building into a dwelling. The site lies within the Homer Green Conservation Area and is also within Green Belt. The main issues to consider include impacts on the Green Belt, on the Conservation Area, on residential amenity and on highway safety, and on issues of nature conservation and landscaping.

**Recommendation(s) For Information Only**

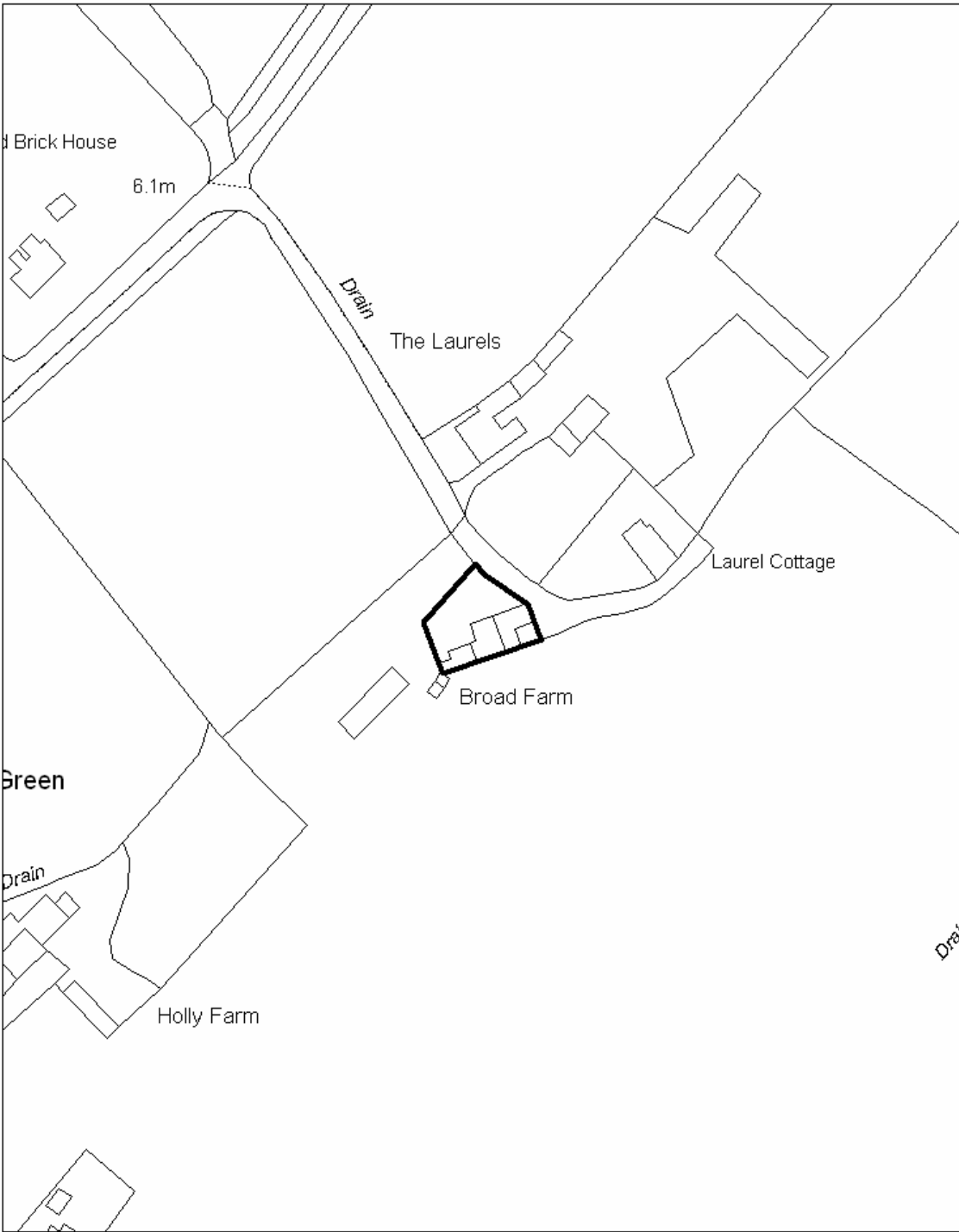
# Agenda Item 6c

## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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



<p><b>Sefton Council</b>                  Planning &amp; Economic                  Regeneration Department                  Andy Wallis - Director  <small>Planning &amp; Economic Regeneration is part of the                  Regeneration &amp; Environmental Services Directorate</small></p>	<p>S/2009/1058                  Broad Farm                  Broad Lane                  Thornton                  L29 8YB</p>	<p><b>Standard Site Plan</b>                  Scale: 1:1250                  Date: 29/1/2010                  Drawn By: EBERT on</p>
	<p>OSGR: 334353, 402504    Sheet(s): 190A, 190B    Area: 457 sqm</p>	<p>Ward(s): <i>Adaxor</i>                  Postcode Sector(s): <i>L29 8</i>                  Polling District(s): <i>115</i>                  Parish(es): <i>Thornton Cp</i></p>

**The Site**

S/2009/1058

# Agenda Item 6c

The site comprises a traditional barn constructed predominantly in brick with some stonework. The barn has a pitched roof partly covered in corrugated metal sheeting whilst the remainder of the roof is missing.

The barn is situated within the curtilage of the farmhouse known as Broad Farm. There are other residential properties, namely The Laurels and Laurel Cottage on the opposite side of Broad Lane which is unadopted at this point.

The site lies within Green Belt and also forms part of the Homer Green Conservation Area.

## Proposal

Conversion of dis-used barn into 1 no. detached two storey dwellinghouse and detached garage.

## History

S/1994/0411 - Conversion of the redundant farm buildings into a dwellinghouse - Refused 10/11/94. Appeal dismissed 30/08/95.

S/1990/0241 - Alterations and roof extension to the existing building to use as a domestic workshop and garage - Approved 31/05/90

## Consultations

*Environmental Protection Director* – no objections subject to standard peat informative.

*Highways Development Control* – no objections subject to condition regarding vehicle parking and standard address informative.

*MEAS* - Nocturnal bat survey and survey for great crested newts required before the application can be determined. Also, require conditions relating to barn owls, nesting birds and Japanese knotweed.

## Neighbour Representations

Last date for replies: 25/12/09 (neighbours)  
7/1/10 (site notice)  
7/1/10 (press notice)

Letter of objection received from Laurel Cottage. Points of concern include inappropriate development harmful to rural conservation area, increased urbanisation and detracts from openness. Also previous refusal to convert building on basis of structurally unsafe and not fit for conversion; extra use of unadopted potholed track; overlooking from proposed second floor window; no drainage details shown on plan.

## Policy

# Agenda Item 6c

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

AD2 Ensuring Choice of Travel  
CS2 Restraint on development and protection of environmental assets  
CS3 Development Principles  
DQ1 Design  
DQ3 Trees and Development  
GBC1 The Green Belt  
GBC2 Development in the Green Belt  
HC1 Development in Conservation Areas  
NC2 Protection of Species

## Comments

The main issues to consider include the impact on the Green Belt and on the Homer Green Conservation Area, impacts on residential amenity and highway safety, as well as nature conservation and landscaping issues.

Sefton's SPG Development in the Green Belt sets out the criteria for the re-use of existing buildings in the Green Belt. The converted building must not have a significantly greater effect than the present use on the openness of the Green Belt, the proposal should not involve significant extensions to the building or an enlargement of the property's curtilage, the nature and size of the proposed use must be appropriate for the building and its curtilage, the building must be of permanent and substantial construction and capable of conversion without major areas of rebuilding, and the proposal must not harm the form, bulk and general appearance of the building and its curtilage with any features of interest being retained.

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: **10 February 2010**

Title of Report: **S/2009/1200**  
**Former Power House Hoggs Hill Lane,**  
**Formby**  
(Ravenmeols Ward)

Proposal: Change of use to 60 self-contained residential apartments with communal leisure facilities including alterations, extension to the north elevation and roof and partial demolition with associated access, car parking and landscaping

Applicant: Mr M McComb Formby Hall Investments

## **Executive Summary**

The proposal seeks to redevelop the Powerhouse site for residential purposes. The site lies within the Green Belt to the south of the main Formby settlement and is bounded by the Liverpool-Southport railway to the west and the River Alt to the east and south.

**Recommendation(s) For information only**

## **Drawing Numbers**

To be confirmed

# Agenda Item 6e

## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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?				

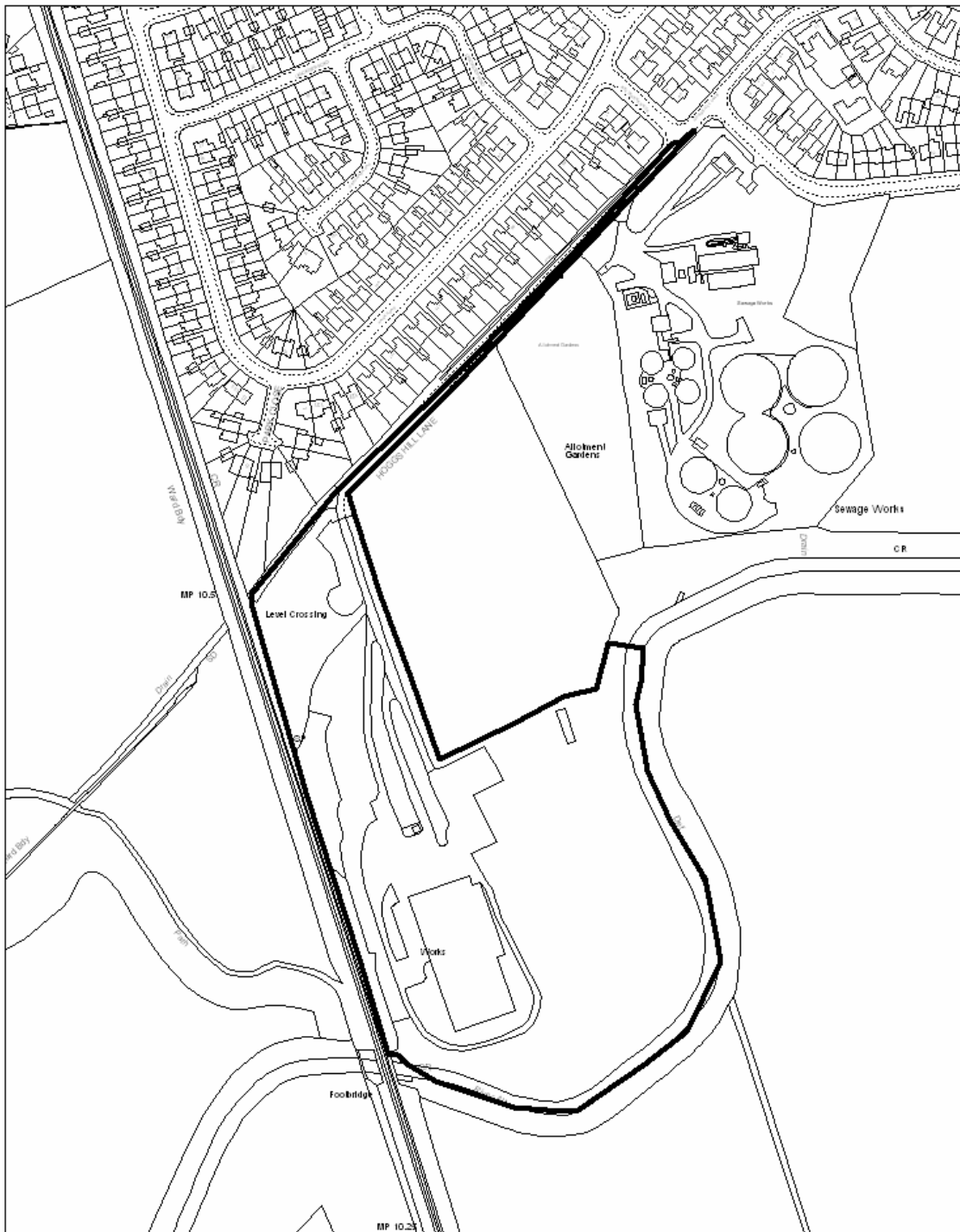
## List of Background Papers relied upon in the preparation of this report

History referred to  
Policy referred to





# Agenda Item 6e



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2009/1200 Former Power House Hoggs Hill Lane Formby		Standard Site Plan Scale: 1:3000 Date: 26/1/2010 Drawn By: EBERT on
	OSGR: 329619, 406866	Sheet(s): 245A, 265D, 265E, 249C	Area: 57244 sqm

## FOR INFORMATION ONLY

S/2009/1200

### The Site

The site is a former industrial building formerly used to provide power to the Liverpool-Southport railway. It lies 2 kilometres south of Formby town centre, and is accessed via Hoggs Hill Lane which lies to its north and east. The rear aspect of residential properties on Park Road lies some 300 metres to the north.

The building represents a significant landmark in an otherwise open landscaped setting, and is currently prominent from a range of locations, including from the railway running to the western side, and from the A565. The River Alt runs around the east and south side of the building.

### Proposal

Change of use to 60 self-contained residential apartments with communal leisure facilities including alterations, extension to the north elevation and roof and partial demolition with associated access, car parking and landscaping.

### History

Applications since 1990:

- N/1991/0081 – Layout of road and erection of 27 semi-detached and detached dwellinghouses and erection of a pavilion and layout of sports pitches following demolition of the existing – withdrawn 23 May 1991.
- N/1991/0082 – Change of use from general industrial (B2) to storage (B8) – approved 24 April 1991.
- N/1993/0228 – Erection of a detached dwelling refused 24 June 1993.
- N/1995/0096 – Installation of 10 metre high cylindrical antenna to be sited on top of the building – approved 21 March 1995.

### Consultations

*Highways Development Control* – comments awaited

*Environmental Protection Director* – comments awaited

*Environment Agency* – comments awaited

*United Utilities* – no objections.

*Merseyside Police ALO* – comments awaited

*Scottish Power* – comments awaited

# Agenda Item 6e

*Merseyside Archaeologist* – comments awaited

*MEAS* – comments awaited

*Merseytravel* – comments awaited

*Network Rail* – comments awaited

*British Waterways* – comments awaited

## Neighbour Representations

Last date for replies: 25 January 2010.

Site/press notice expiry 5 February 2010.

Numerous representations received both objecting to and supporting the scheme. To be reported in full at time of recommendation.

## Policy

The application site is situated in an area allocated as Green Belt on the Council's Adopted Unitary Development Plan. It is also specifically designated as a major developed site within the Green Belt.

AD1	Location of Development
AD2	Ensuring Choice of Travel
AD3	Transport Assessments
AD4	Green Travel Plans
CS1	Development and Regeneration
CS2	Restraint on development and protection of environmental assets
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
EP1	Managing Environmental Risk
EP2	Pollution
EP3	Development of Contaminated Land
EP6	Noise and Vibration
EP8	Flood Risk
GBC1	The Green Belt
GBC2	Development in the Green Belt
GBC3	Redevelopment of a major developed site in the Green Belt - the Powerhouse, Hoggs Hill Lane, Formby
GBC6	Landscape Character
GBC7	Agricultural Land Quality
H12	Residential Density
H2	Requirement for Affordable, Special Needs and Housing
H3	Housing Land Supply
MD2	Conversion to Flats
NC1	Site Protection
NC2	Protection of Species
NC3	Habitat Protection, Creation and Management

## RSS L4 – Regional Housing Provision

Various national guidance in the forms of PPG2 (Green Belts), PPS3 (Housing), PPG9 (Nature Conservation), PPG13 (Transport), PPG23 (Contaminated Land), PPG24 (Noise) and PPG25 (Flood Risk) are also relevant considerations.

### Comments

The Powerhouse is a prominent industrial building on the southern edge of Formby. It was built originally to generate power for the adjacent Liverpool to Southport railway. The site has since been used for a number of commercial purposes, but the access via Hoggs Hill Lane is not suitable for goods vehicles. Part of the site has been used for landfill. The site lies within a flood risk area, next to the River Alt.

The supporting text to Policy GBC3 encourages an alternative use provided access is appropriate and subject to there being no greater impact on the openness of the Green Belt that at present. Small scale residential development may be an appropriate use for the site or, alternatively, the policy would support in principle the conversion of the Powerhouse for residential purposes; the latter is proposed.

It will be important to ensure that neither approach results in greater impact on the Green Belt either through the amount of land required for new residential development or through the additional requirement of converting the building (in particular the need for car parking).

There are a range of issues brought by the proposal, in part addressed by a package of detailed documents submitted with the application.

1. The impact of the proposal in terms of design and visual impact,
2. The impact of the proposals on the openness and visual amenity of the Green Belt, in particular having regard to the manner of conversion, the presentation of external spaces, and the works required to secure access,
3. The capability of the building to be occupied without a level of reconstruction amounting to fundamental new build.
4. The contribution the site will make to the provision of affordable housing within Sefton,
5. The impact of the proposals on highway safety,
6. The extent to which the proposals would affect public rights of way,
7. The extent to which the proposals are sustainable in terms of transport, energy consumption and SuDS,
8. Impact on agricultural land quality,

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9. The extent to which the development will provide for the planting of trees and the provision of urban greenspace of a publicly accessible nature,
10. The impact on ecology and protected species,
11. The potential that the development may be exposed to flood risk, and;
12. The extent to which previous uses have resulted from on-site contamination.

In accordance with the provisions of the Departure Regulations referred to within Circular 02/09, the application must be referred to the Government Office North West for a decision should members be minded to approve, on the basis that it constitutes development exceeding 1,000 sq metres in the Green Belt.

The application will be reported to members in full at a later date complete with the outcome of discussion relating to all of the above issues.

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

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

# Agenda Item 7

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

**DATE:** 2 February, 2010  
10 February, 2010  
4 March, 2010  
4 March, 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 18<sup>th</sup> 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.

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## 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 14<sup>th</sup> January 2010



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## 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:

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
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

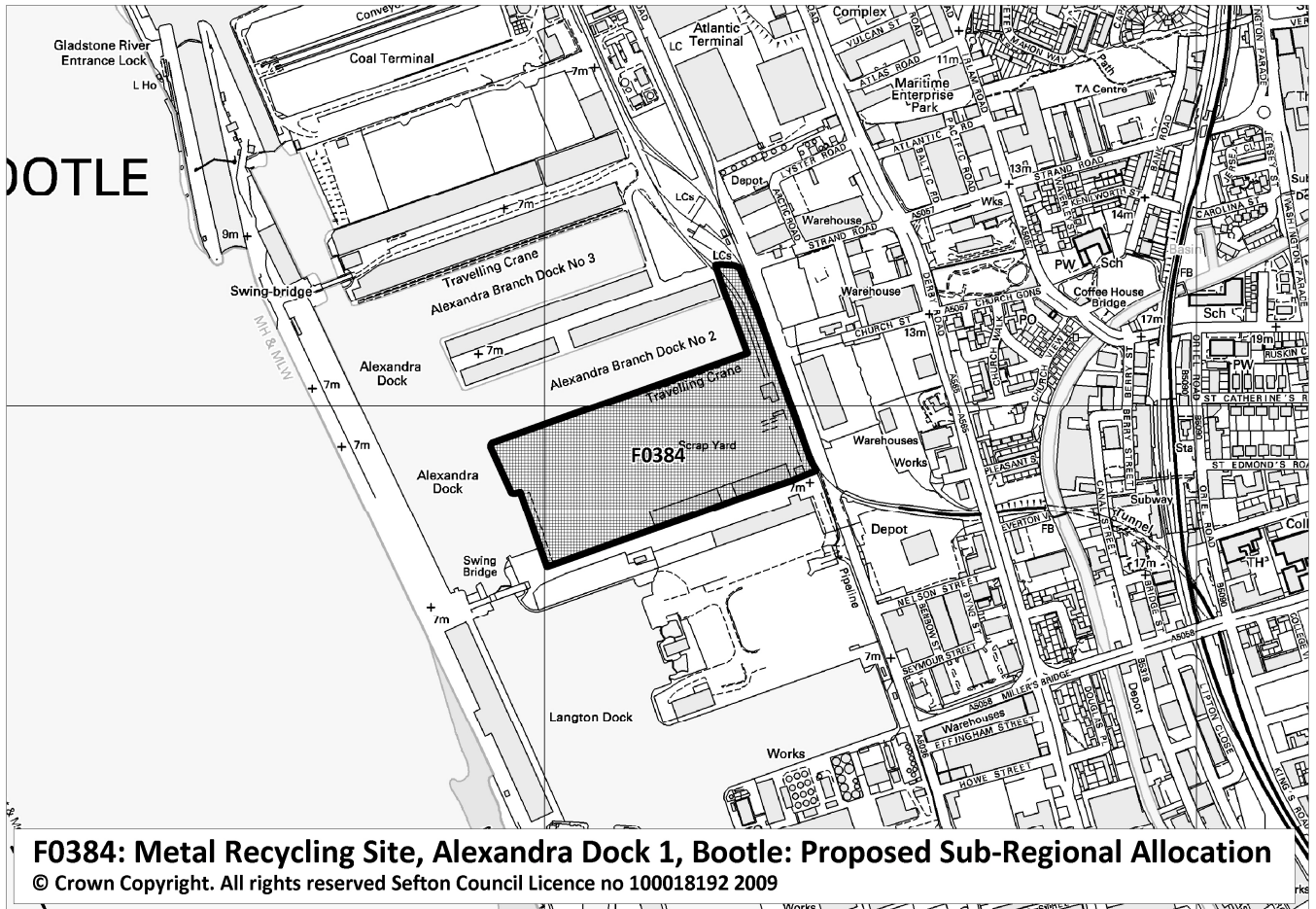
1. The joint Merseyside Waste Development Plan Document (DPD) is a statutory plan and is a key part of Sefton's Local Development Framework. The Merseyside authorities are required to contribute to this important piece of work which must allocate suitable sites, or preferred locations, to meet future 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 11<sup>th</sup> 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

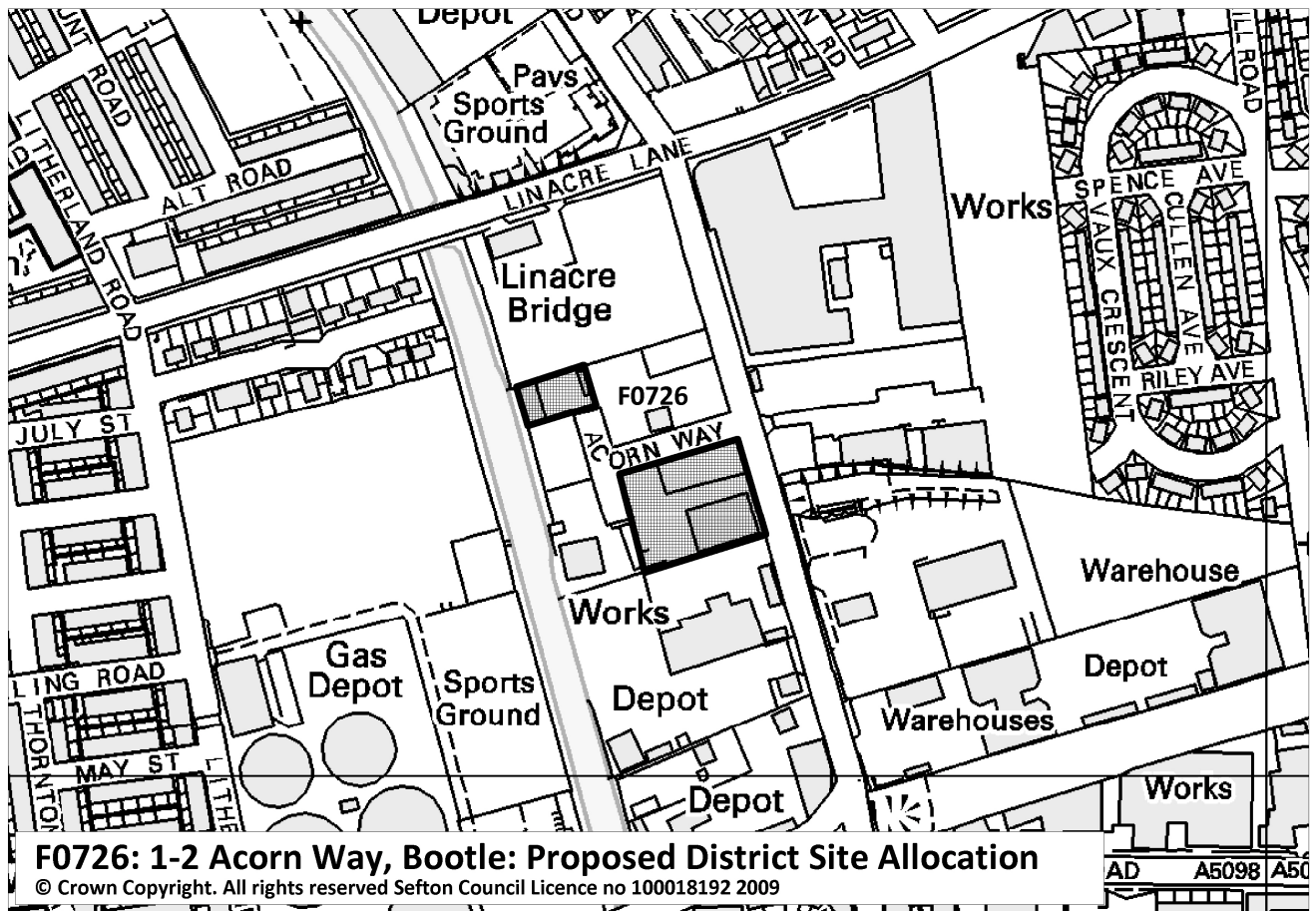
Three 'district level' sites have been agreed as the most suitable for waste uses taking account of the Council's responses to the Spatial Strategy and Sites consultation, and detailed discussion with land owners. These are:

- 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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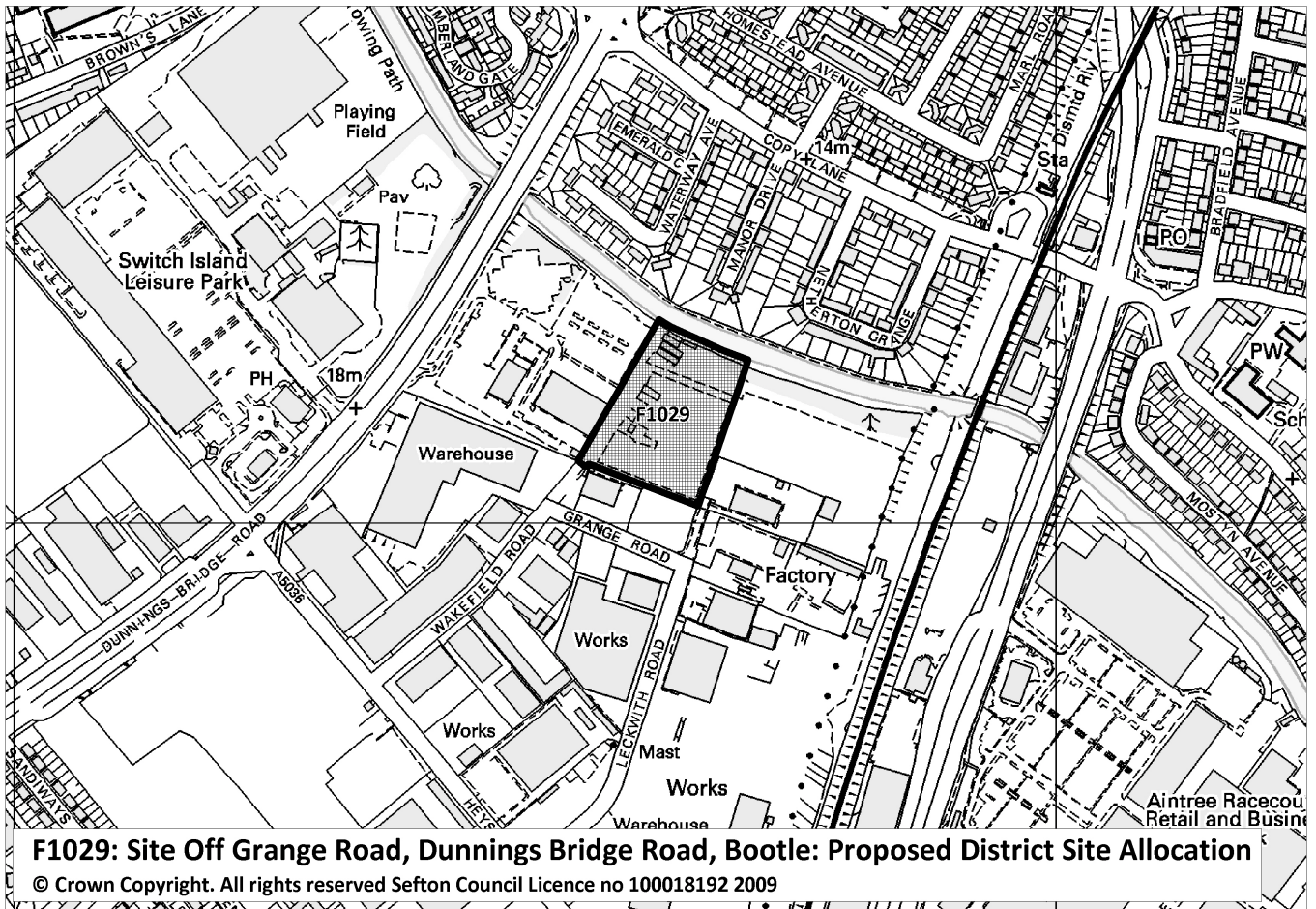
## 14. Site off Grange Road, Dunnings Bridge Road

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.

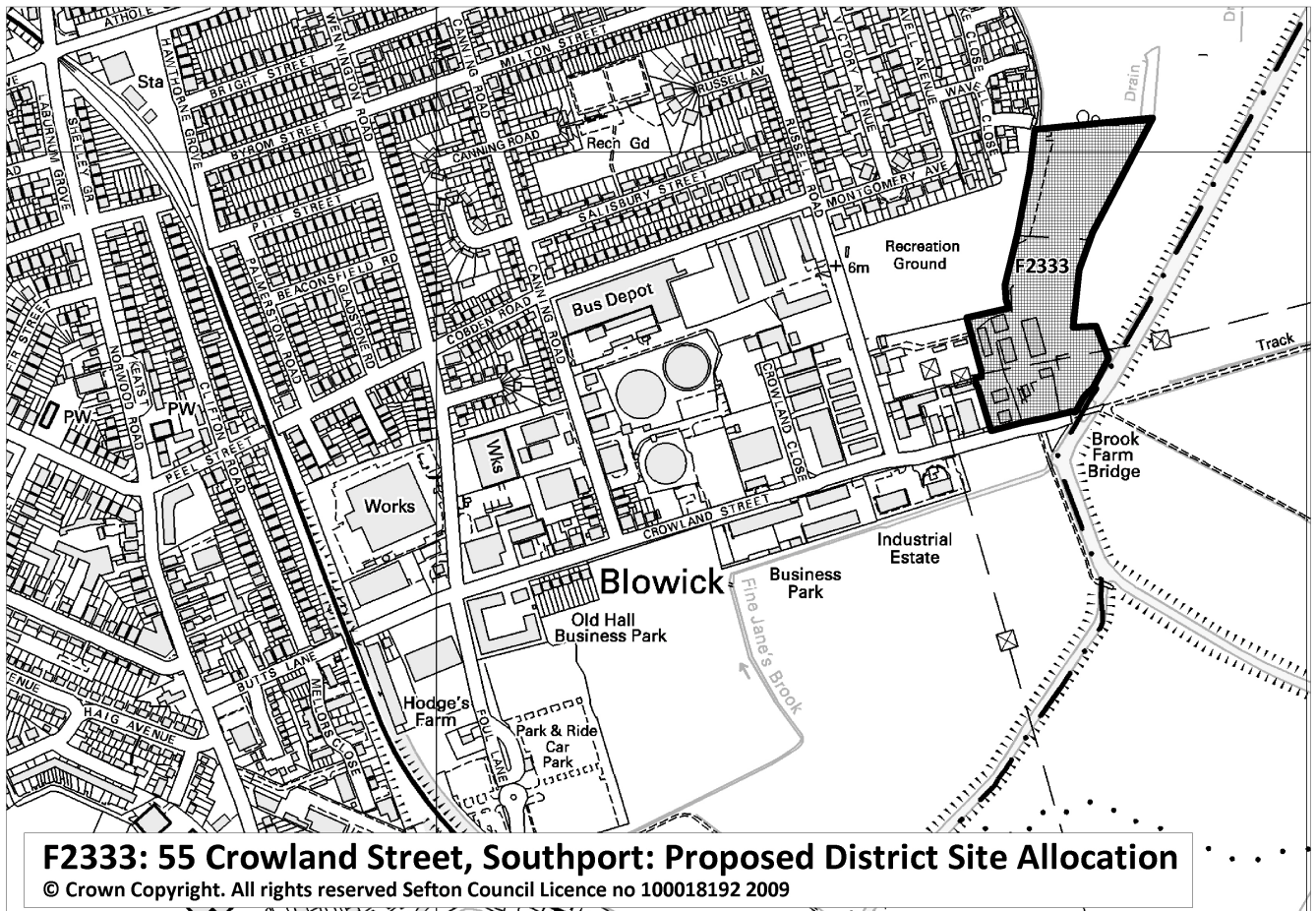


## 15. 55 Crowland Street, Southport

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 18<sup>th</sup> 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
<b>Sorting &amp; recycling wastes</b>					
MRF		1	1	2	<=3ha.
Non-inert WTS		1		1	3-5ha.
HWRC	1			1	ca. 1ha.
<b>Preparing &amp; treating wastes</b>					
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.
<b>Landfill disposal</b>					
Non-inert landfill	(2)			(2)	n/a
Inert landfill	2			2	>10ha.
<b>Total requirement</b>					
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.

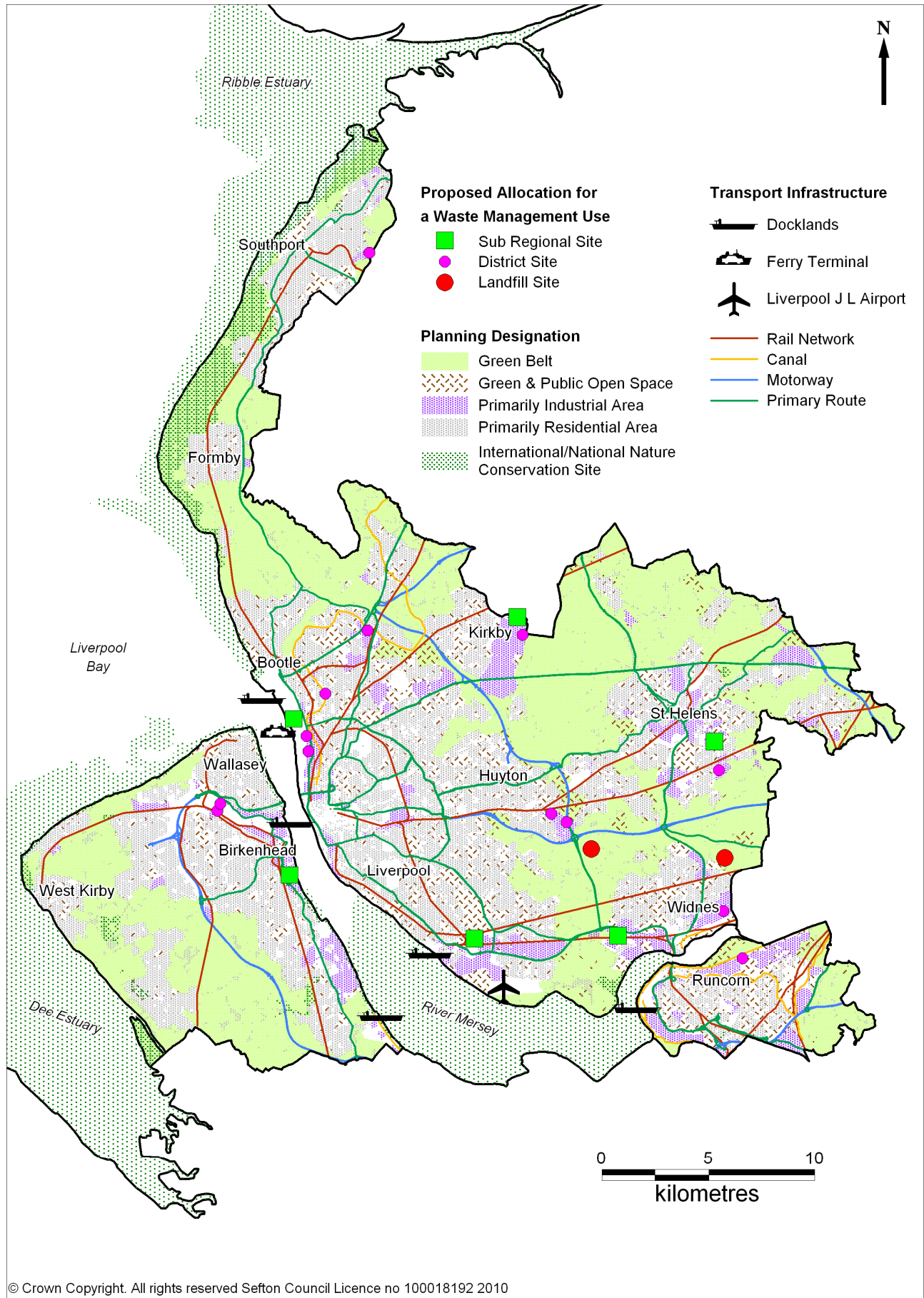
6.3 In addition the existing non inert landfill at Lyme and Wood Pits in St. Helens has recently extended its operational life until 2012.

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](http://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.**

<b>Commencement of Plan preparation*</b>	<b>December 2006</b>	<b>Current Status</b>
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 8

**Committee:** Planning

**Date Of Meeting:** 10<sup>th</sup> February 2010

**Title of Report:** Wirral Waters: Creation of a New City Neighbourhood at East Float, Birkenhead  
Planning Application – Neighbouring Authority Consultation

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

**Contact Officer:** Alan Young Telephone 0151 934 3551

<b>This report contains</b>	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 advise Members of a recent consultation by Wirral Metropolitan Borough Council on an outline planning application for ‘the creation of a new city neighbourhood’ at East Float, Birkenhead and to seek the retrospective endorsement of officer comments submitted by the extended 4<sup>th</sup> February consultation deadline.

## **Recommendation(s):**

That the report be noted and the officer comments submitted to Wirral Metropolitan Council by the 4<sup>th</sup> February deadline be endorsed.

# Agenda Item 8

## 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

There are no financial implications arising from this report.

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

Wirral Metropolitan Borough Council, Outline Planning Application Consultation, Ref LPA Ref: APP/09/06509

## Wirral Waters: Creation of a New City Neighbourhood at East Float, Birkenhead Planning Application – Neighbouring Authority Consultation

### 1. Background

- 1.1 Wirral Metropolitan Borough Council has consulted the Council on the above planning application (received on 24<sup>th</sup> December 2009). The original 21day deadline for response was set at 8<sup>th</sup> January 2010 but by agreement with Wirral officers an extended deadline for response has been set at 4<sup>th</sup> February 2010.
- 1.2 The planning application can be inspected in the Wirral Metropolitan Borough Council website under the following web link:  
  
<http://www.wirralwaters.co.uk/content/planningapplication20091214.php>
- 1.3 The planning application has been submitted by Peel Land and Property (Ports) Ltd and is in outline with all detailed matters reserved for subsequent approval. East Float forms part of the broader Wirral Waters regeneration project.
- 1.4 The application is for a mixed use development and is worded as follows:

*“Proposal:*

*Outline application for the creation of a new city neighbourhood at East Float, consisting of a maximum of 13,521 residential units (Class C3), maximum 422,752 m2 (Class B1), maximum of 60,000 m2 retail/food uses (Classes A1-A5), a maximum of 38,000 m2 of hotel and conference facilities (Class C1), a maximum of 100,000m2 of cultural, educational, leisure and community facilities (Classes D1/D2, car/cycle parking, landscaping, public spaces and associated infrastructure and public realm works. Within the overall maxima, permission is sought for flexible use under GPDO Part 3 for 485,000 m2 of floorspace to be used for B1, A1, A3, A4, A5, C1, D1, D2.*

*Location:*

*Cleared Site Adjacent East Float Quay, Dock Road, Seacombe.”*

- 1.5 The background information states that the vision for Wirral Waters is to:

*‘..... create a new city waterfront focussing upon the transformation of Birkenhead and Wallasey Docks and their surrounding neighbourhoods. East Float is to be the principle focus for significant investment, delivering new residential, commercial, cultural and leisure destination. Delivery of the vision starts immediately and will be continued over a 30+ years timescale.’*

In particular, it focuses upon the transformation of Birkenhead and Wallasey Docks and their surrounding neighbourhoods. In this regard, East Float is to be the principle focus for significant investment, delivering new residential, commercial, cultural and leisure destination.

- 1.6 In terms of the quantum of development, the planning application and supporting information specifies the following

# Agenda Item 8

- 13,521 residential units (Use Class C3), of which will include an unspecified mix of dwellings and affordable housing component to be determined at a later date.
- a maximum of 60,000 m2 retail and food uses to be developed over a 40-year time horizon. On the basis of the 'indicative development trajectory' and recognising that development has to be linked to the retail expenditure capacity which is available, it proposes that the scale of 'retail' floorspace development shall include the full range of uses within the A Use Class: retail services, food and drink, A2 offices and convenience and comparison floorspace to be provided over following time periods (split roughly 50/50 between retail and wider 'retail' uses)

2012 – 2020	17,000 sq m (gross retail floorspace)
2012 – 2030	16,500 sq m (gross retail floorspace)
2031 – 2040	15,000 sq m (gross retail floorspace)
2041– 2050	11,500 sq m (gross retail floorspace)

- a significant proportion of the overall involves offices and leisure floorspace and associated uses comprising education, culture, hotels etc) comprising some 40% of overall floorspace and equivalent to some 570,000 sq m.

## 2. WYG's Initial Comments on the Retail Aspects of the Planning Application for Sefton

2.1 In accordance with normal procedures and reflecting the scale of the retail development proposed as part of this scheme, the Council's retained retail consultants WYG were instructed on 19<sup>th</sup> January to appraise the planning application from Sefton's perspective. Full comments have not yet been received but they will be reported to committee as a late representation.

2.2 The key initial conclusions of their assessment are summarised as follows:

*'I have read through the Retail, Leisure and Office statement prepared in support of the planning application.*

*I think the key issue to note is that the timeframe of the proposed development is 2050. This means that although the 60,000 sqm of A1 to A5 uses is significant this is spread out over and 35/40 year period. The phasing plan set out in the report suggests that the floorspace will be delivered in four phases from 2012 to 2020 and then in three equal ten year blocks. It is also important to note that the floorspace proposed is also split into retail and service uses which are anticipated to be split broadly 50/50. This means that the retail floorspace would actually be between 24,000 sqm and 36,000 sqm through to 2050. In the second scenario, this would relate to just 720 sqm per annum of retail floorspace.*

*The critical issue will be how the development is controlled and phased. I think it will be important in your discussions with Wirral to understand how any future condition would be framed to ensure that the retail element of the scheme could be adequately controlled and delivered in the phases proposed. It will also be important for Sefton to see that condition and*



*be able to comment on it as it is critical to the whole acceptability of the quantum of floorspace proposed.'*

## **3. Planning and Economic Director's Comments**

- 3.1 The current planning application is described by the applicants as being 'strategic' in nature and comparable in scale with major schemes such as the Olympics and Barking Riverside. It is understood that should planning permission be forthcoming, Peel Holdings would commence a major marketing exercise to seek investment and occupier partners to bring forward the project. Arising from this, reserved matters applications would then, no doubt, be submitted.
- 3.2 The planning application is without doubt of critical importance to Wirral. It offers the opportunity to transform a key part of the Birkenhead Dock system, bring much needed and significant investment and jobs, new housing and creating a new high quality commercial, cultural and leisure destination to be delivered over a 30 to 40 year timescale. In this regard, it offers the potential to bring back into beneficial use an underused brownfield resource to the benefit of the wider Wirral Peninsula and potentially beyond. In this sense the proposal should be strongly supported.
- 3.3 In terms of the wider housing perspective the development of this site should help to meet some of Wirral's housing needs in a sustainable way through a predominantly private led regeneration initiative, linked to the Mersey Heartlands Growth Point Initiative. It should also help to meet some of the housing aspirations of the wider Liverpool City Region Housing Strategy, although the extent to which it will be able to do this will inevitably depend on the type and tenure of dwellings that will be delivered. This will, however, be a matter that will need to be carefully addressed at the reserved matters application stage.
- 3.4 Notwithstanding the above, the principal issue for Sefton must relate to the significant scale of retail development proposed in the overall scheme. However, as WYG advise (above), the overall scale of 'retail' floorspace proposed as opposed to 'retail development' is critical. In this regard, it is important to note that the retail development proposed is to be split between genuine retail floorspace and service uses on a roughly 50/50 basis. This, as WYG note, would mean that actual retail floorspace would be between 24,000 sq m and 36,000 sq m to be provided through to 2050. Even on the basis of the higher scenario it would equate to just significantly less than a 1,000 sq m per annum of retail floorspace. .
- 3.5 Given the above I am content that there will be no significant retail implications for Sefton and subject to WYG's further advice, propose to raise no objections to Wirral MBC with regard to this proposal, providing (b) the retail floorspace figures do not materially change and (b) we have the opportunity to see and comment on any phasing agreement relating the retail element of the overall scheme, prior to its approval.
- 3.6 Accordingly, given the pressing deadline for a response, the Director has submitted officer comments, embracing WYG'S initial advice, on the basis set out in this report. Given this, Members are asked to formally retrospectively endorse these officer comments.

# Agenda Item 8

## **Recommendation(s):**

That the report be noted and the officer comments submitted to Wirral Metropolitan Council by the 4<sup>th</sup> February deadline be endorsed.

# Agenda Item 9

**Committee:** Planning

**Date of Meeting:** 10<sup>th</sup> February 2010

**Title of Report:** Improving the use and discharge of planning conditions.

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

**Contact Officer:** Mr J. Alford Telephone 0151 934 3544

**Case Officer:** Mrs C. Thomas Telephone 0151 934 2203

<b>This report contains</b>	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 advise Members of the Planning Committee on the content of the above DCLG Consultation Paper.

## **Recommendation(s):**

Members are recommended to note and endorse the Planning and Economic Regeneration Director's responses to the consultation questions.

# 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

None

## Departments consulted in the preparation of this Report

None

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

Department of Communities and Local Government Consultation on Improving the use and discharge of planning conditions.

## **Introduction**

This Consultation sets out the Government's proposals for changes to the planning system in relation to:

- The use of planning conditions
- Processes for discharging planning conditions

The Paper is the Government's response to the Killian Pretty recommendation that the approach to planning conditions should be comprehensively improved to ensure that conditions are only imposed where justified and that the processes for discharging conditions are made clearer and faster. The Killian Pretty review identified the need to make the planning system more effective and found that the discharging of planning conditions was a problematic stage in the planning process.

The Consultation Paper proposes updates to policy on the use of planning conditions and offers a package of measures aimed at improving the discharge of planning conditions. The measures suggested are as follows.

## **Summary of Proposed Policy Changes**

The Paper proposes the withdrawal of Circular 11/95 on Conditions and the introduction of a new policy annex to supplement the forthcoming Planning Policy Statement on Development Management. The new policy will require that conditions should normally be consistent with national planning policies, should not duplicate matters regulated under other Legislation and should meet the six tests for planning conditions, i.e. they must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other aspects.

The new policy will provide advice on the use of S106 Agreements and this Consultation seeks views on two different options for the policy wording. Option A would prevent the use of a condition to require applicant's to enter into a s106 legal agreement and option B indicates that conditions may only be imposed to require a S106 in very exceptional circumstances. Both options would have significant implications for this Authority which are highlighted later in the report and in the responses to the Consultation questions.

## **Summary of Proposed measures to improve the discharge of planning conditions**

The Paper proposes that the discussion of conditions should be a key component of pre-application engagement and this proposal forms part of the wider concept of the move toward development management. A report will be brought before Committee at their next meeting in respect of the DCLG Consultation on Development Management.

Decision notices should also be organised to group together different types of planning condition. Planning conditions usually fall into one of four types, the standard time limit condition, pre-commencement conditions, pre-occupation of site conditions and regulatory conditions. The Paper suggests that these be set out under separate headings. The Government propose that decision notices should be shared with applicants for major schemes, before decisions are taken and this Consultation seeks views on whether the Council supports the principle of this proposal.

The Government also proposes to shorten the time limits for Local Planning Authorities to determine applications for consent, agreement or approval required by a condition attached to a planning permission. In order to drive up the performance on the discharge of

# Agenda Item 9

conditions, the Paper proposes that the time limits for the discharge of conditions on householder permissions be reduced to 4 weeks and 6 weeks in all other cases.

The Paper proposes to introduce a fasttrack services for conditions appeals and the introduction of a planning services key performance indicator to include the use and discharge of planning conditions. Further measures which would require legislation to bring them into force would require developers to notify the Local Planning Authority prior to starting development, require the developer to display decision notices and conditions on site and give default approval for applications made for consent, agreement or approval required by a condition attached to a grant of planning approval, if applications are not determined within the time limits.

## **Implications for Sefton**

The implications for Sefton are quite extensive. Whilst the Council welcomes the update of guidance on planning conditions, the guidance on the imposition of conditions relating to S106 Agreements is of particular concern. Although the Council acknowledges the move toward the introduction of Community Infrastructure Levy as a means of replacing planning obligations, there will be some considerable time delay before new arrangements can be brought into force. At present Sefton Council makes extensive use of conditions to require S106 agreements to secure financial contributions, primarily for off site tree planting and the upgrade of public urban greenspace, but also for necessary highway works. The proposed policy revision would prevent the use of this type of condition.

There are further implications on the Council's workload. It is often difficult to discharge complex planning permissions, for example, in relation to contaminated land within the existing time periods. This problem would be exacerbated with the proposed reduction in time periods for determining discharge of condition applications. It may also lead to the Council having to return fees if they are unable to meet the timescales, with subsequent loss of revenue. The Council would also be concerned that the quality of development would be compromised if developers are given consent in default if Local Planning Authority's are unable to discharge planning conditions within the specified period.

Additional financial commitment may also be required to enable the Council's computerised planning application management system to be redesigned to allow decision notices to be structured. The Paper does not indicate who would be required to monitor that decision notices are displayed on site and the Council would lack resources to enforce this requirement.

These specific areas of concern with regard to the proposals are highlighted in the attached responses to the consultation questions. It is therefore recommended that Members endorse the suggested responses, which will then be forwarded to the Department of Communities and Local Government

## Consultation questions

### Questions on proposed policy annex (Part 2)

#### **1 Please provide your comments on the proposed new policy on the use of planning conditions, as set out in Part 2 of this document.**

Sefton Council welcomes the emphasis on agreeing the appropriate level of detail to be submitted as part of an application during the pre-application stage, with the aim of keeping conditions to a minimum. The Council's conditions monitoring resources are stretched as developers are often keen to bring forward schemes without sufficient detail, resulting in matters being agreed after the application has been determined. The Council recognises the benefits of structuring decision notices. The Council is concerned that the new policy with regard to S106 agreements would prevent them imposing a Grampian style condition at all or except in specified exceptional circumstances. Sefton Council uses Grampian style conditions to achieve S106 agreements on numerous planning applications, primarily to secure funding for off site tree planting and the upgrade of urban greenspace where applicants are unable to meet policy requirements on site, in accordance with UDP policies and approved Supplementary Planning Documents. This is a revenue source for the Authority, to do works in place of applicants and significantly enhances the environment within the Borough.

#### **2 In policy CO18 in Part 2 of this document, Option A repeats the general principle established in Circular 11/95, that planning permission cannot be granted subject to a condition that the applicant enters into a planning obligation. Option B retains the general principle but provides additional policy guidance on the use of such conditions in exceptional circumstances, and on how they can be appropriately drafted.**

#### **2 (a) Which is the better policy approach to granting planning permission contingent to the completion of a s106 agreement? Option A or Option B?**

The Council would object strongly to option A. The Council considers that option B does not give sufficient scope for the use of conditions to require S106. Sefton Council widely uses conditions and has successfully done so since July 2004. This authority is entirely satisfied that this approach speeds up the planning process, whilst achieving UDP policy objectives. A sophisticated S106 team has evolved to provide clarity to the developer from the inception of the S106 at pre-app or pre-determination stage to completion of the agreement and implementation of any requirements. The authority has regularly canvassed the views of agents and architects at forums for debate run by Sefton and all agents without exception strongly agree that the use of condition to secure a S106 is a fast and efficient means of dealing with straightforward and uncomplex S106 agreements. Developers have stated that they are unwilling to commit expensive legal resources to S106 issues where planning issues are being resolved and often well in advance of a start on site, particularly when more than one party has to be involved.

#### **2 (b) If you support Option 3, do you agree with the 'exceptional circumstances' suggested, and is the additional policy interpretation guidance helpful?**

The authority would reiterate that the considerable satisfaction of all parties to require a S106 agreement by use of a Grampian condition would lead to the conclusion that this method can not be ignored. The Council has considerable experience of dealing with S106 matters. Requiring agreements to be resolved in advance will slow the application process down, add costs to developers at a point where they may not find it easy to commit funds and much needs to be resolved before schemes can progress. This would be an additional burden if development does not proceed and may discourage some potential applicants.

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## Questions on proposed measures (Part 3)

### Measure (1): Discussion of potential conditions to be a key component of pre application engagement

**3 Other than new policy references, are there other measures which could be used to encourage pre application discussions, and including matters relating to the use of planning conditions within these discussions?**

A new PPS on Development Management will give guidance on front loading. Sefton Council would notify regular agents of this requirement via an agents' forum and would publicise revised requirements on the Council web site.

### Measure (2) Structuring decision notices

**4 Do you agree we should commend the use of structured decision notices along the lines recommended above?**

Yes, this would make decision notices easier for stakeholders to understand and would enable conditions monitoring to be more straightforward. However, the Council will need to devote resources to re-writing standard planning conditions to ensure that conditions are split so that do not require various actions e.g. the submission and approval of a scheme prior to commencement, and the implementation of the approved scheme on site.

**5 If yes, what would be your preferred method of implementation?**

**5(a) Encourage LPAs to structure their decision notices as good practice?**

**5(b) Include the structuring of decision notices within policy as a specific requirement?**

**5(c) Make this a statutory requirement through an appropriate legislative change? 6 To which kinds of applications should this apply?**

This Authority considers that it would be sufficient to encourage LPA's to structure decision notices as a matter of good practice.

### Measure (3) Sharing draft decision notices for major applications with applicants before decisions are taken

**7 Do you agree that sharing draft decision notices with applicants in advance of making a decision (in the case of delegated applications) or of the planning committee meeting would help to ensure that conditions imposed accord with national policy and meet the six policy tests?**

In principle, this Authority does not object to the principle of discussing conditions with applicants as a matter of good practice. However, planning officers are more able to determine whether proposed conditions meet the tests for conditions than applicants and agents. Discussion regarding conditions should take place prior to submission of an application or at the earliest stage possible during the course of an application. The Council is unsure of the specific benefits that sharing decision notices with applicants 5 days prior to determination. There is also enormous potential to delay the issue of a decision notice within an 8 week period whilst the applicant/agents makes comments or delays matters.



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In this Authority, to provide value for money case officers are expected to carry significant workloads with many demands on their time and are expected to achieve performance targets. The proposed measure may impact on the Council's ability to meet targets.

## **8. If this measure is taken forward, do you believe this should be made a statutory requirement, rather than encouraged as good practice?**

If this measure was taken forward it has to be a statutory requirement to ensure all local planning authorities are acting equally.

These measures focus on the work and practices of Local Planning Authorities. There is limited onus or responsibility put on applicants to discuss proposals in sufficient depth in advance, and to develop well thought through proposals which will reduce the need for conditions. There is a very real risk that measures such as these will add to workload, cost and delay in advance of a decision rather than allowing matters to be resolved post decision when an applicant has the benefit of permission and the time to address matters as and when they want.

## **9. If this requirement or recommendation were introduced, would the proposed five day timescale be reasonable and achievable?**

No, as described in question 7. Possible increase in costs (where postal correspondence required) increased officer time in managing an 11<sup>th</sup> hour procedure all for very little gain.

## **9. (a) If not, would that alternative proposal of 10 days be reasonable and achievable?**

Again, the principle applies that the proposal would produce very little positive gain whether 5, 10 or 15 days prior to determination.

## **9. (b) If not, what timescale do you think would be reasonable and achievable?**

Please see answer to 9(a)

## **10 Besides the LPA and the applicant, should other parties be able to access and comment on the draft decision notice? In what circumstances would this be appropriate?**

Perhaps in some circumstances a neighbour to the site who is particularly affected by the proposed development could benefit by the certainty of seeing any proposed mitigating conditions to reassure themselves. This should be organised at the discretion of the LPA.

## **Measure (4) Shortening the time limits for discharging conditions**

### **11 Do you agree that time limits for dealing with an application for written consent, agreement or confirmation required by a condition should be tightened?**

No. The current system works very well.

### **12 Do you think the time limits proposed here are reasonable and achievable, namely four weeks for applications related to householder development and six weeks for all other development?**

No. The current time limits work well with the ability of the LPA to extend and reduce limits with discretion of the LPA and agreement of the applicant. The proposal would be likely to

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result in more Discharge of Conditions applications being refused as issues cannot be satisfactorily resolved within the proposed time periods.

**13 If not, what alternative limits would you suggest and why?**

N/A

**14 Would you support an equivalent change to the timescales for decision on section 73 variations?**

No

**15 Do you think that we should amend the Fees Regulations 2008 to require that where an application of the types listed above has not been determined within the relevant timescale the full fee should be refunded?**

No. The relevant system of refunding after 12 weeks unless otherwise agreed with the applicant is satisfactory and we have received no objection or concern from applicants.

**Measure (5) A planning services key performance indicator to include the use and discharging of conditions**

**16 Do you agree that the performance of local planning authorities in handling applications to approve details required by a condition should be monitored and taken into account in a new performance indicator?**

LPA's are likely to carry out their own performance monitoring to check the level of staff performance and income related to amount of work. It should not be an issue to collect this data.

**17 Have you any specific suggestions about how best this matter could be monitored, in an efficient and effective way?**

In a similar way to planning permissions as most LPAs are probably recording the discharge or variation of conditions like planning permissions.

**Measure (6) A fast-track conditions appeals service**

**18 Do you think a conditions appeals service, as described, could work for the types of appeals proposed? If not what amendments do you suggest?**

We have not yet received any appeals against a refusal to vary and/or approve/refuse conditions, so the benefits of a specific appeals service for these types of appeals seems limited. However, we accept that other LPA's may have greater volumes of these types of appeals. This authority has received two fast track householder appeals since the procedural inception in Summer 2009. We are unsure of the take up of this system nation wide. An appeal against a conditional grant of permission could be adapted to fast track system as any report should include clear reasoning for the use of a condition.

**19 Other than those already suggested, are there any types of appeals which should be excluded from a fast-track conditions appeals service?**

Enforcement appeals

**20 If refusal of section 73 applications were made eligible for the potential fast-track conditions appeal service, should those section 73 applications which only seek to vary approved plans be excluded?#**

No, any relevant plans submitted for consideration should be able to be submitted in the usual fast track manner.

**21 Third party involvement has been excluded from the proposed conditions appeals service as comments on the original application will have been taken into account when that application was determined, and reflected where appropriate in the conditions attached to it, and the initial consultation on that application will have referred to the fact that that this is the case and their representations will be taken into account in the event of any subsequent conditions-related appeals. Is this a reasonable assumption?**

Yes

**22 If third parties were for be included in the proposed conditions appeals service, how could this be managed effectively in order to ensure an appropriate balance between inclusiveness and efficiency?**

This authority would argue that involving third parties at this stage will make a fast track system slow and defeat the fast track objective. Appeals which require an opportunity for a third party to make a second comment are not the type of appeals which should be fast tracked.

#### **Measure (7) Developer to notify LPA prior to starting development**

**23 Should we seek legislative powers to require those implementing a permission to inform the LPA when they commence development?**

Yes, this requirement is reflected in the proposed CIL regulations (published August 2009) as a crucial part of the trigger for CIL payments. All LPAs would require a specific commencement date notification is a performance management is going to be applied to the condition vary/discharge and/or appeal process.

**24 If you agree this measure should be introduced: (i) how much, if any, advance notice should be given before works start; and (ii) should this requirement apply to major applications only, or all schemes.**

This should apply to all schemes. The notice should be received no later than 7 days before the expected commencement of works.

It may also be a consideration to require the developer to notify all parties who expressed an interest in the application.

#### **Measure (8) Developer to display of decision notices and conditions on site**

**25 Should we seek legislative powers to require those implementing a permission to put up a notice displaying the planning permission and all pre commencement approvals required by condition?**

The issue of displaying any notices is the maintenance for the responsible party and enforcement of such a requirement. Many authorities experience great difficulty in securing notices on site which are commonly removed accidentally or otherwise. It would seem unwise to apply harsh legislative action relating to this function when interested parties receive a copy of the decision notice if required and the decision notice is freely available to view on most LPA websites.

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## **26 Should this requirement apply to major applications only, or all schemes?**

This requirement should not apply.

## **27 Are there further steps that should be taken to make information about decision notices and conditions publicly available?**

Perhaps the developer could be required to write to any interested parties and enclose a copy of the decision notice with notification of their intention to commence works.

## **Measure (9) Default approval for applications made for consent, agreement, or approval required by a condition attached to a grant of planning permission.**

## **28 Should we seek legislative powers to allow for default approval of applications required to discharge planning conditions?**

No. If a default approval is introduced there is a risk that LPA's will be forced to refuse applications to discharge planning conditions when they get close to the deadline, even when they could be potentially close to agreeing a complex scheme/resolution. An enforced premature refusal will lead to annoyance, unnecessary work for all parties and a likelihood of no amicable resolution.

## **29 If default approval were introduced, how much time would it be reasonable to give local planning authorities to consider such applications?**

This should not be introduced. If it is a default time of at least 12 weeks for minors and 20 weeks for major applications.

## **30 Are there any matters that should not be subject to a default approval method?**

No

## **Questions on consultation stage impact assessment (Part 6)**

## **31 Do you have any questions on the consultation stage impact assessment particularly the anticipated benefits for applicants?**

No.

# Agenda Item 10

**Committee:** Planning

**Date Of Meeting:** 10<sup>th</sup> February 2010

**Title of Report:** Department for Communities and Local Government - Implementation Plan for the Future of Building Control

**Report of:** A Wallis, Director of Planning & Economic Regeneration

**Contact Officer:** Frank Egerton Telephone 0151 934 4619

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 the Committee of the Government proposals to modernise the building control system with the aim of addressing the perceived weaknesses in the current system, improve compliance with the Building Regulations and further reduce the burdens associated with the system.

## Recommendation(s):

It is recommended that:

- (i) Members note the report,
- (ii) the Planning and Economic Regeneration Director be requested to present an update report for consideration by this Committee when further advice is received in respect of the Implementation Plan and in particular the proposed revisions to the Inspection and Charging Regimes.

## 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	✓		

# Agenda Item 10

8	Children and Young People		✓	
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## **Financial Implications**

None from this report. However it is understood that there will be proposals coming forward from Government to change the Building Control Charging regime, it is envisaged that this will have an impact on the income from the service. Advice is awaited from the Department for Communities and Local Government and from Cipfa.

## **Departments consulted in the preparation of this Report**

None

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

Department for Communities and Local Government – Future of Building Control, Implementation Plan. September 2009. ISBN 978 1 4098 1548 8

## **The purpose of the report**

To advise the Committee of the Government proposals to modernise the building control system with the aim of addressing the perceived weaknesses in the current system, improve compliance with the Building Regulations and further reduce the burdens associated with the system.

### **1.0 Background**

In Autumn 2009, the Department for Communities and Local Government published its Implementation Plan for the Future of Building Control.

The purpose of the Implementation Plan is to ensure that the building control system remains fit for purpose and is able to respond to the Government's desire to; build more and better homes and buildings, meet the challenges of climate change and sustainability.

Publication of the plan follows comprehensive consultation conducted during 2007 and 2008. Whilst it is acknowledged that the economic circumstances have altered, it has been suggested that the original purpose of the review - to make the building control system work better still resonates in this difficult economic climate.

On 8<sup>th</sup> December 2009, Government laid before Parliament the draft regulations setting out their intentions for revising the building control inspection and charging regimes, these are explained in more detail in paragraph 3.3 and 5.0.

The key areas of the Implementation Plan are:

### **2.0 Vision and Roles and responsibilities**

The Government's Vision is for a:

"building control system which ensures buildings are safe, healthy, accessible and sustainable for current and future generations".

To deliver this Vision, professionals engaged within the construction industry, have suggested through consultation, that they want to see a building control system which:

- is based upon objective and fair standards developed through consultation,
- Works with customers to help them achieve compliance
- Works hand in hand with other regulatory regimes
- Ensures that the level of inspection is appropriate to risk and need,
- Gives local Authorities the powers needed to enforce building standards,
- Ensures that all building control bodies whether in the public or private sectors regularly assess and continually improve their own performance and effectiveness,
- Is served by a professional, well-trained and managed building control service which uses resources effectively and efficiently,
- Offers an effective means of resolving disputes about compliance
- Includes communication and awareness raising,
- Monitors building performance and compliance levels.

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It is also suggested that for the system to work effectively there needs to be a clearer understanding by customers of what; the building control service will and will not do, and the roles and responsibilities of those involved in the building control system, including Government, building control bodies, approved inspectors, the Local Authority, building owners and construction professionals.

## 3.0 Implementation Plan Contents

### 3.1 Chapter 1 - A New Future for Building Control

#### ***Vision and Delivery Statement***

Having signed up the Vision which articulates the kind of building control services, those involved in it, want to see, it is necessary to work together to promote the new vision and communicate its objectives to those who come into direct or indirect contact with the system.

Agreed actions include:

<b>What</b>	<b>Who</b>	<b>When</b>	<b>Progress</b>
Publish new leaflet for the public and consider expanding this approach	CLG	First leaflet published in Autumn 2008	Completed
Publish vision and delivery statement	CLG	Now	Completed
Issue consolidated Building Regulations 2000 and Building (approved Inspector etc Regulations 2000	CLG	June 2009 (on-line)	Still Awaited
Endorse vision and incorporate it in own working practices	Building Control bodies	2009-10	Awaiting further guidance – this report is first stage in briefing Sefton's Planning Committee
New procedural handbook	CLG	2012	Awaited

#### ***Building Control and Planning a Smooth Interface***

Although the Planning and Building Control systems are complementary it is recognised that a lack of; clarity and effective linkage between the two systems can cause problems and duplication.

The DCLG have stated their commitment to making it easier for users to navigate between the two services. Building Control providers it is suggested should seek out opportunities to work together with Planning colleagues such as through the Development Team, joint training and commenting on technical parts of planning applications.

Agreed actions include:

<b>What</b>	<b>Who</b>	<b>When</b>	<b>Progress</b>
Map regulatory regimes	CLG	October 2009	Improved Information now available via. Planning Portal. Further work being considered.



## ***An Integrated and E-Enabled Building Control Service***

The use of technology and electronic submissions provides an opportunity to integrate and improve services and to share information. Whilst benefits can accrue it is deemed necessary to ensure consistency and avoid duplication in the development of systems. DCLG have indicated that they will support system developments to ensure common standards for data transfer and providing information to service users.

<b>What</b>	<b>Who</b>	<b>When</b>
Introducing electronic communication of key building control documents	CLG	1st October 2008
Link to Planning Portal guides and information	Building control bodies	On-going
Grant to LABC to address data transfer issues	LABC and CLG	Three-year project- ending October 2011
Launch XML schem hotline and arbitration service	LABC	March 2009
Launch of new Planning Portal	Planning Portal	Early 2010

### **3.2 Chapter 2 - A Better Approach to Regulations and Guidance**

DCLG have indicated that rather than their previous piecemeal approach to the review and introduction of new regulation, with consequential difficulties for the construction industry and building control, they will in future introduce a new regular and systematic way of reviewing Building Regulations. This new approach it is suggested will reduce the burden of such changes and will help to ensure that any changes are proportionate, justified and visible.

In addition it is proposed that the fourteen technical parts of the regulations will now be reviewed in three –yearly cycles with revisions in 2010, 2013 and 2016 and onwards. The DCLG’s have stated that unless there are exceptional and unavoidable reasons they will not change the technical parts between the revision points.

#### **Timetable**

In 2010, DCLG are proposing to Evaluate and Review the following technical parts:

Part E	Resistance to passage of sound
Part H	Drainage and waste disposal
Part K	Protection from falling, collision and impact
Part M	Access to and use of buildings
Part N	Glazing – safety in relation to impact, opening and cleaning
Part P	Electrical safety – dwellings.

It is likely that during the following 3 years any proposed revisions will be consulted upon and new guidance is expected in 2013.

The following technical parts are currently being evaluated and reviewed.

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Part A	Structure
Part C	Site preparation and resistance to contaminants and moisture
Part F	Ventilation
Part L	Conservation of fuel and power
Part J	Combustion appliances and fuel storage systems.

It is anticipated that any revision to this guidance will also be issued in 2013. A revision to Part G – Hygiene is expected in April 2010 having been postponed from October 2009.

To accompany the review timetable DCLG have indicated their intention to alter the style of the guidance provided within the technical parts of the regulations and to publish “New Project Guides”. These project guides, it is hoped, will reduce the input required from building control and reduce the need for ‘hand-holding’ as they will set out more clearly for developers how to comply with the regulations and meet the technical standards.

### **3.3 Chapter 3 - Modernising Inspection and Enforcement**

The changes proposed in Chapter 3 may be regarded as the most significant for Individual Building Control Bodies and developers.

#### **Risk Assessments**

The intention is to replace the current statutory notification stages, the stages where the building control officer would normally inspect the building work, and replace it with a flexible scheme where the individual site inspection would be determined through a risk assessment procedure. The DCLG have promised guidance on the risk assessment procedure. This is still awaited however, it is understood that factors to consider will include: complexity of the work, the builder’s competence, and the risk to people or the environment if things go wrong.

#### **Charging for building control work**

To accompany the risk assessment procedure it is Governments intention to allow greater flexibility in the way local authorities charge for building control work.

The existing charging scheme based upon pre-fixed charges will be replaced with a scheme that will allow local authorities to charge only for the input required and to reflect the true cost of plan checking and inspections. It is further understood that measures will be put in place to prevent local authorities from using income from one project or work type of work to cross subsidise other work.

#### **Timetable**

It is anticipated that legislation will be enacted before April 2010. Government have indicated that they are working with Cipfa to develop guidance for use by local authorities which is awaited.

#### **New and extended enforcement powers**

Enforcement for unauthorised or inadequate work is under review as part of the Implementation Plan and the Government have embarked on a review of powers

procedures, and sanctions. It is believed that new powers for serving stop notices and additional monetary penalties may be introduced. Before taking action however local authorities will be required to demonstrate that enforcement action is consistent and sanctions are proportionate and effective.

## **Timetable**

A consultation on building control enforcement powers will be undertaken in Summer 2010 with new powers, if supported, being introduced in 2011.

### **3.4 Chapter 4 – Reforms of Disputes and complaints**

Government report that very few complaints are referred to the Secretary of State and that complaints progressed through the Construction Industry Council or the Local Government Ombudsman about the building control service infrequent

Notwithstanding this Government believe that it is important that the system for dispute resolution is modern and is able to resolve differences in an effective way.

It is therefore the intention of Government to explore options for dealing with complaints and dispute resolution.

At this time however it is believed that a single system for both the private sector and public sector building control routes is unachievable principally because the local authority building control service is open to public scrutiny and is accountable locally through the democratic process and the Local Government Ombudsman.

## **Timetable**

It is anticipated that a decision on option for reform of the complaints system will be made in mid to late 2010.

### **3.5 Chapter 5 – Alternative Ways to Comply**

The Government has stated its commitment to improve and extend the Competent Persons Scheme to allow members of such scheme and who are considered competent to certify their own work as complying with the building regulations. Such schemes it is suggested are a cost-effective way to achieve compliance and have proven beneficial where the incidence of risk is low and, owing to the high volume. i.e. boiler installations and window replacements, would have demanded a great deal of building control time.

## **Timetable**

As indicated in Chapter 1 DCLG have provided a grant to LABC to develop a common date transfer protocol to ensure all building work carried out under the Competent Persons Schemes are properly notified and recorded by the local authority for subsequent disclosure to householders and prospective purchasers. Any extension to the Scheme will be considered within the periodic reviews as outlined in Chapter 2.

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## **3.6 Chapter 6 - Strengthening Performance Management**

There is increasing pressure within Government and the construction industry to be able to demonstrate that the standards set out in the Building Regulations are being delivered. Publication of the Building Control Performance Standards and Indicators several years ago has it is suggested laid the foundation for the principle of collecting and comparing of performance data and it is the Government's intention to strengthen the performance management system to ensure that; individual indicators such as training are not overlooked, and that there is consistency in standards and monitoring across both sectors.

### **Timetable**

It is Government's intention to review existing the Building Control Performance Standards and Indicators and to analyse previous returns. An outline proposal for a new system and pilot revised indicators are expected in 2010 with introduction of new indicators and performance management system for all building control bodies ( both private and public sectors) in April 2011.

## **3.7 Chapter 7 - Evidence of Compliance**

Compliance with the agreed standards set out in the regulations, particularly in areas such as energy efficiency and energy performance, is recognised as being of significant importance and as such will be open to increasing scrutiny as it rises up the political and public agenda, owing to the reality of climate change and the important role building control plays in delivering carbon savings.

Government have indicated their wish to have a clear understanding of levels of compliance, this they intend to do through the periodic review as outlined in Chapter 2 and through performance management of building control itself.

### **Timetable**

Government expect that given the drivers for increased performance standards, that the process of gathering information and monitoring on levels of compliance will develop as an iterative process.

## **3.8 Chapter 8 – Way Forward**

The Implementation Plan for the Future of Building Control is a framework establishing the gradual evolution of the service. It is the DCLG's view that implementation of the plan is the start of a process through which those involved in the industry can think creatively and respond to the challenges posed.

It is Government's intention to intention to review the effectiveness of this programme as set out in the plan two to three years after implementation.

## **4.0 Summary**

The Implementation Plan set out a road map for the future of building control recognising the important role the service plays in ensuring that buildings are safe, healthy, accessible and sustainable for current and future generations.

It is reported by the DCLG that Government have endeavoured to be even-handed providing a system for now and for the future that will meet the needs of customers and the wider community whether it is delivered through the private sector route or through local authority building control offices.

Much of the action proposed has to some extent commenced with consultation well advanced in some areas, other actions will require further consultation and development within the building control field and the wider construction industry. It is proposed to keep members and this Committee informed as the Plan develops and Government publishes its proposals.

## **5.0 Response from Sefton Building Control Service to the outline proposals shown in Chapter 3 - Modernising Inspection and Enforcement**

Whilst much of the Plan is a work in progress, there are however some specific areas that including those outlined in Chapter 3 - Modernising Inspection and Enforcement where building control bodies will need to develop, as a matter of urgency, specific responses.

Action so far however as been limited as the detailed guidance from DCLG on the Risk Assessment Framework and from Cipfa on revisions to the Charging Scheme are still awaited.

On 8<sup>th</sup> December 2009, Government laid before Parliament the draft regulations setting out their intentions for revising the building control inspection and charging regimes.

### **5.1 Outline of the proposals – Inspection Framework**

It is Governments intention to replace the current statutory notification stages, the stages where the building control officer would normally inspect the building work, with a more flexible approach that uses a risk assessment to determine the number and type of site inspections. As advised specific guidance on how the scheme will operate is still awaited.

Such a risk assessment procedure has, in an informal way, been adopted in Sefton for sometime. With greater emphasis and priority being placed upon those sites or building projects where it is known that a greater degree of control was required because of the special risk such as public buildings and where there is a greater need for 'hand holding' either due to the complexity of the work or the competence or lack of it on the builders or owners behalf.

It is understood that the Inspection Framework will formalise Sefton's current informal procedure.

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## 5.2 Outline of the proposals – Charging Regime

As reported the Inspection Framework and the input required for building control will in future go hand in hand with the amount to be charged by the building control body for its input into checking plans and undertaking site inspections. It is the DCLG's intention that the building control charge should reflect the true cost of plan checking and inspections.

These proposals have the potential to pose the most significant challenge for Sefton's and other local authority building control services as, in effect, it will prevent cross subsidising between individual building projects or work types.

The practice of cross - subsidising was allowed for in most Building Control Authorities , charging regimes as set up under the Building (Local Authority) Prescribed Fees Regulations 1998.

These regimes allowed charges to levied on high fee earning works, where perhaps there was already a high degree of supervision and control and to be used to cross subsidised, domestic or householder projects where there was a higher DIY input or builders with limited skill or experience.

This system it is suggested generated the necessary funds to provide additional safeguard for the householders to ensure that their interests were being protected, through increased inspection, whilst also ensuring the Building regulations were complied with.

## 6.0 Recommendations

It is recommended that:

- (i) Members note the report,
- (ii) the Planning and Economic Regeneration Director be requested to present an update report for consideration by this Committee when further advice is received in respect of the Implementation Plan and in particular the proposed revisions to the Inspection and Charging Regimes.

# Agenda Item 11

**Committee:** Planning

**Date of Meeting:** 10<sup>th</sup> February 2010

**Title of Report:** DCLG Consultation on Permitted Development Rights for Small Scale Renewable and Low Carbon Energy technologies, and electric vehicle charging infrastructure.

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

**Contact Officer:** Jim Alford Telephone 0151 934 3544  
**Case Officer:** Catherine Thomas Telephone 0151 934 2203

<b>This report contains</b>	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 advise Members of the Planning Committee on the content of the above DCLG Consultation Paper.

## **Recommendation(s):**

Members are recommended to note and endorse the Planning and Economic Regeneration Director's responses to the consultation questions.

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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

None

## Departments consulted in the preparation of this Report

Director of Environmental Protection

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

DCLG Consultation on Permitted Development Rights for Small Scale Renewable and Low Carbon Energy technologies, and electric vehicle charging infrastructure.



## Introduction

The Government's 2006 Microgeneration Strategy and more recent Renewable Energy Strategy indicate that microgeneration will play an important part in meeting the Government's goal of delivering 15% of energy from renewable resources by 2020. Microgeneration is defined as **the small scale production of heat and/or electricity from low carbon sources**. The Government's aim is that microgeneration should become a realistic supplementary energy source for the householder, the community and small businesses.

The Government propose to grant permitted development rights in the planning system for certain types of small scale renewable and low carbon energy technologies and electric charging infrastructure. By removing the need to obtain planning permission these proposals are intended to make it easier for householders, and businesses to install renewable and low carbon technologies in both domestic and non-domestic settings. The proposals are also intended to assist in facilitating the development of an electrical charging network, to encourage the take up of electric vehicles.

The Government considers that the planning system can present a barrier to the take up of microgeneration technologies and that the work and cost involved in obtaining planning permission can be a disincentive to their introduction. In April 2008, the Government introduced permitted development rights for most forms of domestic microgeneration, including solar panels. The current proposals seek to extend permitted development rights for householders to include domestic wind turbines and air source heat pumps and to introduce permitted development rights or a variety of microgeneration equipment on non-domestic premises and sites used for agriculture/ forestry.

## Proposals for domestic premises

In respect of domestic premises, the Consultation Paper proposes that wind turbines and air source heat pumps may be installed without planning permission subject to specific limitations/conditions. Air source heat pumps work on the principle of transferring heat from the air to the building. Pumps require approximately 1 unit of electrical energy to create approximately 3 or 4 units of heat energy. The potential issues for concern with air source heat pumps are noise, vibration and visual impact. The Government proposes that both wind turbines and air source heat pumps may be installed within the curtilage of domestic premises without planning permission subject to various restrictions, including the requirement for equipment to be installed and certified through the Microgeneration Certification Scheme to ensure that the pump or turbine complies with industry standards.

For the equipment to be permitted development, the noise level from the installation must not exceed  $45\text{dB}_{\text{L}_{\text{Aeq5 min}}}$  at 1 metre from the window of a habitable room in the façade of any neighbouring residential property. Restrictions are proposed relating to the height, size and number of installations and their siting. Proposed restrictions vary depending on whether the property is detached and whether the turbine would be freestanding, mounted on a dwelling, or on an outbuilding within the curtilage of a domestic property.

The proposed permitted development rights for both wind turbines and air source heat pumps would not extend to the curtilage of listed buildings or to within a site designated as a scheduled ancient monument. In World Heritage Sites and Conservation Areas wind turbines would not be permitted if they would be visible from any highway which bounds the

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curtilage of the property but there would be no additional restrictions on air source heat pumps.

## **Proposals for non-domestic premises**

For non-domestic premises, the Government proposes to introduce permitted development rights for wind turbines and air source heat pumps with similar limitations/conditions to domestic installations, but generally with greater thresholds, except in relation to noise where the same 45dB limit is proposed. Solar panels would also become permitted development subject to limits on size, siting, height (where freestanding) and number of installations.

Permitted development rights would also extend to ground source heat pumps which transfer thermal energy from the ground to a colder internal environment. To install a ground source heat pump, ground excavation would be required. The extent of excavation would be controlled and restricted to 0.5 hectares. Water source heat pumps would also become permitted development. These pumps transfer thermal energy from a source of water to a colder internal environment. The proposed restrictions relate to the extent of pipework which should not be in excess of 0.5 hectares to protect against disturbance to ecology and groundwater drainage.

The Consultation Paper also recommends that flues for biomass systems and combined heat and power systems should be granted permitted development rights and should therefore become exempt from the need to obtain planning permission. Combined Heat and Power plants (CHP) systems generate heat and power, and biomass systems produce heat from biological material such as wood. Planning permission would not be required to install a CHP or biomass system within an existing building. The Government proposes to introduce permitted development rights for flues for microregeneration installations, i.e. biomass boilers of 45KW or smaller. Limitations relating to flue height are also proposed.

With regard to wind turbines, air source heat pumps and solar panels, the proposals are more permissive for Class B2 general industrial premises which already have extensive permitted development rights including for the installation of plant and machinery.

To introduce the proposed permitted development rights for renewable and low carbon energy technologies, for non-domestic properties, the Government proposes to amend Schedule 2 to the General Permitted Development Order to include a new Part. For the purposes of the Order, non-domestic premises would refer only to buildings where there are no residential uses within the curtilage. Properties in mixed use would not benefit from permitted development rights under this section.

## **Proposals for agriculture and forestry operations.**

This Government proposes that structures to house biomass boilers, anaerobic digestion systems and associated waste and fuel stores, and structures to house hydro turbines should become permitted development. Biomass boilers convert waste products from agriculture and forestry into electricity, liquid fuel or gas. Anaerobic digestion systems break down agricultural waste, producing methane. The major planning issues in relation to biomass and anaerobic digestion systems relate to air quality, visual impact and the traffic impacts that arise from sourcing the materials to be used in the systems. The Paper proposes that structures to house biomass boilers, anaerobic systems and associated fuel stores will be permitted development provided that only fuel or waste generated on the farm/forestry holding is disposed of, in order to ensure the scale of operations is commensurate with agricultural or forestry uses.

Structures to house hydropower systems on agriculture or forestry land would also become permitted development. Hydropower systems produce electricity by converting energy in water into kinetic energy, which drives a turbine to create electricity.

## **Proposals relating to electric vehicle charging infrastructure.**

The Government is keen to promote the use of electric vehicles and to facilitate this a network of electric vehicle charging points would be necessary. Charging points themselves are no more than electric power outlets. The Government proposes to introduce new permitted development rights to permit the installation of infrastructure for charging points within both public and private car parking areas. An electrical outlet mounted on an external wall for recharging vehicles off street would be restricted to 0.5 cubic metres in volume, would not be allowed to be installed on or set into a wall that faces onto or abuts a highway.

Upstands for mounting an electric vehicle charging point and feeder pillar within an outdoor off-street car parking area will become permitted development provided that they do not exceed 1 per parking spaces, are no more than 1.6 metres above the surface of the car park, and are not within 2 metres of a site boundary fronting a public highway. Upstands and vehicle charging points would not be permitted within the curtilage of a listed building or within a site designated as an ancient monument.

The Government also proposes to amend permitted development rights for Local Authorities to enable them to install on street electric vehicle charging points and associated infrastructure without the need for planning permission.

Following on from changes in permitted development rights for electric vehicle charging equipment, it is proposed to amend the Advertisement Regulations to allow the nameplate of the charging provider to be displayed on equipment without the need to obtain advertisement consent.

## **Assessment of the proposed changes and implications for Sefton**

The proposed changes to simplify the planning procedure for small scale renewable and low carbon energy technologies and electric charging infrastructure may well have significant implications for Sefton and other Local Authorities. The number of planning applications and subsequent fee income received by the Local Planning Authorities will fall, although probably only marginally. The number of pre-application enquiries submitted to check whether proposed developments benefit from permitted development rights are likely to increase.

The major impacts of the proposed changes for Sefton, may well be on the appearance of the Borough. Particularly in residential areas, where the Council has always been concerned to protect visual amenity and the street scene, it will no longer have substantial control over the siting of wind turbines. For example within a single row of detached dwellings, one resident may decide to install a turbine on the dwelling, another may install a turbine on an outbuilding within the curtilage and other residents may decide to erect turbines within their gardens. Not only will the effects of these proposals on visual amenity be an issue, but the Director of Environmental Protection is concerned that the cumulative effects of nearby turbines or air source heat pumps may result in noise disturbance to residents.

Specific areas of concern with regard to the proposals are highlighted in the attached responses to the consultation questions. It is therefore recommended that Members endorse the suggested responses, which will then be forwarded to the Communities and Local Government.

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## Consultation: Permitted development rights for small scale renewable and low carbon energy technologies, and electric vehicle charging infrastructure

	CONSULTATION QUESTIONS	Y	N	Comment
<b>Domestic proposals</b>				
Q.1	Do you agree with the proposals for wind turbines on domestic premises, as set out in Tables 1, 2 & 3?		No	This will result in potentially visually harmful development, given the height and size of turbines permitted. The appearance of Green belt areas may be detrimentally affected as may the overall appearance of residential areas. Government policy emphasises good design and Sefton Council's policies seek to protect and improve the appearance of the Borough. A proliferation of wind turbines will not assist in this aim. With reference to Table 1 Sefton Council is also concerned that turbines mounted on detached dwellings on restricted plots could be sited in close proximity to one another. The cumulative noise impact from turbines sited closely together could exceed recommended levels from a single unit and cause nuisance.
Q.2	Do you agree with the proposals for air source heat pumps on domestic premises, as set out in Table 4?		No	Again, The Council is concerned about the cumulative noise affects from the installation of turbines and heat pumps sited in close proximity to each other.
<b>Non-domestic proposals</b>				
Q.3	Do you agree with the proposals for wind turbines on non-domestic premises, as set out in Tables 5 and 6?		No	The Council takes the view that this may result in potentially visually harmful development within sensitive areas such as the Geen Belt. The Council has several industrial estates made up of small individual units which are surrounded by residential areas. If each unit had 2 wind turbines, the cumulative effect on noise would be potentially significant. The only restrictions offered relate to a set back from the highway but not away from party boundaries.
Q.4	Do you agree with the proposals for air source heat pumps on non-domestic premises, as set out in Table 7?		No	The Council has similar concerns as for question 3.
Q.5	Do you agree with the proposal for ground source heat pumps on non-domestic premises, as set out in Table 8?	Yes		
Q.6	Do you agree with the proposal for water source heat pumps on non-domestic premises, as set out in Table 9?	Yes		
Q.7	Do you agree with the Government's proposals for solar panels on non-domestic premises, as set out in Tables 10, 11 and 12?	Yes		
Q.8	Do you agree with the proposal for flues for biomass systems and combined heat and power (CHP) systems on non-domestic premises,		No	The Council objects to this proposal as flues can be very harmful to visual amenity. Furthermore this Authority is concerned that these proposals could adversely affect air quality in areas where there are existing air quality issues,

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	as set out in Table 13?			such as air quality management areas, or could lead to an accumulation of small systems that would adversely affect air quality. The Council believes that the permitted development rights should only apply to developments that are not within or would not affect an Air Quality Management Area or any area where a statutory Further Assessment of air quality, under the Local Air Quality Management regime, was taking place. The Council also believes that permitted development rights should not apply in areas where the biomass screening tool, supplied through DEFRA, indicates that an increase in the number of combustion systems could threaten air quality. CHP systems are inherently noisy ie engine and exhaust noise. There is no restriction offered to control noise that may affect residential dwellings that could adjoin boundaries of non- domestic premises.
<b>Agricultural and forestry proposals</b>				
Q.9	Do you agree with the proposal for structures to house biomass boilers, anaerobic digestion systems and associated waste and fuel stores on agricultural and forestry premises as set out in Table 14?	Yes		
Q.10	Do you agree with the proposal for structures to house hydro-turbines on agricultural and forestry premises, as set out in Table 15?	Yes		
<b>Electric Vehicle Charging Infrastructure proposals</b>				
Q.11	Do you agree with the permitted development and advertisement deemed consent proposals for electric vehicle charging infrastructure as set out in Tables 16,17,18 & 19?	Yes		
<b>Glossary of terms – Annex A</b>				
Q.12	Do you agree with the definitions used for the purposes of this document?	Yes		
Q.13	Do other concepts or technologies need specific definitions?		No	
<b>Consultation Stage Impact Assessments – Annex B</b>				
Q.14	Do you think that the impact assessments provide an accurate assessment of the likely costs and benefits of the preferred policy options?	Yes		
Q.15	In particular do you agree with our estimates of the possible costs to local authorities in relation to investigating noise complaints?		No	The burden on Environmental Health Officers to respond to noise complaints and measure noise from the proposed technologies is difficult to predict. Planning Officer's would have to work very closely with EHO's to establish whether wind turbines and air source heat pumps could be permitted development. Resources are already stretched.
Q.16	In the impact assessments, we assume that the process of obtaining planning permission acts as a	Yes		

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	disincentive to the take up of renewable technology and that by removing this disincentive take up would increase by between 2% and 5% annually. Do you think that these assumptions are reasonable?			
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**REPORT TO:** PLANNING  
CABINET MEMBER – REGENERATION  
CABINET

**DATE:** 10<sup>th</sup> FEBRUARY 2010 – PLANNING  
17<sup>th</sup> FEBRUARY 2010 – CABINET MEMBER - REGENERATION  
4<sup>th</sup> MARCH 2010 – CABINET

**SUBJECT:** JOINT EMPLOYMENT LAND AND PREMISES STUDY 2008 – FINAL  
REPORT

**WARDS  
AFFECTED:** All

**REPORT OF:** Andy Wallis – Planning and Economic Development Director

**CONTACT  
OFFICER:** Alan Young  
Strategic Planning and Information Manager  
☎ 0151 934 3551

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To report the key findings of the Joint Employment Land and Premises Study, one of a number of key evidence gathering studies that are being undertaken to inform the Core Strategy process and to guide advice and decisions on individual employment proposals and planning applications.

**REASON WHY DECISION REQUIRED:**

To indicate Council support for key advice contained in the study document.

**RECOMMENDATION(S):**

That:

- (i) Planning Committee and Cabinet Member – Regeneration note the key findings of the Joint Employment Land and Premises Study for Sefton;
- ii) Planning Committee endorses the key findings of the study to inform the emerging Core Strategy process and advice and decisions in relation to individual proposals and planning applications.
- (iii) Cabinet Member – Regeneration endorses the key findings of the study to inform the emerging Core Strategy; and
- (iv) Cabinet agrees the report.

**KEY DECISION:** Yes

**FORWARD PLAN:** Yes

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**IMPLEMENTATION DATE:**

Following expiry of call in period after Cabinet meeting on 4<sup>TH</sup> March 2010

**ALTERNATIVE OPTIONS:**

None

**IMPLICATIONS:**

None

**Budget/Policy Framework:**

None

**Financial:**

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2009 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>
Gross Increase in Capital Expenditure	£32,000*			
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
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?				

\* This is Sefton's share of the joint study cost (total cost £100,000) has/will be paid over 2008/2009 and 2009/2010

**Legal:**

N/A

**Risk Assessment:**

N/A

**Asset Management:**

N/A



**CONSULTATION UNDERTAKEN/VIEWS**

N/A

**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**

The ODPM Guidance Note 'Employment Land Reviews, December 2004

# Agenda Item 12

## JOINT EMPLOYMENT LAND AND PREMISES STUDY 2008 – FINAL REPORT

### 1.0 Background

- 1.1 Following a competitive tender selection process, the Council commissioned specialist consultants, the BE Group, to undertake a Joint Employment Land and Premises Study (EL&P Study) on 30<sup>th</sup> April 2008. The study is a joint study commissioned on behalf of Halton, Knowsley, Sefton and West Lancashire local authorities respectively. The study has been led and tendered for by Sefton and funded by the four local authorities on a split cost basis, based on an agreed formula. Its principal purposes are to inform the preparation of the Council's Local Development Framework Core Strategy and to guide advice on pre application proposals and planning applications which raise employment land and premises issues.
- 1.2 The Joint Employment Land and Premises Study report follows the general structure of the guidance set out in Employment Land Reviews: Guidance Note, published by the ODPM in December 2004 and the more recently published CLG 'Consultation Paper on a new Planning Policy Statement 4: Planning for Sustainable Economic Development', although it predates the now published final document which will be subject to a separate report that will be submitted to Planning Committee in the next cycle. Furthermore, it adheres to Planning Policy Statement 12: Local Spatial Planning in ensuring that all necessary outputs are provided and that such options pass the prescribed tests of soundness.
- 1.3 A copy of the Joint Employment Land and Premises Study and its contained Executive Summary can be inspected on the Sefton website at [www.sefton.gov.uk/elps](http://www.sefton.gov.uk/elps)
- 1.4 The study context and approach are set out in Section 2; the key elements of the study are set out in Section 3 and a summary of the key findings of the study are highlighted in Section 4. However, because the study report is a long and detailed document, for the avoidance of doubt, this report simply summarises some of the key elements that may be of particular interest to Members, and does not purport to be comprehensive in considering all matters raised in the study report. The definitive position is set out in the Joint Employment Land and Premises Study document and its Appendices.
- 1.5 Importantly, the draft study version of the document has been subject to key stakeholder involvement and to a full public and stakeholder consultation that have resulted in detailed comments and criticisms being made. These, in turn, have all been taken into account and have informed the preparation of the final study report. This process and its implications are set out later in the committee report at Section 2, para 2.3 below.
- 1.6 For the avoidance of doubt the study has embraced both employment land and premises and where the former is referred to in isolation, it is intended to include premises.

### 2.0 Study Context and Approach

#### (i) Study Context

- 2.1 The study follows the advice set out in the ODPM Guidance Note on Employment Land Reviews suggests a three stage process to employment land evaluation as set out in the consultant's tender brief. The key tasks are:
- (i) To assess each local authority's economy to inform the amount, location and type of employment land and premises to facilitate development and growth.
  - (ii) To review the current portfolio of employment land and premises within each local authority area.
  - (iii) To recommend future allocations of employment land to maintain each area's economic growth and, if appropriate, identify existing employment sites which could

be transferred to other uses.

In reality the three stage process formalises what, in practice, has been an iterative process to the review of the need for land for employment. The study is base dated to April 2008 and looks forward to eighteen years 2026.

## (ii) Study Approach

- 2.2 The Employment Land and Premises Study has closely followed the advice set out in para 1.2 above and, in this regard, the study process can therefore be regarded as robust and reflective of best practice elsewhere in undertaking such studies. Specifically, it has included full stakeholder consultations with public sector agencies and other key stakeholders and a full company survey that included 533 completed questionnaires distributed across the study area and 223 in Sefton, in particular. This data has provided a large body of evidence about the demand for land and premises and has helped to inform the study's conclusions and recommendations.
- 2.3 To give added weigh to this study, the draft Joint Employment Land and Premises Study has gone significantly beyond the advice in the ODPM Guidance Note and additionally been subject to a formal full public consultation in order to maximise the opportunity for stakeholders and others to comment on, and have a direct input to the study. This has, among other things, enabled the draft findings of the study to be substantiated and tested against the practical experience of landowners, property professionals, local community members/ the wider public and regional stakeholders. In this regard, the draft Employment Land and Premises Study was initially made available for public consultation between 25<sup>th</sup> May and 25<sup>th</sup> June 2009. Subsequently, this consultation period was extended by a further two weeks until 9<sup>th</sup> July 2009. The public consultation generated 88 representations covering the four local authority areas. There were 6 Sefton specific comments and 15 general comments relating to Sefton. All comments have been fully addressed in taking forward the draft study to a final study document.
- 2.4 As part of this process the study has examined Strategic Housing Land Availability Assessment (SHLAA) 'call for sites' sites (submitted by landowners, developers etc), which were in employment, use but suggested for non-employment uses, or in non-employment uses but suggested for employment uses. In this regard, most sites submitted under this category were suggested for non-employment higher value uses as opposed to current or allocated employment uses. This pressure was greatest in Sefton.
- 3.0 Key Elements of the Study**
- 3.1 In policy terms the study has to conform to both national and regional guidance. At the national level this is guided by a series of planning policy guidance notes and statements. Key factors in deciding new employment land allocations in LDFs are:
- the need to ensure the provision of sufficient land to meet future business requirements;
  - that the land should be readily capable of development;
  - land should be well served by infrastructure; and
  - at locations that are sustainable and connected by public transport.
- 3.2 Specifically, regional policies have important implications for employment land provision and in this regard, RSS Policy W3 sets out employment land requirements by sub-regional area, through to 2021 and proposes that the disaggregation to individual local authority areas be addressed by the respective sub-regions and 4NW.
- 3.3 Linked to the above, it is a longstanding regional objective to restructure the North West economy towards more productive, higher value, higher skilled economic activities and providing suitable employment sites in the right locations. This is considered necessary to attract and retain high value sectors.

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- 3.4 The Study has included a full and comprehensive review of all employment commitments in the respective local authority areas. In Sefton this includes a review of 25 employment sites totalling 70.73 hectares and, linked to this, an assessment of all existing employment areas comprising 22 discrete areas (principally but not exclusively primarily industrial areas) totalling 345.34 hectares
- 3.5 The study has used different approaches to quantify new employment land requirements for the respective local authorities. Each approach has produced different outcomes. In this regard, Oxford Economics were sub-contracted by the BE Group to provide up-to-date economic forecasts taking account of the 'credit crunch' but assuming that the economy will recover by 2011. These forecasts related to labour supply projections, employment sector change and public sector economic development strategies. They suggested a need for only 38 hectares of additional land over the whole study area, over the period from 2008 to 2026. This, in the BE Group's view, was explained in major part by the increased need for offices and warehouse uses (more intensive) being counterbalanced by the reduced need for manufacturing (less intensive).
- 3.6 However, the BE Group note that the Oxford Economics' forecasts represent the absolute minimum amount of land needed since they make no allowance for market churn, nor the need for a choice of sites and premises to offer sufficient opportunities for businesses at different stages of their life cycle. Furthermore, the forecasts assume that industry sectors which yield a forecast negative employment change will not generally need additional land. In BE Group's view this is not correct as there will be businesses in these sectors that require more space. Furthermore, in the BE Group's view the economic forecasts are flawed because:
- they presume that job densities and development ratios will remain unchanged into the future but they may fall due to productivity growth within manufacturing
  - for most locations in the study area new office developments are going to be focused on business parks and not in town centres. This means that new office floorspace and site densities will replicate existing (generally lower density development) rather than deviate from them
  - they do not take account of the level and nature of existing employment land supply.
- 3.7 In contrast, the Study prefers the use of representative long-term trend based forecasts of land take-up for the study area, after including an allowance for a 20% buffer to allow for 'range, choice and a continuum of supply post 2026' and as adjusted to take account of known intervention schemes, to set an additional land requirement of almost 390 hectares for the study area embracing the four local authorities, of which Sefton would need to find 40.01 hectares over the period to 2026. This is addressed in more detail under para 4.1, bullet two below. The BE Group have separately advised the Council that they have undertaken 27 similar studies since 2003 and in each case they have opted for the longer-term trend forecast of take-up in preference to those derived from economic forecasting. They have further advised the Council that they have been able to robustly defend this stance in public inquiries when challenged.

## 4.0 A Summary of the Key Findings of the Study

- 4.1 The key findings of the study may be summarised below:
- there is a clear need to maintain all Sefton's employment land allocations and Primarily Industrial Areas across the Borough. In addition, and importantly, the Study recommends "*Sefton need to be cautious in considering the release of sites for non-employment uses, as recent take-up has been below the longer term trend, and this has been influenced by the lack of viable opportunities rather than reduced demand*". Given this, the Study urges Sefton to apply caution in considering the release of employment sites for non-employment uses because of an apparent lack of demand, which may be reflective of short term factors rather than a long term lack of demand.
  - in meeting the 40.01 ha requirement for new employment land in Sefton, the Study advises that there are potential opportunities for recycling/remodelling of employment

land at various locations in the Borough. If all of these opportunities were realised then Sefton would be able to secure an additional 53.13 ha of new development land and would therefore not require any new allocations, subject to the caveat for North Sefton as set out in the bullet point immediately below.

- whilst a key finding of the Study is that if all recycling/remodelling opportunities were realised across the Borough, there would not be a need for new employment allocations in general, a very important caveat to this is that North Sefton's supply is seriously constrained. In this regard, the key role of Southport Business Park as a facility for predominantly B1 office use (subject to favourable consideration being given to allowing main car dealerships in the north east quadrant) is firmly endorsed as is the proposed extension to Southport Business Park into the south east quadrant (which is currently part of the land allocated for housing purposes). The study also recommends that Sefton will need to identify further land for a successor business park, either to the east of Southport generally or possibly (by agreement with West Lancashire Borough Council) on land at nearby Scarisbrick. This site would need to come on stream in the longer term (i.e. post 2020), but because of lead-in time implications, the site would need to be identified at least four years ahead of this date (i.e. in 2016).
- in light of the seriously constrained supply in North Sefton, the Study recommends that the Council should protect current employment sites from other forms of development, including the former Philips Factory at Balmoral Drive (described as a *'scarce opportunity in Southport for a reasonably sized employment area'*) and backland employment sites. With regard to the latter, the Study notes that *'whilst individually small, collectively they are an important resource'* that Sefton should retain. However, it acknowledges that the separate emerging Strategic Housing Land Availability Assessment appears to be suggesting that some of these backland sites should be considered for housing. Accordingly, the Study advises that *'Sefton Council will have to balance these conflicting pressures as it takes forward its Core Strategy'*.
- in terms of the HMRI process, the Study notes that there have been important and necessary employment losses to housing to support this vital process but it is important that Sefton now *'adopts a balanced approach with employment opportunities protected in the HMRI area for the existing and new population. This will ensure HMRI communities are economically viable and sustainable. This could be achieved by windfall employment sites where housing is no longer considered appropriate'*.
- the Study notes that the Port is constrained in terms of potential expansion land, and that the Seaforth Nature Reserve is the only realistic opportunity to meet this need. However, *'it is excluded from the terms of reference of this study'* by virtue of the environmental/ecological designation (it is a Site of Special Scientific Interest, a proposed Ramsar Site, and a potential Special Protection Area). The Study concludes that *'further growth is likely to be difficult without a comprehensive partnership approach between Peel Ports, Sefton, Wirral and Liverpool to address how growth needs could be satisfactorily resolved along the key routes to and from the Port. This will include reconciling port-related functions such as container storage and warehousing, with local authority objectives of improved environments and higher job creation activities.'*
- additionally, the Study raises major issues about the robustness / current relevance of RSS Policy W3 with regard to employment land provision. Specifically, it raises a major issue about the disaggregation of the RSS Policy W3 requirements, which imply a *'hugely increased'* quantity of employment land requirements for Knowsley and West Lancashire but also significant additional requirements for the Sefton and Halton. Accordingly *'this poses a serious challenge to the evidence base that must support the LDF documents'* and the Study recommends that *'discussions with 4NW commence urgently'*. It will therefore be critical that we positively engage 4NW regarding use of the RSS figure as the basis for future land requirements. 4NW's response to the draft Study consultation indicated that they were happy to meet with us to discuss the issues raised by the Study.

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- a further point has been made in the Study that the demand for industrial land and premises was significantly higher than that for office development in Sefton.
- finally, the Study notes that Sefton's vacancy rates for industrial floorspace are around 5% - well below the average for the sub-region. Vacancy rates in the office sector are 4% - again the lowest of the four authorities involved in the Study. This, in the Study's view, is indicative of the continuing strong demand for employment land and premises in the Borough.

## 5.0 Director's Comments

- 5.1 The Employment Land and Premises Study is one of a number of key evidence gathering studies which are being prepared and will be used to inform Sefton's emerging Core Strategy. The study will also be used to inform advice on individual development proposals and planning applications which involve the development of land in employment use.
- 5.2 The key message contained in the Study is that Sefton has a constrained employment land supply and this resource needs to be protected to meet current and future employment needs arising in the Borough, and also to minimise the need to identify 'new' employment land. If we are able to protect this supply and actively recycle/remodel underused and vacant employment (and potentially other surplus land) land across the Borough, we would not need to make any new employment allocations as part of the Core Strategy process. However, the serious caveat to this is that supply is already constrained in North Sefton and we must therefore carefully protect all our employment sites (allocated and Primarily Industrial Areas) for employment uses in this part of the Borough. In this regard, Southport Business Park has a pivotal role to play in meeting North Sefton's employment needs but this supply will inevitably run out in the future. On the basis of the BE Group's advice, this supply (including any proposed extension into the south east quadrant presently allocated for housing development) would be likely to meet needs up to about 2020. However, a successor site will need to be identified in about 2016 (to allow for a 4 year lead-in time to it being available) and this will create considerable planning challenges, not least because the Study suggests that if we can't find a suitable site in eastern Southport, a preferred location it may be needed on nearby land in neighbouring West Lancashire Borough Council's area. This would clearly require sensitive discussions with a neighbouring local authority. In the south of the borough, the need to recycle /remodel existing employment sites adds considerable weight to employment initiatives such as the Dunnings Bridge Road programme of environmental improvements and the related investment initiatives to the employment sites and, in particular, Atlantic Park as part of the NWDA's role in supporting the regional strategic site. Similarly, the Building Schools for the Future initiative may offer some opportunities to create some 'new' employment sites from surplus school sites.
- 5.3 Importantly, the Study also notes that backland employment sites in Southport make an important contribution to overall employment provision and should be protected as employment sites. However, it recognises that there are increasing pressures to seek alternative housing uses on some of these sites. In this regard, the emerging Strategic Housing Land Availability Assessment highlights these tensions, as a number of such sites have been suggested for alternative higher value housing uses. In this regard, we are also aware of increasing housing development interest in respect of a number of backland employment sites, despite the current depressed housing market. Accordingly, and in order to address these competing pressures, Members should note that we are currently in the process of drafting a Supplementary Planning Document (SPD) on Safeguarding Employment Land to, among other things, address these tensions and a draft of this document will be submitted to Planning Committee for its consideration at a later date.
- 5.4 With regard to the Port, the Study notes that it is constrained in terms of potential expansion land, and concludes that the Seaforth Nature Reserve is the only realistic opportunity to meet this need. However, *'it is excluded from the terms of reference of this study'* by virtue of the environmental / ecological designation (it is a Site of Special Scientific Interest, a proposed Ramsar Site, and a potential Special Protection Area). The Study acknowledges that further growth is likely to be difficult without a comprehensive partnership approach between Peel Ports, Sefton, Wirral and Liverpool to address how growth needs could be satisfactorily resolved along the key routes to and from the Port. This will clearly be a key planning challenge we will have to

address as we take forward our Core Strategy. In this regard, positive dialogue is ongoing with the Port and its representatives, acknowledging that the needs of the Port and, in particular, its need for additional capacity, has been accepted as part of the SuperPort initiative and recognised through the Liverpool City Region Multi Area Agreement. In short, the need for additional Port capacity will have to be carefully addressed as we move forward.

5.5 The Study raises major issues about the robustness/current relevance of RSS Policy W3 with regard to employment land provision and specifically questions whether the sub-regional employment requirements for Merseyside and Halton are now relevant, especially as we take forward our Core Strategy. Clearly, as advised in the Study, it will be important that discussions about this matter commence with 4NW as a matter of urgency and this process will need to start shortly, although we have already advised 4NW of our concerns and they have informally indicated that they would be happy to meet with us (and study partner authorities) to discuss the issues raised by the Study once it has been completed.

5.6 To conclude, the completion of this Study is timely has confirmed much of what we were already knew, albeit anecdotally, about employment land supply and needs in Sefton and especially the very tight employment land supply position that exists in North Sefton. It does, however, now provide us with a robust evidence base to address the issues arising from these pressures; both in terms of advice on pre applications and planning applications and in providing a firm evidence base on employment supply and needs which is necessary to take forward our Core Strategy.

## **6.0 Recommendations**

6.1 That:

i) Planning Committee and Cabinet Member – Regeneration note the key findings of the Joint Employment Land and Premises Study for Sefton;

ii) Planning Committee endorses the key findings of the study to inform the emerging Core Strategy process and advice and decisions in relation to individual proposals and planning applications.

iii) Cabinet Member – Regeneration endorses the key findings of the study to inform the emerging Core Strategy; and

(iv) Cabinet agrees the report

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# Agenda Item 13

**REPORT TO:** Cabinet  
Cabinet Member Regeneration  
Planning Committee

**DATE:** 10<sup>th</sup> February 2010

**SUBJECT:** North West Regional Strategy 2010: Draft Part 1  
Consultation

**WARDS  
AFFECTED:** All

**REPORT OF:** Andy Wallis – Planning and Economic Regeneration Director

**CONTACT  
OFFICER:** Alan Young – Strategic Planning and Information Manager  
TEL 934 3551

**EXEMPT/  
CONFIDENTIAL:** No

## **PURPOSE/SUMMARY:**

This report is to inform Cabinet, Cabinet Member and Planning Committee of the consultation on the Draft Part 1 of the forthcoming Northwest Regional Strategy and to seek delegated authority from Cabinet for the Planning and Economic Regeneration Director to provide (partial) comments on behalf of Sefton and to contribute towards a joint Liverpool City Region response.

## **REASON WHY DECISION REQUIRED:**

To enable the Planning and Economic Regeneration Director to provide comments on behalf of Sefton in addition to contributing to the joint Liverpool City Region Cabinet comments.

## **RECOMMENDATION(S):**

It is recommended that:

- (i) Planning Committee, Cabinet Members and Cabinet note the key elements of the North West Regional Strategy 2010: Draft Part 1 Consultation and agree the suggested (partial) consultation response set out in the report; and
- (ii) agree that the Planning and Economic Regeneration Director be authorised to send the above, and any necessary further consultation comments, to the DCLG as part of the Council's formal response to this consultation exercise.

**KEY DECISION:** No

**FORWARD PLAN:** No

**IMPLEMENTATION DATE:** N/A

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## ALTERNATIVE OPTIONS:

Do not respond to consultation – however, there is the possibility that the comments expressed in this report will no be addressed by other respondents.

## IMPLICATIONS:

**Budget/Policy Framework:** None

**Financial:** None

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2009 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
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:** N/A

**Risk Assessment:** N/A

**Asset Management:** N/A

## CONSULTATION UNDERTAKEN/VIEWS

INTERNAL TO PLANNING AND ECONOMIC REGENERATION DEPARTMENT

**CORPORATE OBJECTIVE MONITORING:**

<b><u>Corporate Objective</u></b>		<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
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		✓	

<p><b>LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT</b></p>
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# Agenda Item 13

## 1. Background & Introduction

- 1.1 A new economy-focused Northwest Regional Strategy (RS2010) is currently being prepared that will replace the current Regional Economic and Spatial Strategies. The new Strategy will combine the region's planning and economic development policies into a single document. The Northwest agreed as a region to prepare an integrated regional strategy in 2008 and since then it has become a statutory requirement.
- 1.2 In developing and consulting upon the new Regional Strategy, 4NW have split the document into 3 separate parts – 'Part 1: High Level Strategic Framework', 'Part 2: Detailed Policies', and an 'Implementation Framework'. The current consultation relates to Part 1: High Level Strategic Framework, which once finalised will contain the vision and principles to guide the Strategy, as well as setting the higher-level policies and priorities. The public consultation opened on 4<sup>th</sup> January and will close on 26<sup>th</sup> February 2010.
- 1.3 Members may recall that Sefton responded to a 'Principles and Issues' consultation for RS2010 that took place during Spring 2009. The findings from this earlier consultation have now been developed to inform the preparation of the current consultation document.
- 1.4 The subsequent 'Part 2: Detailed Policies' and the Implementation Framework will be produced and consulted upon separately, and are currently forecast to be available for consultation during summer 2010 (alongside a revised Part 1). Members should note that Part 2 will contain the more detailed policies, including any regionally set targets (such as those relating to housing numbers). The policies contained within Part 2 will be set within the context of the overarching Part 1 policies. Finally, the Implementation Framework will demonstrate how and by whom it is intended the Regional Strategy will be delivered. Members will be notified at the appropriate time of Sefton's proposed response to the Part 2 / Implementation Strategy consultation.
- 1.5 In the limited time available, and given the range of specialisms covered, it has not been possible to co-ordinate a complete response to the Part 1 consultation at this time. The following is therefore a partial response that seeks to highlight the key issues and propose a series of initial responses to the consultation. This report therefore seeks delegated authority to provide additional comments on behalf of Sefton if the Planning and Economic Regeneration Director, in consultation with Cabinet Member Regeneration and Chair of Planning Committee, considers it necessary prior to the 26<sup>th</sup> February deadline.
- 1.6 Sefton's finalised response will also feed into a joint Merseyside response, which is being coordinated by The Mersey Partnership (TMP) and the Mersey Policy Unit (MPU) on behalf of the Merseyside authorities.

## 2. Draft Part 1 Consultation Document

### 'Strands' and 'outcomes'

2.1 The Strategy comprises of 4 key 'strands' which set out the priorities faced by the region. These strands are also supplemented by twelve related 'outcomes', which expand upon the strands. These are set out as follows ('strands' highlighted in bold):

- **Capitalise on the opportunities of moving to a low-carbon economy and address climate change**
  1. Promoting the sustainable use of resources and minimising and adapting the impact of climate change.
- **Build on our sources of international competitive advantage and regional distinctiveness**
  2. Ensuring the northwest has vibrant and attractive cities, towns and rural areas, capitalising on the region's rich cultural, heritage, sporting and university assets.
  3. Increasing the levels of enterprise and trade and creating the right conditions for business growth and sustainability in the region. Capitalising on the region's strengths and assets in international trade, intellectual property, advanced manufacturing, bio-medical and digital/creative.
  4. Increasing productivity, capitalising on the region's innovation, science and research assets and exploiting the Northwest's potential in the renewable and nuclear offer and worldwide opportunities from low-carbon technologies.
  5. Protecting, enhancing and developing the quality of the Northwest's outstanding environmental, natural and coastal landscape assets.
- **Release the potential of our people and tackle poverty**
  6. Developing communities and places, which are sustainable and safe, with less deprivation and disadvantage within the region.
  7. Creating a world-class skills base, improving education, attracting and retaining talent as well as tackling gaps in basic, intermediate and graduate level skills.
  8. Having a healthy population, with a reduction in health inequalities and capitalising on the economic opportunities from changing health issues.
  9. Improving the range and depth of quality employment opportunities for all. Linking areas of opportunity and need, significantly reducing low employment rates and improving the supply of labour to businesses.
- **Ensure the right housing and infrastructure for sustainable growth**
  10. Creating balanced housing markets across the Northwest that support economic growth, strengthen inclusion and ensure that everyone has access to appropriate, well-designed high-quality, affordable housing in mixed, sustainable communities.
  11. Delivering a high-quality, reliable and efficient infrastructure, transport and digital networks which contribute to sustainable development and ensuring that the region is better connected, locally and internationally.

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12. Ensuring high-quality, efficient and responsive public services.

## **3 Director's Comments**

### General Comments

- 3.1 In terms of focus and implications for Sefton, the strategy recognises the importance of the maritime sector and the Liverpool Superport including access, the potential for tidal power within the Mersey, and developing the city region offer around the visitor economy. The draft Strategy also provides welcome emphasis on regeneration in the Liverpool City Region, and the need to tackle barriers to reduce worklessness in our area.
- 3.2 The draft Strategy seeks to improve enterprise levels, investment in business incubation and growth facilities, support high value jobs in tourism and port-related development and continues to support Housing Market Renewal. Additionally, the Strategy also seeks to encourage investment in utilities infrastructure and strategic employment sites in the region.
- 3.3 In general terms, the key messages of the draft Strategy are welcomed and supported, subject to the detailed comments set out in this report.

### Climate Change and Low Carbon Economy

- 3.4 Climate change, and moving to a low carbon economy, is identified as the single biggest challenge facing the region over the next 20 years. The Strategy states that the region should look to position itself to take full advantage of the opportunities from low-carbon energy and technology, and seek to reduce demand for energy and other resources. The Strategy also emphasises that it will be necessary to understand and adapt to the implications of unavoidable climate change.
- 3.5 The over-riding commitment to address climate change is an important statement of intent. However the extent to which climate change adjustment limits or over-rides other objectives is less clear. In particular, the Strategy raises (but does not answer) difficult questions on the balance between reducing consumption, demand and carbon requirements, but at the same time achieving growth.

### Economic Regeneration

- 3.6 Whilst the draft Strategy supports the continuation of regeneration initiatives in Merseyside, there is some concern that regeneration should be given greater emphasis in the document. Although regeneration is listed as one of the 12 'outcomes' (above), and as one of 4 'Strategic Options' (see below), it is considered that the aim of matching need to opportunity should be embedded in 'the vision' and / or the 'strategic objectives'.
- 3.7 It is also considered that there should be greater reference to the contribution made by small/medium growth-oriented enterprises that are the backbone of the regional economy and the source of significant investment and employment. At present, the Strategy sets the threshold for support to business growth and development at a very high level, prioritising only regionally significant investment in the "internationally competitive sector".

## Tourism and the role of Southport

- 3.8 A key concern regarding the document is that the role of Southport as a nationally recognised tourist destination is underplayed. Blackpool alone is singled out as a 'national' tourist destination, and it is considered that Southport should be given parity with Blackpool in this regard (it is instead referred to only as a 'regional destination'). No mention is made of Southport as 'England's Classic Resort', which is a significant omission, and reference should also be made to the 'Golf Coast' in underlining Southport's appeal. It should be noted that Southport was specifically referred to as the 'Classic Resort' in the 2006 Regional Economic Strategy, and it is considered that RS2010 should also include reference to this.
- 3.9 Another concern is that Southport's heritage appeal is not explicitly reflected in the Strategy. Whilst the 'key points' section within Appendix 2 recognises the opportunities to make more of the heritage appeal of Southport, alongside Chester, Lancaster and Carlisle, this is not reflected elsewhere in the document where only Chester, Lancaster and Carlisle are grouped together as 'heritage cities'.

## The North West Coast

- 3.10 In addition, it is considered that the North West Coast as an entity in terms of brand and potential National/International/Regional Destination attractor could be more explicit. Its unique assets are capable of contributing to a valuable and varied visitor economy. The NW Coast should also be recognised as an important green infrastructure asset alongside any targeted support for more urban-based green infrastructure.

## Spatial Options

- 3.11 In addition to the priorities and areas for action outlined above, the Strategy proposes four 'Spatial Options' which are designed to set out the range of choices that could be considered where there potential conflicts or spatial and distribution issues that arise. Respondents to the consultation are invited to identify which option they consider to be most appropriate for the emerging Strategy.
- 3.12 The four Spatial Options are as follows:
- Current position ("business as usual)
  - Focus on economic opportunity
  - Focus on protecting environmental resources and taking full advantage of environmental opportunities
  - Focus on regeneration and development to tackle social deprivation and inclusion.
- 3.13 We are not yet in a position to analyse the options sufficiently to make a firm judgement as to which would best for Sefton. The 'environmental limits' option is particularly difficult to assess, as we have no impact assessment on economic growth. Whilst there are merits to each option, it may be that a hybrid is required that incorporates elements of each.

## Consultation Submission

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- 3.14 A joint response to the Part 1 consultation is being jointly co-ordinated by TMP and MPU on behalf of the Merseyside authorities, and it is recommended that authority be delegated to the Planning and Economic Regeneration Director to agree these comments.
- 3.15 As stated above, this report constitutes a partial response to the RS2010 Part 1 consultation, and further consideration is needed to compile a final response. It is therefore recommended that authority be delegated to the Planning and Economic Regeneration Director to make additional comments to those made above in submitting a final response prior to the 26th February deadline.

## **Recommendation(s):**

It is recommended that Planning Committee:

- (i) note the key elements of the North West Regional Strategy 2010: Draft Part 1 Consultation and agree the suggested (partial) consultation response set out in the report; and
- (ii) agree that the Planning and Economic Regeneration Director be authorised to send the above, and any necessary further consultation comments, to the DCLG as part of the Council's formal response to this consultation exercise.



# Agenda Item 14

**REPORT TO:** Planning Committee

**DATE:** 10<sup>th</sup> February 2010

**SUBJECT:** Mersey Forest Agreement and Partner Contributions

**WARDS  
AFFECTED:** All

**REPORT OF:** Andy Wallis, Planning and Economic Regeneration Director

**CONTACT  
OFFICER:** Dominique Tilley Telephone 0151 934 3591  
Will Moody 3608

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To seek approval from Members for the renewal of the Mersey Forest Agreement with Cheshire West and Chester Council (2010/11 to 2014/15). This includes a commitment to continue partner contributions over the next five years. The report also requests delegated authority for the Legal/Planning Directors to agree minor changes to the agreement if required. The report provides an update on the work of the Mersey Forest team who continue to demonstrate best value for The Council.

**REASON WHY DECISION REQUIRED:**

So that Cheshire West and Chester Council can process the new agreement, and funds can be allocated from the Planning Budget for the contributions for the next five years. As there may be comments from other partners Legal Teams, it is requested that delegated authority be given to Planning and Legal Directors to agree minor changes to the agreement if required.

**RECOMMENDATION(S):**

That Planning Committee:

- 1 Approve the draft Mersey Forest Agreement with Cheshire West and Chester Council 2010/2011 to 2014/2015
- 2 Agree a fixed contribution of £18,609 per annum for the next five years
- 3 Authorise the Legal Director and Planning Directors to agree any minor amendments to the draft Agreement, and subject thereto, to enter into the Agreement
- 4 Note the report and the continuing best value of Mersey Forest.

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**KEY DECISION:** No

**FORWARD PLAN:** No

**IMPLEMENTATION DATE:** From April 2010

**ALTERNATIVE OPTIONS:** The agreement is not approved and the partnership with Mersey Forest ends.

**IMPLICATIONS:**

**Budget/Policy Framework:** The costs of the Council's contribution to the Mersey Forest Partnership since 1999 have been met out of the Planning Department budget.

**Financial:**

The cost of the Council's contribution to the Mersey Forest Partnership for each of the next 5 years will be fixed at £18,609 per annum. This cost can be met from within the Planning Department's allocated resources.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2009 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
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:**

**Risk Assessment:** If the agreement with Mersey Forest were not to be approved, the partnership with Sefton would

come to end, along with the associated benefits. There would also be a risk to The Mersey Forest partnership as a whole, as their partner contributions would be significantly decreased, which would impact on staffing and projects.

## Asset Management:

### CONSULTATION UNDERTAKEN/VIEWS

**FD 305** - The Acting Finance and Information Services Director has been consulted and his comments have been incorporated into this report

**Legal services** – Comments included within this report.

### 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

- Draft Mersey Forest Agreement 2010/11 to 2014/15
- More from Trees- Mersey Forest Newsletter October 2009
- The Mersey Forest Team- Transition and Succession- Cabinet Report 3rd November 2005.

### Background

- 1 Sefton Council have been in partnership with Mersey Forest since 1999, along with Liverpool, St Helens, Knowsley, Cheshire West and Chester, Halton and Warrington Councils (previous joint agreements 1999-2001, 2001-2005, 2005-

# Agenda Item 14

2010). The employing and fund holding authority has always been Cheshire West and Chester Council (formerly Cheshire County Council).

- 2 The current Legal Agreement expires on 31st March 2010. Subsequently a draft Legal Agreement has been prepared by the Legal Team at Cheshire West and Chester Council for the period 2010/11 to 2014/15. (This agreement commences on 1st April 2010). All partners Legal Teams have been consulted on preparation of this draft. (Draft agreement in Appendix). The Agreement sets out the protocol for developing the annual budget and Mersey Forest business plan, as well as highlighting the roles of both the Mersey Forest Steering and Working Groups.
- 3 Once approval is received for the draft agreement and partner contributions, they will be forwarded to Cheshire West and Chester Council Legal Team, who on receipt of all partner approvals can progress the agreement. There may be further comments from other partners Legal Teams, and therefore the agreement is subject to change, so approval is requested for delegated authority to the Legal Director and Planning Director to agree any minor changes to the text.
- 4 The contribution is paid annually from the Planning budget. The most recent contribution in 2009/10 was £18,155. A small increase of £454 is proposed for 2010/11, but the contribution will be fixed at this rate (£18,609) for the remainder of the agreement.
- 5 It is considered that Mersey Forest continually demonstrate best value for money, with a projected 'gearing' from all Local Authority partners for 2010/11 at £6.50 for each £1 of funding.
- 6 There has been some very significant successes for Sefton as a result of the work of the Mersey Forest:
  - 2005 saw the celebration of the millionth tree being planted in Sefton since the partnership began.
  - There has been a 3 year urban tree planting programme in South Sefton through ICEP (Integrated Countryside and Environment Programme)
  - The RDA funded Newlands programme has resulted in a new 120 hectare community woodland site (50 hectares of which was formerly landfill) in Lunt Village, and the creation of a new community woodland at Town Lane in Southport, which recently opened in November 2009.
  - Newlands 2 is now underway, and the 'Setting the Scene for Growth' urban greening programme targets brownfield land and a site in Sefton is priority for the next round (in Rimrose Valley).
  - There has also been the restoration of 600 hectares of habitat, at sites such as Ainsdale and Birkdale Sandhills LNR, Crosby Coastal Park and Rimrose Valley Country Park.
  - In the five years since the last agreement, there has also been the continual implementation of the Sefton Coast Woodlands Forest Plan.
- 7 Over the last 10 years the Mersey Forest area as a whole has benefited from:
  - Increased woodland cover by 68%
  - The planting of nearly 10 million street trees
  - Thousands of people engaged in projects

- Over 100 new jobs created and sustained
- Over 500ha of Brownfield land reclaimed to woodland use

- 8 The Mersey Forest produce an electronic newsletter which updates on all of the work they have done in each Local Authority area: ([www.merseyforest.org.uk/sef](http://www.merseyforest.org.uk/sef)). They are currently working closely with each Local Authority partner to ensure that the outputs and outcomes being delivered can contribute to frameworks such as Local Area Agreement targets. Adapting to Climate Change and Green Infrastructure continue to be key strategic areas of work for Mersey Forest, which link in with wider Council policies and initiatives.

## **Conclusion**

Mersey Forest has demonstrated continuous best value since the partnership began, key achievements include the planting of over a million trees and the vast increase of community woodland in Sefton. Once the new agreement is approved, the good work and benefits will continue for Sefton. Whilst the contribution has increased slightly for 2010/11, this is now a fixed annual amount for the next five years, keeping costs consistent for Sefton.

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## **MERSEY FOREST AGREEMENT**

**2010/11 to 2014/15**

**April 2010**

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Director of the Mersey Forest Team, reporting to CW&C's Senior Manager Leisure and Green Spaces .

5. CW&C receives advice from the Members Steering Group (Members ) and the Officers Working Group (Officers). Both have representatives from Natural England, the Forestry Commission and co-opted representatives from the private and voluntary sector.
6. The Mersey Forest Plan (Forest Plan) is the 30 year strategic document governing development of the Forest and the current 5 year rolling Business Plan (Business Plan) is the operational document. These documents are the framework for the development of the Forest. The Councils, Natural England and the Forestry Commission will be asked to advise on reviews to the Forest Plan and Business Plan and to approve any revision.
7. The Forest Plan and Business Plan will also act as a guide for the development of links between the Forest Partnership and the Local Strategic Partnerships and Local Area Agreements

## **IT IS HEREBY AGREED AS FOLLOWS:**

### **1. Commencement and duration**

This Agreement shall be deemed to have commenced on the 1<sup>st</sup> day of April 2010 and shall terminate on the 31<sup>st</sup> day of March 2015, unless otherwise agreed in writing by the Parties.

### **2. Legal powers**

The Councils are empowered under Local Government Acts to enter into agreements with each other for the performance for each other of their statutory powers and functions

### **3. Purpose of the Agreement**

The Parties hereby agree to:

- 3.1 work together in a spirit of mutual support and understanding and use reasonable endeavours to approve and implement the Forest Plan and the Business Plan subject to the terms of this Agreement (The current 2009-2014 Mersey Forest Business Plan is attached at Schedule 7 hereto)
- 3.2 acknowledge and accept the duty of utmost good faith towards each other in all dealings relating to and arising from this Agreement

- 3.3 renew the appointment of CW&C as fund holding and employing authority subject to the terms set out in Schedule 1 hereto for the duration of this Agreement
- 3.4 continue the delegation of such forestry and environmental regeneration powers as are necessary to CW&C and between the Councils
- 3.5 sell services to and purchase services from CW&C and each other where and when appropriate in accordance with the Local Authorities (Goods and Services) Act 1970
- 3.6 assist in the formation and implementation of a rolling Business Plan and annual budget as detailed in Schedule 4 hereto
- 3.7 establish and maintain a Members Steering Group as detailed in Schedule 5 hereto
- 3.8 establish and maintain an Officers Working Group as detailed in Schedule 6 hereto
- 3.9 give appropriate support and assistance to any charitable body (incorporated or unincorporated) that is able to assist the implementation of this Agreement or in any other specific way as may be agreed in writing by the Councils
- 3.10 accept a joint and proportionate responsibility for any breach of contract or other claim arising out of any agreement act or omission formally supported by the Members Steering Group and not completely covered by insurance policies

## **4. Financial contributions**

- 4.1 The Councils agree to pay an annual contribution to CW&C based on the approved budget on the 30<sup>th</sup> April each year. These proportionate financial responsibilities must be agreed between the Councils and set out in the annual budget on the basis set out in Schedule 2
- 4.2 The Councils will pay interest on any late payment of any such contribution at the prevailing local authority seven day borrowing rate calculated on a daily basis
- 4.3 The Councils agree to credit interest on any balance of contributions held on deposit to the Team account at the same rate

## **5. Lead Authority powers**

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The Parties hereby agree that in relation to the Forest CW&C has the authority to do the following on behalf of the Councils:

- 5.1 make grant or funding applications (but not for any central government grant or borrowing consent that would limit any individual Council's ability to raise funds, unless expressly authorised by the Council concerned)
- 5.2 receive and hold funds
- 5.3 organise and or undertake work to develop the Forest
- 5.4 advise any person and publish information
- 5.5 make payments
- 5.6 enter into agreements with individuals and organisations under Local Government legislation
- 5.7 employ staff (whenever possible on short-term contracts to coincide with the term of this Agreement and any renewal of it)
- 5.8 to continue existing contractual commitments to officers and others as covered by the budget
- 5.9 to propose an annual rolling 5 year Business plan and budget
- 5.10 to enter a Lease fro the provision of office accommodation for the Team
- 5.11 to change the designation of the officer or officers allocated duties within the agreement

## **6. Conditions of Lead Authority powers**

The Parties agree that the authorisation of Lead Authority powers outlined in clause 5 above shall be subject to the following conditions:

- 6.1 compliance with the decision-making, approval process and other provisions including financial limits set out in the Schedules hereto including Schedule 4
- 6.2 all applications, receipts, work, advice, publications, agreements and appointments shall be directly related to the Forest Plan and within the approved Business Plan and annual budget or otherwise specifically approved items (Schedule 4 – The Decision Making and Approval Process)

For the avoidance of doubt this limits CW&C's authority to incur expenditure on behalf of the other Councils to the agreed budget and specifically approved items

- 6.3 powers to buy land on behalf of the other Councils are excluded (any land required will be purchased by one of the Councils or other appropriate body)
- 6.4 all acts shall be lawful
- 6.5 an indemnity to the other Councils in respect of any unauthorised or unlawful act approved by CW&C and cross indemnities in like terms by each of the Councils to each other

## **7. Indemnity and insurance**

Save in respect of CW&C's liability as employer which obligation to insure or self insure shall remain with CW&C the Councils will indemnify CW&C and each other against any liabilities arising from authorised activities undertaken in any area of the Councils and will maintain policies of insurance (or otherwise self insure) to cover all those employed as part of the Mersey Forest Team by the Councils (including CW&C) for the usual risks arising from acts or omissions

## **8. Review and renewal of the Agreement**

- 8.1 The operation of this Agreement shall be reviewed annually by the Officers Working Party and reported to the Members Steering Group
- 8.2 Nine months before the end of this Agreement CW&C's Senior Manager Leisure and Green Spaces will write to all the Councils, Natural England and the Forestry Commission seeking their proposals and agreement of the Parties for the renewal of the Agreement for a period of five years including any proposed revisions

## **9. Failure to renew the Agreement**

- 9.1 It is agreed that a failure to renew could lead to costly redundancies and breaches of contract and other costs and liabilities which would be shared
- 9.2 It is further agreed that each of the Councils shall use their reasonable endeavours to avoid and/or minimise the costs and liabilities arising from expiry, including if appropriate a limited

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renewal of the agreement and the assignment of contractual and other liabilities to individual Councils

9.3 Within six months of actual termination CW&C's Senior Manager Leisure and Green Spaces will produce closing accounts

9.4 Any loss or surplus shown on these accounts including any assets (including intellectual property rights) or termination costs shall be divided between or be borne by Councils on a shared basis. Each share shall be proportionate to the contribution that should have been paid by the Councils over the period of the Agreement

## **10 Dispute resolution**

10.1 In the event of any dispute between the Councils about the terms of this Agreement, their interpretation or implementation, then the parties in dispute shall first consider referring the matter for mediation. In default of agreement on the identity of a mediator, that mediator shall be appointed and the terms of appointment fixed by the Head of Legal and Democratic Services of CW&C (or equivalent post-holder) acting in consultation with the Clerk (or similar post-holder) to another Council not involved in the dispute. If CW&C is involved in the dispute and the identity of the mediator is not agreed, then the appointment shall be made by the Chief Executive of Natural England. The costs of the mediation shall be shared equally by the parties in dispute.

1.2 If mediation is not agreed then the parties shall consider agreeing an arbitration process, before commencing legal proceedings.

## **11. Relationship**

For the avoidance of doubt nothing in this Agreement will create or be deemed to create a trading partnership

## **12. Formal Approval**

This Agreement has been formally approved by the Councils whose seals have been attached below

## SCHEDULE 1

### TERMS OF APPOINTMENT OF CHESHIRE WEST AND CHESTER AS FUND HOLDING AND EMPLOYING AUTHORITY

1. Fund holding Authority
  - 1.1 CW&C will act as Treasurer for the Project and will be responsible for:
    - (1) Banking arrangements
    - (2) Audit arrangements
    - (3) Budget preparation
    - (4) Budget monitoring
    - (5) Financial reporting (Annual accounts to be available by 30 September for the previous financial year)
  - 1.2 The aim will be to achieve Best Value
  - 1.3 The accounts and all financial records will be open to inspection by any of the Councils upon giving reasonable notice
  - 1.4 The CW&C's Director of Resources will be responsible for the proper administration of the Project's financial affairs, as she is for CW&C's affairs as specified in Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988
  - 1.5 The Senior Manager Leisure and Green Spaces will be responsible for the preparation of financial reports, including budget monitoring and, when appropriate, best value considerations to the Partnership group at every ordinary meeting
  - 1.6 CW&C will act in compliance with its Constitution including Standing Orders, Contract Procedure Rules, Financial Regulations and Scheme of Delegation and Code of Practice on Financial Management
2. Employing Authority
  - 2.1 CW&C will employ the staff to put into effect the Plans as far as reasonably possible within the terms of this Agreement
  - 2.2 The staff will be employed exclusively for the above purpose, unless all the other Councils consent otherwise
  - 2.3 The staff will be employed in the Director of Culture and Recreation's department
  - 2.4 CW&C's Terms and Conditions of Employment shall apply to the staff including all relevant CW&C's policies on personnel and related matters

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- 2.5 The staff so employed shall be collectively known as the Mersey Forest Team (“the Team”)
- 2.6 The structure and composition of the Team will be decided using the decision making procedure set out in Schedule 3 and within the approved budget
- 2.7 CW&C will take into account the advice on such employment matters from the Members Steering Group
- 2.8 If at any time CW&C is unable to continue the employment of the Forest Team or any member of it, the Councils will use their reasonable endeavours to offer redeployment to avoid or reduce any redundancy costs



## SCHEDULE 2

### BASIS OF THE CALCULATION OF CONTRIBUTIONS

1. In accordance with the agreed formula set out below, and within the agreed budget and five year financial rolling programme, Cheshire will formally set the annual contributions payable by the other Councils and send formal advance notice to the Treasurers or Finance Officers by 31 March of each year, earlier if possible.
2. The Contributions will be based on the actual costs incurred as fund holding and employing authority.
3. Those costs will include, in addition to the payroll and other costs of the project team staff, the accommodation, equipment, material and other costs arising from day to day working, a detailed and specific provision to reflect necessary additional overheads such as internal and external audit costs, personnel support, financial support, legal support, insurance and risk management, and senior management time. The latter will reflect the necessary involvement from time to time of the Council's Senior Manager Leisure and Green Spaces and the Council's Head of Culture and Recreation.
4. It is reaffirmed that the calculation of the above costs will be made in good faith and background papers detailing the principles and formulae applied will be available to the Treasurers of the other Councils if they so request.
5. If any three Members of the Members Steering Group object to the outcome of the calculation and the contribution payable by any Council then that objection shall be first of all referred to a mediator to be appointed in accordance with Clause 10 of this Agreement. In default of agreement on the selection of the mediator, to be appointed by the President for the time being of the IPFA. The mediator's and any other costs of the mediation shall be paid equally by the parties in dispute.
6. Each council shall make an equal contribution to the actual costs, with CWAC continuing to contribute on the basis of its coverage of 3 historic councils.

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## SCHEDULE 3

### PROCEDURE FOR SETTING THE ANNUAL BUDGET AND FINANCIAL ROLLING PROGRAMME

1. CW&C's Senior Manager Leisure and Green Spaces will prepare a rolling five year Business Plan and annual budget (Schedule 7) detailing projected annual contributions from the Councils. Financial years will start on the first of April.
2. CW&C will prepare a five year financial rolling programme based on appropriate estimates, including in specific sections a financial and performance review for the previous year, and a progress report and predicted budget outcomes for the current year.
3. Consultation and approval procedure:

All involved will endeavour to keep to the following timetable:

- 3.1 Drafts will be sent to members of the Officers Working Group by 31<sup>st</sup> October
- 3.2 Those Council officers involved will be responsible for advising their respective financial departments and obtaining all necessary approvals for their contributions
- 3.3 Those officers' comments on the drafts will be returned to the Senior Manager Leisure and Green Spaces by (November 30) and simultaneously copied to the other members of the Officers Working Group
- 3.4 The Project Director will report the comments and advise the Officers Working Group at a meeting in November/December of each year of the Term
- 3.5 The objective of that meeting is to resolve any uncertainties or conflicts and recommend a budget and a programme to all the Councils, via the Senior Manager Leisure and Green Spaces
- 3.6 The Project Director will report the outcome to the Members Steering Group in February/March
- 3.7 The objective of that meeting is the same as the objective described in 3.5
- 3.8 The Senior Manager Leisure and Green Spaces will send to the Councils the budget for formal approval by March, preferably February of each year

## SCHEDULE 4

### THE DECISION MAKING AND APPROVAL PROCESSES

1. As fund holding and employing Authority, CW&C is obliged to be ultimately responsible to the Parties for all decisions made, subject to the terms of this Agreement
2. The Parties have agreed to work together to fulfil a shared objective and CW&C is obliged to consult closely with the other Councils, Natural England and the Forestry Commission via the Members Steering and Officers Working Groups, as well as by direct consultation through Officers and other Committees when necessary and appropriate
3. The processes take into account, as far as possible, within Local Government Rules and Regulations and the provisions of this Agreement, the desirability of enabling staff to seize opportunities and advance projects as quickly as possible
4. It is recognised that as the year progresses changing circumstances may produce a need to change the approved Business Plan and budget. Such changes will require appropriate approvals. All significant changes will be reported to the Members Steering and Officers Working Groups.

It is accepted that a requirement for formal Member approval for every decision could undermine the effectiveness of the project for attracting and spending new money.

Expenditure changes within the Forest budget will be undertaken using delegated powers whenever possible and member approval will not be sought.

Expenditure in excess of the Forest budget which is funded by new income to CW&C for a specific project will only require the prior approval of CW&C. If, however, that specific project or development involves a change in policy or is likely to significantly disrupt the approved Forest Plan or cause a budget overspend prior approval of all the Councils will be required.

5. There are three categories of decision:
  - 5.1 Category A Decisions within the agreed Business Plan and Budget or specifically approved matters, and CW&C's delegated powers  
  
These decisions are day to day management decisions that will not be reported specifically to members

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5.2 Category B Decisions outside the agreed budget and CW&C's Delegated powers and which require Partnership Group approval

5.3 Category C Category B decisions that are urgent

6. Category B decisions will be referred to the Members Steering Group for a recommendation to CW&C. The decision will be made by CW&C in accordance with its Standing Orders.

7. Urgent matters which cannot be dealt with under delegated powers (i.e. Category C decisions) shall be dealt with by CW&C's appropriate procedure . That decision would then be reported to the next meeting of the Members Steering Group.

When the urgent decision relates to action in the area of another of the Councils, then the Senior Manager Leisure and Green Spaces shall request the views of that Council in writing (including electronically) from their nominated officer. At the making of this Agreement the nominated officers are as follows:

Halton	: Paul Wright
Knowsley	: Rupert Casey
Liverpool	: Brendan Monks
St Helens	: Bob Massingham
Sefton	: Andrew Hall
Warrington	: Helen Lacy

Changes to the above to be notified to the Project Director in writing

## SCHEDULE 5

### CONSTITUTION AND RESPONSIBILITIES OF THE MEMBERS STEERING GROUP

1. The Members Steering Group (“the Steering Group”) will be made up of one Member from each of the Councils, an officer of Natural England and an officer of the Forestry Commission. Once established, the Group is free to co-opt whoever it deems appropriate to be a member on such terms including voting as it sees fit. In the event of disagreement a majority decision is sufficient on co-option
2. Co-opted members may hold office, including Chairperson.
3. Secretarial services shall be provided by the Team
4. The Steering Group is free to determine its own procedure subject only to the provisions of this Agreement which include:
  - (1) the National Code of Conduct (“the Code”) shall apply to members and co-opted members. Declarations of interest to be made by all members when joining the Steering Group, and will be amended by them in accordance with the Code. Formal declarations of personal and other interests to be made at meetings in accordance with the Code
  - (2) a proper record is to be kept by the Project Director of the information submitted (including declarations of interest) decisions made and reported
  - (3) reasonable written notice of the meetings and agenda items shall be given
5. It is acknowledged that the Steering Group meetings will not usually be open to the public, but that is a matter of discretion for the Group. Officers will attend in a supporting role.
6. The Steering Group’s role is primarily consultative but it is expected and agreed that it will provide advice to CW&C on all matters relating to the Forest Plan and Business Plan and assist with the resolution of disputes as previously indicated in the Agreement
7. Members may be substituted, provided a record of the substitute attending is kept

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8. Decisions on what advice to give shall be based on a majority vote. In the event of a tie the Chairman shall have a second and casting vote.
9. In particular, the Steering Group will give advice to the Project Director on implementation of any plan, the budget and other financial matters, including performance monitoring, best value and staffing
10. The Steering Group will advise the Project Director on the contents of the Annual Report.

## SCHEDULE 6

### CONSTITUTION AND RESPONSIBILITIES OF THE OFFICERS WORKING GROUP

1. The Officers Working Group (“the Working Group”) will comprise an Officer from each Council, together with an Officer from Natural England and from the Forestry Commission. Substitutes will be allowed provided a record is kept. Additional Officers and people from other organisations and private individuals may attend at the request of the Officers Working Group.
2. The Working Group will be responsible for giving advice and support to the Members Steering group and the Project Director.
3. The Project Director will be responsible for calling meetings and keeping a proper record of attendance at meetings and recommendations passed. The Project Officer will chair the meetings of the Group.
4. The role of the Working Group is to give guidance on technical matters and to monitor progress
5. The Project Director will provide a quarterly report of progress in relation to the current Business Plan

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## SCHEDULE 7

### **The Mersey Forest Team Business Plan 2009 – 2014**

#### **More From Trees**

This Business Plan sets out our objectives for the next five years and our actions for 2009/10.

There is increasing recognition at a strategic level that green infrastructure, including trees, woods and forests is fundamental to society, providing benefits that we rely on for our health, well being and quality of life.

This Business Plan sets out how the gearing up of partner contributions, leading to a projected direct spend through The Mersey Forest Team of £1.2m in 2009/10, delivering projects and programmes that support key partner objectives.

The Mersey Forest Plan sets out a 30-year vision to transform the landscape of the area, through the creation of new community woodlands in and around our towns and cities, to provide economic and social benefits from environmental regeneration – we deliver more from trees.

This year marks the half way point in the delivery of the Forest Plan; a good time to take stock and ensure that we are both delivering the plan's objectives effectively and also to make sure that the plan itself remains relevant to today's key issues.

We remain on target to transform over 8,000 hectares of land to community woodland and associated habitats. In addition, public surveys show that 92% of residents support the work of The Mersey Forest, with 62% identifying a positive environmental improvement through the work of the Forest Partnership in their area.

Over the last few years the Forest Team has worked to continue to improve the quality of service provided. This has been recognised in both the positive feedback from partners and also in the team being awarded finalists in the North of England Business Excellence for the last two years.



The Mersey Forest provides solutions to some of the key issues facing the area and organisations working in the area:

- Adapting to climate change – through reducing urban heat island and flood impacts, providing local opportunities for recreation and leisure
- Improving health and well being – through meaningful community involvement and engagement, encouraging greater use of forest sites leading to greater levels of activity
- Providing a sustainable foundation for future economic growth, even in times of economic difficulty by providing benefits such as improved image and quality of life

The Forest Plan has always been delivered through an effective and supportive partnership. The delivery of the objectives and actions set out in this business plan relies on that continued and effective partnership.

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## **1. INTRODUCTION**

The Mersey Forest covers an area of 155,000 ha. The Forest is a partnership between seven local authorities in Merseyside and North Cheshire and the national bodies Natural England and Forestry Commission. A wide range of public, private and voluntary organisations and individuals are involved as partners in delivering The Mersey Forest. The Partnership has put in place a dedicated Forest Team whose role is to support and drive forward the delivery of The Mersey Forest Plan.

### **The Mersey Forest area**



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## 2. AIMS OF THE MERSEY FOREST PARTNERSHIP

The aim of the Forest Partnership is to create 8,000 ha of new community woodlands and a wide range of associated environmental, economic and social benefits through sustainable landscape improvements to The Mersey Forest area over the 30-year period of the development of the Forest.

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## 3. OUR GOALS

Our goals for the five-year period to 2014 are:

**Goal 1: Working in partnership** The Mersey Forest will provide opportunities for organisations and individuals to work together to deliver the common vision captured in The Mersey Forest Plan

**Goal 2: Transforming landscapes** The transformation of The Mersey Forest area will be brought about through the continued creation of a natural, well wooded landscape involving a range of site-based activities and protecting and improving biodiversity

**Goal 3: Delivering sustainable economic benefits** Sustainable economic benefits will be realised through the creation and management of The Mersey Forest resources to assist in the process of generating and safeguarding jobs, markets and assets

**Goal 4: Engaging people** The creation and management of The Mersey Forest resources will generate sustainable social benefits through the facilitation of peoples involvement in health, leisure and environmental activities

## 4. OUR VALUES

The role of The Mersey Forest Team is to enable and coordinate the delivery of The Forest Plan. In doing so, we have a number of key partnership values that underpin our work:

- Our focus is on delivery - action on the ground, supported, enabled and facilitated by The Forest Team
- We try to find ways to say “yes” rather than reasons to say “no”
- The Forest Team sits in the middle of an expanding and dynamic network of landowners, groups and organisations providing a wealth of knowledge and experience to draw on - The Forest Team has a role as a hub; putting people who need information in touch with those who have it
- We have a focus on trees and woodland as the most flexible habitat for delivering sustained multiple benefits – but we also have a goal to create a mosaic of habitats that will provide ecological networks and an attractive landscape
- Our aspirations are for long term community involvement and to develop a sense of place for the Forest.

## 5. BUSINESS PLAN TARGETS

The Forest Team monitors progress made in the activities that help to deliver The Mersey Forest Plan.

We can also show how these activities help to deliver partner targets including:

- Public Service Agreement 28 - Secure a Healthy Natural Environment – For Natural England and Forestry Commission
- Local Area Agreement - National Indicators 197 on biodiversity and 188 on adaptation to climate change
- Local authority health, education and regeneration strategies
- Regional Forestry Framework – All five action areas
- Regional Spatial Strategy – EM1 B Natural Environment, EM1 D Trees, Woodlands and Forests, EM2 Contaminated land, EM3 Green Infrastructure
- Regional Economic Strategy - Transformational Actions 24 Develop and implement a Regional Climate Change Action Plan, 84 Develop new uses for brownfield land - including housing and the creation of greenspace, 113 Develop the economic benefit of the region's natural environment through better alignment of environmental activities and economic gain, 117 Implement the Regional Forestry Framework, 119 Invest in quality public realm, green space and environmental quality focused on the Cities (City regions) of Liverpool and Manchester

Table 1 below provides information on our output targets. The table shows the:

- Target for 2009
- Target for the next five years
- Progress to date.

## **Table 1 – Key Forest Plan Targets**

**[Maybe go to town with the below? Half page or full page for each category and bring them to life rather than a plain table?]**

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Target Description	Unit of measure	Targets		Achieved to date
		Target for 2009	Target for 2009-2014	
Woodland creation	Hectares	75	500	2,624
Management of existing woodland	Hectares	200	450	3,070
Creating or re-opening good quality walking/cycling networks	Kilometres	10	120	703
Community engagement - measured by events	Number	140	3000	32,000
Training and skills development events	Number	10	120	750
Funds	£	£1m	£7m	£31.7m
Gearing of funds	Return on Partner LA funding ratio	7:1	7:1	8:1
Non-woodland habitats created or managed <sup>1</sup>	Hectares	75	500	2774
Creating new jobs in Forest related companies	Number	4	175	160
Team Gross Value Added (GVA) <sup>2</sup>	%	2% real increase	10.4%	N/A

## 5.1 Budgets

The budget for 2009/10 is set out below.

Table 2

<b>Expenditure</b>	<b>Core</b>	<b>Projects</b>	<b>Total</b>
Staff	£220,573		£220,573
Premises	£13,687		£13,687
Transport	£10,967		£10,967
Services	£78,805		£78,805
Projects		<b>£878,227</b>	<b>£878,227</b>
<b>Total</b>	<b>£324,032</b>	<b>£878,227</b>	<b>£1,202,259</b>

### Income

<sup>1</sup> Our Biodiversity Action Plan is available at [www.merseyforest.org.uk](http://www.merseyforest.org.uk)

<sup>2</sup> New measure

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Local authorities	£-163,813		£-163,813
Other contributions	£-36,886		£-36,886
Forestry Commission (through SLA)	£-80,000		£-80,000
Interest	£-12,060		0
Project fees	£-31,273	£-878,227	£-878,227
<b>Total</b>	<b>-324032</b>	<b>£-878,227</b>	<b>£-120,2259</b>
Leverage on local authority contribution		7.5:1	
Leverage on Forestry Commission contribution		15:1	

Through the year the team works to increase this base level of activity and also to develop income for future years.

## 5.2 Role of the Forest Team

The Mersey Forest Team's roles in the delivery of the targets above are:

Table 3

Mersey Forest Team Roles	
Role	Example
Coordination and communication	Steering, working and action groups, newsletters
Fundraising and resource distributio	Lottery, landfill tax, etc - then distributed to individual schemes often managed by partners
Working with landowners	Day to day contact with farmers and a wide range of other landowners to provide advice, information, etc
Managing specific projects	WRAP, Community Contracting Initiative (CCI), Healthy Soils, Timber Stations, Certification
Monitoring and evaluation	Annual monitoring round with partners and business plan
Marketing and publicity	Press, radio and TV coverage for Mersey Forest activities
Involving people	Through promoting consultation, events and campaigns, CCI, talks and fielding calls about The Mersey Forest
Influencing and advocacy	Input into regional documents, hosting events to highlight the work of the Forest

# Agenda Item 14

<b>Mersey Forest Team Roles</b>	
	Partnership
Research and development	Developing new ideas to implement The Mersey Forest, carrying out practical research to assist future delivery
Internal support	Provided by administration staff within the Forest Team to enable all the above to happen



## 5.3 Our Responsibilities

The Forest Team co-ordinates much of the activity of the Partnership, and is sometimes seen as the face of The Forest. It is important that we try to ensure that we act responsibly not just with our land, business and community based activities, but also in the way in which we conduct our own business.

Whilst we do not have the resource to be able to carry out a full audit and produce a Corporate Social Responsibility report, we can start to look at how “fair” we are to those in The Mersey Forest Partnership. We focus on six key areas of our work:

Table 4

Categories	Values
Suppliers	Treating suppliers with respect and understanding their business needs.
Employees and their families	Employees really are our only asset. We respect the need for a work-life balance and work to create an environment in which people can thrive.
Our wider network	The Forest Team aims to provide the same high quality, professional service to the whole Forest network, from community groups to regional bodies.
Funders	The Forest Team aims to produce high quality funding applications and then deliver high quality projects for funders, to deliver the Forest Plan.
Partners	Partnership is the basis for the work of The Forest Team. The Forest Partnership put the team in place to help them deliver The Mersey Forest.
Environment	We are mindful of the impact that we have on the wider environment and want to reduce the pressure that we place on the environment in our work.

A full assessment is available at [www.merseyforest.org.uk](http://www.merseyforest.org.uk).

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## **6. KEY ISSUES**

### **6.1 Local Government Reorganisation**

The new employing body for some members of The Mersey Forest Team will be Cheshire West and Chester. For the last 18 years Cheshire County Council have provided an excellent service to the Partnership and the Forest Team will need to build up the same level of relationships and joint work with the new authority.

A recent report looking at potential alternative employing mechanisms for the Forest Team stated that whilst there are many alternative mechanisms, the advantages offered by a local authority employing body were significant and were not outweighed by the alternative options such as a development company or trust.

Whilst not a reorganisation, the development of the Liverpool City Region will mean that The Mersey Forest Partnership needs to try to embed green infrastructure and the Forest Plan into the new arrangements to ensure support for the work of the Forest within the new City Region structures.

In 2009/10 a key issue for the Partnership will be the negotiation and agreement on a new Partnership Agreement.

### **6.2 Funding**

Funding for environmental projects and programmes has dropped significantly with the loss of Objective 1 and 2, and with the North West Operational Programme focusing its resources on direct job creation and Gross Value Added (GVA), rather than on the underlying green infrastructure and quality of life issues that support economic development.

Funds are now more tightly focused and that means that the Forest Team has to be even more aware of local circumstances, and work to bring together a range of funding sources to target at a project.

In order to secure resources the team has to continue to deliver projects efficiently and effectively, show good value for money and be innovative in the way that we approach businesses and the public sector. These are all issues highlighted in our Balanced Scorecard approach.

## **6.3 Green Infrastructure**

The Mersey Forest Team is at the forefront of championing the concept of green infrastructure planning. Green infrastructure planning is becoming increasingly familiar to a wide range of professionals involved in economic and land use planning.

The Forest Team needs to maintain its lead role in this area and also to provide support to partner organisations in their development of green infrastructure strategies, frameworks and plans. Key actions in 2009/10 will be to:

- Develop the Green Infrastructure Unit
- Complete the Merseyside Green Infrastructure Framework and initiate the Cheshire and Warrington version
- Deliver the Critical Green Infrastructure study and continue our work on green infrastructure and climate change.

## **6.4 England's Trees, Woods and Forests**

The new Defra strategy for England's Trees, Woods and Forests provides the national policy context for community forestry. There is an opportunity to highlight to Defra, through Forestry Commission and Natural England, how we are helping to deliver this strategy. In addition, the Regional Forestry Framework is due to be revised this year. The Mersey Forest Partnership again needs to ensure that the framework recognises the importance of community forestry and the ability to deliver a range of economic and social benefits through environmental improvements.

## **6.5 GVA and wellbeing**

In 2009/10 and beyond we will continue to develop the way in which we are able to assess The Mersey Forest projects' ability to deliver against economic targets such as Gross Value Added (GVA) and the emerging targets around wellbeing. This will enable us to more effectively align our outputs and outcomes against the monitoring frameworks of partners and funders.

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## **6.6 Education**

Over the last 15 years the Forest Partnership has worked with over half of the schools in The Forest area. We will continue this award winning work to improve the quality of outdoor play in schools, with its benefits for health and learning. We are also looking to work with partners to ensure that schools have the greatest opportunity to use the outdoors for formal learning. The Forest Schools programme is being trialled this year as one possible mechanism to enable this.

## **6.7 Health**

Late in 2008, the Directors of Public Health across The Mersey Forest agreed to work on a more strategic basis with the Forest Team, in order to try to maximise the health impacts of projects and programmes and also to ensure that experience and contacts made during projects are not lost but become the basis for improving future work. We plan to initiate this joint work in 2009/10.

## 7. ACTION PLAN 2009/10

Our detailed action plan is supported by an objectives hierarchy that is made up of long, medium and short term objectives – all leading to the overall aim of The Mersey Forest.

The full version of this objectives hierarchy appears on our website [www.merseyforest.org.uk](http://www.merseyforest.org.uk)

The key activities are summarised below in Table 5 below. Whilst the table cannot capture all activities of the team, it gives an indication of the scope and scale of the main projects.

Table 5

## Delivering The Mersey Forest's Goals

Project	Goal 1 Working in Partnership	Goal 2 Transforming landscapes	Goal 3 Delivering sustainable economic benefits		Goal 4 Engaging People	Number of events
			Trees and woodland and other habitats	Individual trees		
<b>Delivery of English Woodland Grant Scheme and other planting schemes</b>	In conjunction with Forestry Commission	Creating new woodland	40			
		Managing woodland	100			
<b>Alder Hey</b>	Support the partnership that is helping inform the redevelopment of the new hospital through green infrastructure planning	Habitat management	2			
<b>Setting the Scene for Growth</b>	Planting of derelict land	New woodland	10			
<b>Sefton Coast Forest Plan</b>	Coordinate delivery of the Sefton Coast Forest Plan	Managing woodland	400			
<b>Section 106 projects</b>		New woodland	1			
<b>Timber Network</b>	Co-ordinating The Mersey Forest Timber Network				Support development of low carbon economy	25 businesses
<b>Biomass and renewable energy</b>					Support development of low carbon economy	5 businesses

<b>Skills and training</b>	Working with partners to identify key skills and training needs			Improving skill levels to enable more effective land management	50 organisations	3 workshops - Managing fires in urban woodlands, woodland management, urban tree specification Increasing use of natural environment in school curriculum	3
<b>Natural Play project</b>	Coordination of project						2
<b>Community Contracting Initiative</b>	Support the 14 CCI groups					Continued support for CCI groups in the management of community woodlands	150
<b>Schools</b>	Working with schools and local authority partners	School ground improvements	1			Schools in the TMF School Grounds Project	15
<b>Green Streets</b>	Working with local communities and other partners	Urban tree planting		400		Communities engaged	10
<b>Events and campaigns - Walk in the Woods, Forest Fever, National Tree Week</b>						Community engagement at all levels	50
<b>Community development</b>	Working with a wide range of partners to deliver health, education and capacity building programmes	Habitat creation and management	1			Community events linked to specific sites	10
<b>Corporate Social Responsibility (CSR)</b>		Habitat creation and management	1	Working with business on CSR projects	3 businesses assisted	Events	

<b>The Mersey Forest - general</b>	Supporting the partnership and the projects listed,		
<b>Merseyside Green Infrastructure Plan</b>	Developing partnership green infrastructure plan	Consultation and future project plan	
<b>Cheshire green infrastructure</b>	Developing partnership and green infrastructure plan	Consultation and future project plan	
<b>Liverpool Knowledge Quarter</b>	Developing action plan for the area	Consultation and future project plan	4
<b>Interreg ForeStClim</b>	Transnational partnership project	Consultation and project report	4
<b>Interreg WaterProof</b>	Transnational partnership project	Consultation and project report	2
<b>Critical Green Infrastructure</b>	In partnership with Natural Economy North West	Consultation and project report	2
<b>NW Climate Change Action Plan</b>	With Community Forests North West	Consultation and project report	3



**Natural Economy NW**

Continue to a member of steering group and develop legacy programme for NENW

**Forest Partnership - Partnership Agreement**

Consultation

5

In addition we will continue to deliver our funding and communications strategies to support this activity.

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## 8. HOW THE FOREST TEAM OPERATES

The table above indicates the priorities for action for The Forest Team. The Team was put in place to drive forward delivery and assist the partnership in achieving the aim set out in The Mersey Forest Plan.

Over the last two years the Forest Team has won North of England Business Excellence Awards which recognise that the team endeavours to deliver high quality projects and value for money for partners through effective organisation processes and a culture of improvement.

The team works at several levels:

Table 6

<b>Level</b>	<b>Activity</b>	<b>Reason</b>
National	Promoting The Mersey Forest, lobbying for resources	To keep the work of the Forest Partnership in the view of national bodies, promoting The Forest as an effective delivery mechanism that is achieving activity on the ground
Regional	Promoting The Mersey Forest, lobbying for resources, linking to regional policies	Increasing focus on regions has meant that we have to try to show how The Mersey Forest continues to deliver key regional priorities and is an effective delivery mechanism for policy and strategy implementation
Forest Wide	Within and with partner organisations, making sure that we are delivering their priorities and aspirations for The Mersey Forest, supporting and co-ordinating the partnership	The main reason for having the team in place was/is to provide this co-ordinating and supporting function for the partnership, carrying out activities that individual members of the partnership have decided are best done through the team – working with landowners, supporting communities and timber business, developing projects, bidding for resources, promoting the Forest, etc
Community	With individuals and local groups who wish to help create The Mersey Forest	Providing support, guidance, advice, resources to help get activity on the ground, providing links to organisations who can implement a project where needed

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The activities detailed in the table above can be categorised to show the general roles of the Team.

The skills or competences needed to undertake these roles are:

Table 7

<b>Competences</b>	
<b>Skills</b>	<b>Summarised as ...</b>
Developing and delivering programmes and projects, providing excellent service to funders and beneficiaries to deliver outputs on budget, on time, so that the team is seen as a “safe pair of hands” for project delivery.	Project management
Providing, advice, guidance, contacts and information, supporting projects and finding ways to overcome barriers or difficulties that may stop good community forest projects happening.	Facilitating and enabling
Keeping all members of the partnership informed, broadening understanding and highlighting progress	Communicating
Being aware of what is happening in the area and what outside factors are influencing us, informing others about what we do	Networking
Developing new ideas, looking to try new ways to deliver The Forest Plan more effectively and seeing if they work – not being afraid to make mistakes	Innovating and evaluating
Building confidence, skills and aspiration to help deliver the Forest Plan	Capacity building
Providing the detailed expertise to enable people to make good decisions about their community forest project. Developing and managing projects and funding for the partnership.	Technical and specialist skills
Creating the best political environment for the Forest and getting the best results for the Forest Partnership	Influencing and negotiating

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These competences form the basis for our team training and development plans.

THE COMMON SEAL of  
CHESHIRE WEST AND CHESTER  
BOROUGH COUNCIL  
was hereunto affixed in the

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presence of:-

Authorised Signatory

THE COMMON SEAL of  
HALTON BOROUGH COUNCIL  
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KNOWSLEY BOROUGH COUNCIL  
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THE COMMON SEAL of  
LIVERPOOL CITY COUNCIL  
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THE COMMON SEAL of  
ST HELENS METROPOLITAN  
BOROUGH COUNCIL  
was hereunto affixed in the  
presence of:-

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WIGAN METROPOLITAN  
BOROUGH COUNCIL  
was hereunto affixed  
in the presence of:-

Authorised Signatory

THE COMMON SEAL of  
SEFTON BOROUGH COUNCIL  
was hereunto affixed  
in the presence of:-

Authorised Signatory

THE COMMON SEAL of  
WARRINGTON BOROUGH COUNCIL  
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in the presence of:-

Authorised Signatory

# Agenda Item 15

**REPORT TO:** Planning Committee  
Cabinet Member – Regeneration  
Cabinet Member - Performance

**DATE:** 10<sup>th</sup> February 2010  
17<sup>th</sup> February 2010  
20<sup>th</sup> January 2010

**SUBJECT:** Planning and Economic Regeneration Department –  
Performance Report: April – September 2009

**WARDS AFFECTED:** All

**REPORT OF:** Andy Wallis, Planning and Economic Regeneration Director

**CONTACT OFFICER:** Andy Wallis  
0151 934 3543

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

This is the Department's six-monthly report on progress towards meeting its Service and Corporate Plan objectives and targets for the period to September 2009.

**REASON WHY DECISION REQUIRED:**

It is a requirement of the Council's Performance Management process.

**RECOMMENDATION(S):**

That Members note the progress achieved to date.

**KEY DECISION:** No

**FORWARD PLAN:** Not appropriate

**IMPLEMENTATION DATE:** Following the expiry of the "call-in" period for the minutes of the meeting.

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**ALTERNATIVE OPTIONS:**

**IMPLICATIONS:**

**Budget/Policy Framework:**

**Financial:**

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
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:**

**Risk Assessment:**

**Asset Management:**

**CONSULTATION UNDERTAKEN/VIEWS**



**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**

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## 1. Background

- 1.1 Attached to this report is a summary output from the Council's performance reporting (SPRINT) system which records the Department's progress against Service Plan actions and targets. The purpose of this report is to highlight some key aspects of the Department's performance in the past six months.

## 2. Service Achievements

### Business support and employment services

- 2.1 The *Invest Sefton* and *Sefton@work* services, with financial assistance from StepClever (the re-named SLEGI programme), Working Neighbourhoods Fund, ESF, ERDF, Deprived Area Fund and the LSC, continue to make significant progress despite current economic conditions.

#### *StepClever Enterprise Gateway project*

- 2.2 Has been the subject of a mid programme review. Subsequently agreed amendments will enable the programme to deliver more flexible responses to clients. The programme will now run to March 2012 as a consequence of its endorsement by the StepClever Board.

#### *Sefton Integrated Business Support (SIBS)*

- 2.3 Recruitment difficulties have resulted in some slower service delivery.

#### *Build Sefton/StepClever Construction support*

- 2.4 Has made good progress with lead contractors in securing labour agreements to support recruitment of apprentices and other labour and skills enhancement.

#### *Skills & Employment Team*

- 2.5 There has been a substantial programme of work in delivering City Employment Strategy addressing worklessness and new claimant needs. The November 2009 Job Seekers Allowance figures a third consecutive month's reduction in claimants. The Child Poverty Pilot (Promoting Parents) has been recognised by the Department of Works and Pensions (DWP) as a national model of good practice.

## Neighbourhoods Division

### *Area Management*

- 2.6 Progress made in relation to Area Management has focused upon ensuring that the correct infrastructure is established to enable effective delivery to all parts of the Borough. Service mapping has now been undertaken and the results discussed with Members and Area Committee Chairs. Further interim arrangements have been agreed by Cabinet and will be in place early in 2010. Consultation has commenced around area-based governance structures.

## *Business Neighbourhoods*

- 2.7 Business Neighbourhoods is a part of the Stepclever programme which is a joint Sefton and Liverpool venture working in the six wards of Linacre, Derby, County, Anfield, Kirkdale and Everton. This project commenced in January 2008, and has to date assisted over 900 businesses. Currently in negotiation to secure resources for 2010/2011 which will deliver to a wider area of South Sefton.
- 2.8 The programme spend performance profile Quarter 1 & 2 has shown a 94% spend against profile. Overall the programme has achieved nearly 36% spend – this is as anticipated as programme has been operational for 2 quarters. Programmed to spend more in quarter 4, therefore, full spend should be achieved. In terms of Progress towards targets 2009/10:
- 59 people successfully obtained employment, through targeted support; job creation and as a result of indirect support
  - 79 people were helped to stay in employment through the provision of out of school childcare
  - 14 people have accessed advice on starting a business which will help people move into self employment and potentially create new jobs
  - 6 businesses have directly received financial support to either enable them to stay in employment, retain staff in employment or create new jobs
  - 1 session was carried out at a youth service provision with the Credit Union which allowed parents to access advice and Credit Union services
  - 37 people have received training
  - 377 young people participating in programmes to develop their skills and qualifications
  - a large percentage of people think they can influence decisions in their locality

## *Neighbourhood Element – Park Lane Neighbourhood Team*

- 2.9 The team based upon the Netherton Park estate have been delivering a number of activities to support residents on the estate including:
- Supporting residents through establishing a tenants group; holding a residents' fun day; supporting the Netherton Park Neighbourhood Centre and Gordon Youth Centre;
  - Working in partnership with local services to deliver estate clean ups; distribute Smartwater crime prevention packs; developing multi-agency groups and work;
  - Promoting the work of the team and services across the estate through newsletters.

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## Major Development Projects

### Lydiate Village Centre

- 2.10 Sefton Council, on behalf of Lydiate Parish Council is managing the delivery of a £881,523 Village Centre on Lamshear Lane, Lydiate. The Contractor is currently on site, and the project is expected to be completed by early 2010.

### Southport Commerce Park

- 2.11 The second phase of the Bus Link Road project is scheduled to commence in January and completed in March 2010.
- 2.12 The second project on the Commerce Park involves bringing forward a new office development, which would create some 5,776 m<sup>2</sup> of commercial floor space (1.2 hectares of land) in order to provide quality office accommodation to meet potential local demand. This is a grant funded project, the developer, Berkeley James is currently marketing the site in order to generate interest from potential end users.

### An Independent Living Centre

- 2.13 ERDF/HLF grant funded 19–35 Scarisbrick Avenue, Southport project by Blythe's, and the difficulties the developer was encountering as result of the current economic climate. In order to ensure the completion of this project, and minimise the possibility of claw-back of grant Members agreed to the location of the Independent Living Centre on the ground floor of this development.

### *New Funding Opportunities*

- 2.14 Officers are currently exploring a number of funding opportunities from the North West Operational Plan, Rural Development Programme for England, and the Big Lottery.

## Local Development Framework

- 2.15 The Local Development Scheme (LDS) which sets out the 3-year work programme is in place and approved by GONW. The priority continues to be the preparation of the Core Strategy. Spatial profiles have been developed though discussion with stakeholders and these have formed the basis of presentations to all the Area Committees during the early Summer. This has led to discussion on the key issues and opportunities in each part of the Borough. Presentations have also been made to the Sefton Area Committee of Local Councils (the 'Ten Parishes') and to individual parish councils. Members have continued to contribute to this process through meetings of the Member / Officer Working Group.
- 2.16 A major element in the preparatory work for the Core Strategy is ensuring we have up to date information on which to develop policy. In this regard, a number of key evidence gathering studies are nearing completion, though progress has been slower than anticipated partly because most of the studies have been more complex than anticipated and, in the case of the latter two studies, the work has been carried out jointly with other authorities with Sefton leading. The studies include:

- Strategic Housing Market Assessment (SHMA) – was reported to Members during last Summer. It provides the basis for our affordable housing policy.
- Strategic Housing Land Availability Assessment (SHLAA) – this is a joint study being undertaken by consultants White Young Green for Knowsley, West Lancashire and Sefton. The study assesses the need for and amount of land that is available or likely to be available for housing development. This will be reported to Members early in 2010.
- Employment Land and Premises Study (EL&PS) – this is a joint study being undertaken by consultants BE Group for Halton, Knowsley, West Lancashire and Sefton. The study assesses the amount of land and premises that are available and are needed for employment purposes. This will be reported to Members early in 2010.

## **Preparation for 2011 Census**

- 2.17 Within Sefton, the Planning and Economic Regeneration Directorate is providing assistance to the ONS in their preparation for the 2011 Census (taking place on the 27<sup>th</sup> March 2011) and have contributed to
- Address Register development to ensure fullest coverage.
  - Enumeration intelligence for targeting delivery methods and follow-up resources.
  - Identifying and developing Community Liaison contacts.
  - Recruitment of enumeration staff, publicity and logistics.
  - Provision of local information to support Data Quality assurance.

## **Regulatory Services**

- 2.18 Quarterly reports on regulatory performance are submitted to Planning Committee. The Regulatory Group has met all the statutory Best Value targets for determining planning and building regulation applications over this period; for the municipal year as a whole 90.8% of planning applications were determined within 8 weeks and we continue to meet the DCLG target for planning appeals.
- 2.19 In respect of local targets it continues to be a time of consolidation. The Department has been encouraging submission of applications electronically (approx 40% are submitted this way now) and liaising with local agents and partners. The public make very good use of the information on the Council's web site concerning planning applications; far fewer members of the public now call to the offices to view plans which has allowed the Department to consolidate its services to Bootle. During this period we have seen a continuing fall in planning application volumes. This is having a consequential and significant impact on fee income.

## **3. Risks**

- 3.1 The main risks to service delivery remain as set out in the Service Plan. As previously reported a key risk, particularly for economic regeneration, was the continuity of funding and the outcome of the Comprehensive Spending Review in particular. Sefton has been successful in attracting external resources through the Local Enterprise Growth Initiative, Working Neighbourhoods Fund, Heritage Lottery

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Fund, ERDF, ESF and other smaller funding streams. Services are now on a stronger foundation for the next three years. However, the recent deterioration in the financial climate and the recession may well limit the effectiveness of the Council's contribution to its LAA targets for worklessness, enterprise and qualifications.

- 3.2 The Department continues to experience a reduction in the number of planning and building regulation applications with consequential impact on fee income.

## 4. Performance Indicators

- 4.1 There is a comprehensive suite of national Best Value Performance Indicators for the statutory planning services (Development Control, Local Development Framework, Conservation). Although there are no BVPIs relating to the Economic Regeneration service, there are key National Indicators and LAA targets for the delivery of Economic Development and Enterprise activities which are shown in the table below.

- 4.2 Overall, the table shows that performance against all key targets is strong, and we are exceeding targets in a number of areas. However, attention is drawn to some areas of concern identified in the comments column.

BVPI	Indicator	Target	Progress/Comment
106	New homes on previously developed land	70%	Although there are no final figures yet available for the past six months, it is clear from applications approved and completions that we will continue to deliver well over 90% of new homes on previously developed land.
109a/b/c	Planning applications <ul style="list-style-type: none"> <li>• 60% major applications in 13 weeks</li> <li>• 65% of minor applications in 8 weeks</li> <li>• 80% of other applications in 8 weeks</li> </ul>	60% 65% 80%	All BVPIs on our performance in dealing with planning applications have been met over the last twelve months.
200a/b/c	Plan Making <ul style="list-style-type: none"> <li>• Local Development Scheme</li> <li>• Plan Milestones Achieved</li> <li>• Annual Monitoring Report</li> </ul>	Achieve all target dates	

LAA	Indicator	Target	Progress
NI 153	Working age people claiming out of work benefits in the worst performing neighbourhoods	29.7% (2011)	GoNW has been advised that the deteriorating economic climate may impact achievement of this target.
NI 171	VAT registration rate	Tbc	This is a key measure of enterprise,

			but DCLG is replacing the existing indicator with a better measure of business start-ups, and a new target will be negotiated in January 2009.
NI 116	Proportion of children in poverty	Tbc	Also to be replaced by a new measure, no date announced for its introduction. New target to be included in refresh of LAA next March.
NI 163	Working age population qualified to at least NVQ level 2	76.7% (2011)	Sefton starts at a higher point than other Merseyside LAs, but has made slower progress in 2008. Achievement of this target may also be affected by a recession.

## 5. Corporate or Cross-Cutting Issues

### Equalities

- 5.1 The Department has successfully completed level 4 of the Equality Standard for Local Government, as part of level 4 of the Equalities Standard all service areas continue to have equalities targets on their respective service plans. Virtually all staff managers have now received training for including equalities in PRDs and specialised training for Equalities and Procurement and Equality Impact Assessments is also being accessed.

### Sickness Rates

- 5.2 Staff attendance record remains acceptable. Absence levels for long term and short-term sickness for the period April – September 2009 have reduced to 3.57% (from 4.12%).

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**REPORT TO:** PLANNING COMMITTEE  
CABINET MEMBER – TECHNICAL SERVICES  
CABINET  
COUNCIL

**DATE:** 10 FEBRUARY 2010

**SUBJECT:** **Proposed Increase in Fees and Charges**

**WARDS AFFECTED:** ALL

**REPORT OF:** Andy Wallis, Planning & Economic Regeneration Director

**CONTACT OFFICER:** Jim Alford Telephone 0151 934 3544

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To seek approval of the Planning Committee to increase fees and charges levied within the Planning Portfolio.

**REASON WHY DECISION REQUIRED:**

At the meeting of 26<sup>th</sup> February 2004, Cabinet requested that any other amendment to fees and charges be referred for approval prior to implementation.

**RECOMMENDATION(S):**

That Cabinet Member – Technical Services notes the contents of the report.

That Planning Committee note the content of the report and recommend to Cabinet the proposed increases in fees and charges for 2010/11, and the revised financial contributions to be set out in Supplementary Planning Guidance.

**KEY DECISION:**

**FORWARD PLAN:**

**IMPLEMENTATION DATE:** 1 April 2010

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**ALTERNATIVE OPTIONS:**

Fees remain the same as previous approved

**IMPLICATIONS:****Budget/Policy Framework:****Financial:**

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
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:****Risk Assessment:****Asset Management:****CONSULTATION UNDERTAKEN/VIEWS**

Referred to Planning Committee 10 February 2010

**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 Fees and Charges 2009-10

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## **BACKGROUND:**

1. The Committee will be aware that each year those fees and charges levied by individual departments are reviewed and increased (where appropriate) to reflect current service delivery costs, national guidelines and/or inflation.
2. At the meeting of 26<sup>th</sup> February 2004, Cabinet requested that any other amendment to fees and charges be referred for approval prior to implementation.
3. Some of the services of the Planning & Economic Regeneration Department have been transferred to other Portfolios so charges previously included for these areas have been removed from the list.
4. Attached at Annex A is a summary of those fees and charges included within the Planning portfolio, together with proposed increases in charges. Changes made to the list include :
  - The service charge has been aligned with the cost of supply of environmental information.
  - The hourly rate for officers has been raised to reflect actual charges incurred by the department (ie hourly rate + on costs)
  - The cost of adoption of new roads under S37 of the Highways Act of £1500 has been previously approved but appeared as £1000 on last year's charges due to a typing error.
  - Inflationary increases of 3%
5. It is proposed that fees and charges be increased to reflect inflationary pressures and national guidelines where appropriate.

## **Building Regulation Charges**

6. Responsibility for setting Building Regulation Charges has been devolved to the Council since 1999 with the intention that income over a 3 year rolling period should cover the costs of delivering the Building Regulation service in that period. The Council is required to publish its scheme of charges and to review this annually.

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7. Since 1999 the Council has increased its charges on 2 occasions. In 2003 charges were increased by an average of 3% and in 2008 by an average of 5.5%. Current market conditions require a further increase in charges, primarily those where the costs of delivering the service is not covered by income.
8. It is therefore proposed to increase charges for certain domestic alterations, extensions and small value commercial works. Charges for new dwellings as shown in Schedule 1 will remain the same. Most charges are subject to VAT.
9. Works to provide facilities for disabled people will remain exempt from charges and discounts will be available for people undertaking simple renovations to their premises.
10. Example charges are:

	Existing Charge excl. VAT	Proposed Charge excl. VAT
Any extension of a dwelling the total floor area of which does not exceed 10m <sup>2</sup> ,	238.30	254.49
Any extension of a dwelling by the addition of rooms within the roof space.	455.32	483.40
Building Work with an estimated value of between £5001 and £6000.	174.00	210.00
Building Work with an estimated value of between £19,001 and £20,000.	300.00	350.00

11. Details of all proposed charges is attached at Annex B.

<b>Scale of Charges 2010/11</b> <b>Planning &amp; Economic Regeneration Department</b>		
<b>Details</b>	<b>New charges 2010/11 Charges (£)</b>	<b>2009/10 Charges (£)</b>
Service charge only (Associated fee based on 15 mins time & staff costs taken to answer questions)	12.50	6.70
<b>Supply of OS Map Extracts for Planning Applications</b>		
1:1250 or 1:2500	21.20	20.60
1:200 or 1:500	10.70	10.30
<b>Photocopies</b>		
<b>Planning Application Documents</b>		
A3 & A4 size Photocopies -		
Service charge	10.70	6.70
per page	0.25	0.25
<b>Planning Decision Notices</b>	11.00	7.20
Plan Prints -		
Service charge	10.70	6.70
per page	1.25	1.25
<b>Building Control Documents</b>		
A3 & A4 size Photocopies -		
Service charge (includes VAT)	12.50	7.70
per page (includes VAT)	0.30	0.30
Plan Prints -		
Service charge (includes VAT)	12.50	7.70
per page (includes VAT)	1.45	1.43

<b>Supply of Environmental Information</b>		
up to 30 minutes	N/A	41.50
per additional hour	N/A	41.50
Hourly rate (normal working hours)	50.00	
Hourly rate (outside normal working hours)	61.50	
<b>Charges in connection with Section 106, Town and Country Planning Act 1990 (as amended)</b>		
Provision of trees, per tree	460.40	447.00
Public green space provision or enhancement (including a maintenance contribution):		
- for hotels and other Use Class C1 uses: for each 20m <sup>2</sup> of bedroom floorspace:	1734.50	1684.00
- for other commercial development and leisure development for each 100 m <sup>2</sup> of floorspace:	1734.50	1684.00
- for industrial development for each 500 m <sup>2</sup> of floorspace.	1734.50	1684.00
<b>Publications</b>		
<i>For all documents in this section please contact the Assistant Planners, Local Plans (Ian Loughlin 0151 934 3558 or David Robinson on 0151 934 3598)</i>		
<b>Unitary Development Plan (2006)</b>	10.00 + p&p	20.00 + p&p
<b>Local Development Scheme</b>	N/a	10.00
<b>Annual Monitoring Report</b>	N/a	10.00
<b>Supplementary Planning Guidance Notes</b>		
New Housing Development	Free	Free
Design	Free	Free
Ensuring Choice of Travel	Free	Free

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Greenspace, Trees and Development	Free	Free
Landscape Character	Free	Free
Development in the Green Belt	Free	Free
Archaeology	Free	Free
House Extensions	Free	Free
Shop Fronts, Security and Signage	Free	Free
Southport Seafront	Free	Free
Bootle Town Centre	Free	Free
South Sefton Housing Market Renewal: Bedford Road/Queens Road	Free	Free
South Sefton Housing Market Renewal: Bedford Road/Queens Road Development Brief	Free	Free
South Sefton Housing Market Renewal: Klondyke and Canal Corridor	Free	Free
South Sefton Housing Market Renewal: Klondyke and Canal Corridor Development Brief	Free	Free
<b>Flood Risk</b>		
Sefton Strategic Flood Risk Assessment (SFRA) 2009 Main Report – WS Atkins (electronic version available <a href="http://www.sefton.gov.uk/sfra">www.sefton.gov.uk/sfra</a> )	Free	
Sefton Strategic Flood Risk Assessment (SFRA) 2009 Appendices – WS Atkins (electronic version available <a href="http://www.sefton.gov.uk/sfra">www.sefton.gov.uk/sfra</a> )	Free	
<b>Green Space and Recreation</b>		
Sefton Green Space and Recreation Study 2009 Main Report (electronic version available <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )	Free	
Sefton Green Space and Recreation Study 2009 Main Report (electronic version available <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )	Free	



<p><b>Sefton Statistics</b>  <i>For information about the 2001 Census and other queries about population, please contact the Planning Intelligence Officer, Strategy &amp; Information (Kate Calderbank 0151 934 4599)</i></p> <p><b>Shopping</b>  <i>For all documents in this section please contact the Assistant Planner, Strategic Planning (Tom Hatfield 0151 934 3555)</i></p> <p><b>Sefton Retail Strategy Review 2005</b>            Volume one: Retail Capacity Analysis, Prepared by White Young Green Planning, for Sefton Council. February 2006. (Also available to view on Sefton Website at <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )</p> <p>Volume Two: Vitality &amp; Viability Study of Southport Town Centre and Bootle Town Centre Prepared by White Young Green Planning, for Sefton Council. March 2006 (Also available to view on Sefton Website)</p> <p>Volume Three: Technical Appendices - February 2006 <b>CD rom</b> (Note: <b>Not available</b> on Sefton Website)</p> <p>Sefton Retail Strategy Review Update 2009 – Incorporating town centre health checks for Bootle and Southport (Also available to view on Sefton Website <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )</p> <p>Sefton Retail Strategy Review Update 2009 – Appendices (Also available to view on Sefton Website <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a>)</p> <p><b>Housing</b>  <i>For all documents in this section please contact the Assistant Planner, Strategic Planning (Tom Hatfield 0151 934 3555)</i></p>	<p></p> <p></p> <p>65.55</p> <p>65.55</p> <p></p> <p>22.20</p> <p>36.70</p>	<p></p> <p></p> <p>65.55</p> <p>65.55</p> <p></p> <p></p> <p></p>
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Sefton Housing Study 2003. Main Report. Fordham Research, 2004	44.95	44.95
The Relationship between the shortage of affordable housing and the health of the local economy in Southport, Merseyside. Final Report September 2004. Fordham Research 2004	11.25	11.25
Housing Development Sites in Sefton 2004	11.25	11.25
Sefton Housing Needs Assessment Update 2005. Main report, Fordham Research (electronic version available)	Free	Free
Sefton Strategic Housing Market Assessment 2009. Appendices, Fordham Research (electronic version available <a href="http://www.sefton.gov.uk/shma">www.sefton.gov.uk/shma</a> )	Free	Free
<b>Sefton's Urban Housing Capacity Assessment</b>		
<i>For all documents in this section please contact the Assistant Planner, Strategic Planning (Tom Hatfield 0151 934 3555)</i>		
Sefton's Urban Housing Capacity Study 2004. White Young Green and Chesterton, July 2004. Final Report (electronic version)	Free	Free
Sefton's Urban Housing Capacity Study 2004. White Young Green and Chesterton, July 2004. Executive Summary	5.60	5.60
Strategic Housing Land Availability Assessment Study – WYG (Final document available electronically February 2010) <a href="http://www.sefton.gov.uk/shlaa">www.sefton.gov.uk/shlaa</a>	Free	
Strategic Housing Land Availability Assessment Study – WYG (Final document available electronically February 2010) <a href="http://www.sefton.gov.uk/shlaa">www.sefton.gov.uk/shlaa</a>	Free	

<b>Economy</b>		
<i>For all documents in this section please contact the Assistant Planner, Strategic Planning (Tom Hatfield 0151 934 3555)</i>		
Merseyside Employment Land Study, White Young Green, 2004 (electronic version available)	Free	Free
Joint Employment Land and Premises Study – BE Group (Final document available electronically February 2010) <a href="http://www.sefton.gov.uk/elps">www.sefton.gov.uk/elps</a>	Free	
Joint Employment Land and Premises Study – BE Group (Appendices available electronically February 2010) <a href="http://www.sefton.gov.uk/elps">www.sefton.gov.uk/elps</a>	Free	
<b>Country and Countryside</b>		
Leeds Liverpool Canal Towpath Nature Trails: Stanley Dock-Bootle-Aintree	Free	Free
Leeds Liverpool Canal Towpath Nature Trails: Maghull-Lydiat-Scarbrick	Free	Free
<b>Exploring Sefton's Footpaths Series:</b>		
3 Walks in the Mersey Forest	Free	Free
4 Walks in the Mersey Forest	Free	Free
Walking and Cycling Guide	Free	Free
Seasonal Newsletter Walking and Cycling	Free	Free
Discover Sefton Leaflet	Free	Free
Discover Formby Leaflet	Free	Free
New Door Step Guide, Lydiat	Free	Free
Every Step Counts Independent Walks	Free	Free
Walkabout Merseyside Coast and Country	Free	Free
Melling Meanders	Free	Free
Cycling Trans Pennine Trail	Free	Free
Cycle Maps – Merseyside	Free	Free
Rideabout	Free	Free
National Cycling Network North of England	Free	Free
Health Walks	Free	Free

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<b>Conservation Area Advisory Leaflets:</b>		
Conservation Area Advisory Leaflet: Birkdale Village, 2001	Free	Free
Conservation Area Advisory Leaflet: Birkdale Park	Free	Free
Conservation Area Advisory Leaflet: Blundellsands Park, 1984	Free	Free
Conservation Area Advisory Leaflet: Carr Houses, 2001	Free	Free
Conservation Area Advisory Leaflet: Churchtown and North Meols	Free	Free
Conservation Area Advisory Leaflet: Crosby Hall and Little Crosby	Free	Free
Conservation Area Advisory Leaflet: Damfield Lane, Maghull	Free	Free
Conservation Area Advisory Leaflet: Derby Park	Free	Free
Conservation Area Advisory Leaflet: Gloucester Road, 2001	Free	Free
Conservation Area Advisory Leaflet: Green Lane, Formby, 1989	Free	Free
Conservation Area Advisory Leaflet: Hesketh Road, 2001	Free	Free
Conservation Area Advisory Leaflet: Homer Green, 2001	Free	Free
Conservation Area Advisory Leaflet: Lunt Village, 2001	Free	Free
Conservation Area Advisory Leaflet: Promenade, Southport	Free	Free
Conservation Area Advisory Leaflet: Sefton Village, 2001	Free	Free
Conservation Area Advisory Leaflet: Waterloo	Free	Free
Conservation Area Advisory Leaflet: Waterloo Park, 2001	Free	Free
Conservation Area Advisory Leaflet: West Birkdale, 2001	Free	Free
Churchtown Village Trail. A Guide to this Historic Village (Also, can be viewed on North Meols Civic Society Web site)	Free	Free
Listed Buildings Advisory Leaflet 2006	Free	Free
Lydiat Hall and Chapel Conservation Area 1993	Free	Free

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Moor Park Conservation Area Leaflet	Free	Free
Protected Trees. A Guide to Tree Preservation Procedures, DoE 2002	Free	Free
Notes on Waterloo (Reference only)		
<b>Planning Information</b>		
Planning. A Guide for Householders DoE 2002	Free	Free
The Party Wall etc. Act 1996: Explanatory Booklet DETR, 2002	Free	Free
A Householder's Planning Guide for the Installation of Satellite Television Dishes, DETR, 2000	Free	Free
Your Planning Application RTPI, 1998	Free	Free
Can I Object? RTPI, 1998	Free	Free
Should I Appeal? RTPI, 1998	Free	Free
Green Belts & Development. What Is Permitted? RTPI, 1998	Free	Free
Listed Buildings and Conservation Areas. Sefton MBC	Free	Free
Lord Street Conservation Area Appraisal. Planning Guidance for owners, occupiers and developers. Sefton MBC	Free	Free
Mobile Homes. A Guide for Residents and Site Owners, DETR 2001	Free	Free
Cost Awards in Planning Appeals. A Guide for Appellants DETR 2000	Free	Free
Compulsory Purchase Orders. A Guide to Procedure DoE 1992	Free	Free
Outdoor Advertisements and Signs. A Guide for Advertisers, DETR 2000	Free	Free
Planning Permission. A Guide for Business, DETR 2000	Free	Free
Hazardous Substances Consent. A Guide For Industry, DETR 2000	Free	Free
Planning Consultants. Where to find Planning Advice in the North West, RTPI 2004	Free	Free
How to Complain to the Local Government Ombudsman, LGO 2000	Free	Free

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Mobile Phones and Health, DH 2000	Free	Free
High Hedges: Complaining to the Council, ODPM	Free	Free
Over the Garden Wall, ODPM	Free	Free
<b>Environmental Advisory Services Charges</b> (subject to VAT)		
<b>Access to material per hour (min 1 hour)</b>	50.00	41.50
<b>Support services for external users</b>		
Manager (per hour)	50.00	41.50
Principal (per hour)	50.00	41.50
Technical/admin assistant (per hour)	50.00	41.50
<b>Overheads</b>		
Photocopying (per A4 sheet)	0.30	0.25
Service charge	12.50	6.70
<b>Highways Development Control charges</b>		
<b>Adoption of new roads/streets</b>		
	1,500.00	1,500.00
	+ 10% of	+ 10% of
- under S38 of the Highways Act	construction	construction
	costs	costs
- under S37 of the Highways Act	1500.00	1000.00
<b>Stopping up and diversion of highways</b>		
- per Order	2,000.00	2000.00
- up to a maximum	10,000.00	10,000.00
Including direct costs from the Magistrates Court as directed by the Court		
<b>Council approval where Government Office processes a S247 Town &amp; Country Planning Act 1990</b>	150.00	150.00

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<b>Gating Orders under S129a Highways Act 1980</b> - Where multiple streets can be shown on a plan at an appropriate scale of no more than A4 at 1:1250	2,000.00	2,000.00
<b>S278 Highways Act 1980 agreements</b>	1,500.00 + 10% of design & supervision fees	1,500.00 + 10% of design & supervision fees
<b>S177 Highways Act 1980 agreements</b>	1,000.00	1,000.00
<b>S115 (a-k) Highways Act 1990 Licence</b> (as amended by the Local Government Miscellaneous Provisions Act 1982)	1,000.00 (except where this relates to pavement cafes)	1,000.00 (except where this relates to pavement cafes)
<b>S184 Highways Act 1980</b>	1,000.00	1,000.00
<b>S50 New Roads and Streetworks Act 1991 Licence</b>	Up to a max of 1,000.00	Up to a max of 1,000.00
<b>Street Naming and Numbering</b> - No change to an approved address - Including alteration to an approved address	Free 150.00	Free 150.00
<b>Licence to create a cellar opening</b> under S179 of Highways Act 1980	500.00	500.00
<b>Licence for catenary wires, poles, ropes or beams across/above a highway</b> under S178 of Highways Act 1980	500.00	500.00
<b>Consent to erect flagpoles or other similar apparatus on a highway</b> under S144 of Highways Act 1980	500.00	500.00
<b>Licence for monument or war memorial</b> under S42 of the Public Health Act	500.00	500.00
<b>Modification Order under S53 of the Wildlife and Countryside Act 1981</b> (per Order)	2,000.00	2,000.00

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<b>General enquiry</b> for Stopping-up Order/ Gating Order/ Diversion Order/ Modification Order/S38/S278 Highways Act agreement/S111(1) Local Government Miscellaneous	55.00	55.00
<b>General enquiry</b> requesting adopted highway and other related information		
- adoption plan	55.00	55.00
- adoption plan and major road schemes	70.00	70.00
- additional questions	10.00	10.00
	(to a maximum of 100.00)	(to a maximum of 100.00)
<b>Licence to install trees, shrubs etc in a public highway</b>	500.00	500.00
<b>Traffic Management Charges</b>		
<b>Temporary road closure</b> (for road works or events on the highway)	600.00	600.00
<b>Emergency road closure</b>	250.00	250.00
<b>Temporary road closure</b> (for charitable or civic events)	350.00	350.00
<b>Progression of Traffic Regulation Orders</b>	750.00	750.00



**Schedule 1: Table of Charges**  
**CHARGES FOR SMALL DOMESTIC BUILDINGS TABLE A**  
FULL PLANS SUBMISSIONS

Note: Dwellings in excess of 300 square metres in floor area to be calculated on estimate cost in accordance with schedule 3.

No. OF DWELLINGS	Existing Charges			Proposed Charges		
	Plan Charge £	Inspection Charge £	Additional plan charge shown in brackets and inspection charge for each dwelling above minimum number in the band in column	Plan Charge £	Inspection Charge £	Additional plan charge shown in brackets and inspection charge for each dwelling above minimum number in the band in column
1	150.00	377.00	~	150.00	377.00	~
2	205.00	522.00	~	205.00	522.00	~
3	270.00	633.00	~	270.00	633.00	~
4	335.00	766.00	~	335.00	766.00	~
5	405.00	848.00	~	405.00	848.00	~
6	475.00	953.00	~	475.00	953.00	~
7	495.00	1018.00	~	495.00	1018.00	~
8	515.00	1187.00	~	515.00	1187.00	~
9	535.00	1356.00	~	535.00	1356.00	~
10	540.00	1541.00	~	540.00	1541.00	~
11	545.00	1688.00	~	545.00	1688.00	~
12	550.00	1834.00	~	550.00	1834.00	~
13	555.00	1982.00	~	555.00	1982.00	~
14	560.00	2103.00	~	560.00	2103.00	~
15	565.00	2249.00	~	565.00	2249.00	~

16	570.00	2395.00	~	570.00	2395.00	~
17	575.00	2541.00	~	575.00	2541.00	~
18	580.00	2687.00	~	580.00	2687.00	~
19	585.00	2800.00	~	585.00	2800.00	~
20	590.00	2944.00	~	590.00	2944.00	~
21	600.00	3011.00	~	600.00	3011.00	~
22	610.00	3113.00	~	610.00	3113.00	~
23	620.00	3215.00	~	620.00	3215.00	~
24	630.00	3317.00	~	630.00	3317.00	~
25	640.00	3420.00	~	640.00	3420.00	~
26	650.00	3522.00	~	650.00	3522.00	~
27	660.00	3624.00	~	660.00	3624.00	~
28	670.00	3726.00	~	670.00	3726.00	~
29	680.00	3828.00	~	680.00	3828.00	~
30	690.00	3885.00	~	690.00	3885.00	~
31 and over	700.00	3940.00	(5) 75	700.00	3940.00	(5) 75
All figure are net of VAT						

**Schedule 2**  
**TABLE B – Charges for Certain Small Buildings, Extensions and Alterations**

Type of Work	Existing Charge £	Proposed Charge £
1. Erection or extension of a detached or attached building which consists of a garage or carport or both having a floor area not exceeding 40m <sup>2</sup> in total and intended to be used in common with an existing building, and which is not an exempt building.	119.15	138.72
2. Erection or extension of a detached or attached building which consists of a garage or carport or both having a floor area exceeding 40m <sup>2</sup> in total but does not exceed 60m <sup>2</sup> in total and intended to be used in common with an existing building, and which is not an exempt building.	238.30	312.34
3. Any extension of a dwelling the total floor area of which does not exceed 10m <sup>2</sup> , including means of access and work in connection with that extension.	238.30	254.49
4. Any extension of a dwelling the total floor area of which exceeds 10m <sup>2</sup> , but does not exceed 40m <sup>2</sup> , including means of access and work in connection with that extension.	344.68	373.61
5. Any extension of a dwelling the total floor area of which exceeds 40m <sup>2</sup> , but does not exceed 60m <sup>2</sup> , including means of access and work in connection with that extension.	455.32	483.40
6. Any extension of a dwelling by the addition of rooms within the roof space the total floor area of which does not exceed 40m <sup>2</sup>	344.68	373.61
7. Any extension of a dwelling by the addition of rooms within the roof space the total floor area of which exceeds 40m <sup>2</sup> , but does not exceed 60m <sup>2</sup>	455.32	483.40
8. Installation or replacement of one or more windows or doors in a single dwelling. This may be subject to a discount when being undertaken at the same time as work described in items 3, 4 & 5 above.	50.00	100.00

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## **Schedule 3: Table C1 of Charges**

### **All other building work not described in Schedules 1**

ESTIMATED VALUE OF WORK £	Existing Charge £	Proposed Charge £
0 - 1000	50.00	100.00
1001 - 2000	100.00	125.00
2001 - 5000	165.00	180.00
5001 - 6000	174.00	210.00
6001 - 7000	183.00	220.00
7001 - 8000	192.00	230.00
8001 - 9000	201.00	240.00
9001 - 10,000	210.00	250.00
10,001 - 11,000	219.00	260.00
11,001 - 12,000	228.00	270.00
12,001 - 13,000	237.00	280.00
13,001 - 14,000	246.00	290.00
14,001 - 15,000	255.00	300.00
15,001 - 16,000	264.00	310.00
16,001 - 17,000	273.00	320.00
17,001 - 18,000	282.00	330.00
18,001 - 19,000	291.00	340.00
19,001 - 20,000	300.00	350.00
20,001 - 100,000	add £8.00 for each £1000(or part of) over £20,000 up to £100,000	add £8.00 for each £1000(or part of) over £20,000 up to £100,000
100,001 - 1M	add £3.50 for each £1000(or part of) over £100,000 up to £1M	add £3.50 for each £1000(or part of) over £100,000 up to £1M
1M - 10M	add £2.75 for each £1000 (or part of) over £1M up to £10M	add £2.75 for each £1000 (or part of) over £1M up to £10M
Over 10M	add £2.00 for each £1000(or part of) over £10M	add £2.00 for each £1000(or part of) over £10M

Note 1  
Schedule 1 : New dwelling up to 300m<sup>2</sup>  
Schedule 2: Detached garages up to 40m<sup>2</sup> and extensions to dwellings, where the floor area does not exceed 60m<sup>2</sup>

Note 2  
When work is carried out at the same time as any other work to which the building regulations apply a discount may be available. Please contact Building Control for further details.

## Schedule 3: Table C2 of Charges

### Differential Matrix for residential Work

	Circumstance	attracting	a	Reduction in the Building Regulation Charge shown in Schedule 3 Table C1 when that work is being carried out at the same time that any work shown in either category in 3, 4 and 5 in Table B of Schedule 2 is being undertaken.
1	Installation or replacement of one or more windows and or doors in a single family dwelling.			50% of Building Notice Charge
2	Where the building work comes within the scope of Schedule 3 and the estimated cost of the work is estimated at less than £5,000.			50% of Building Notice Charge

# Agenda Item 16

<b><u>Schedule 3: Table C3 of Charges</u></b>		
<b>Discounted charges for Replacement Windows, when being carried out to a building <b>other</b> than a single family dwelling house</b>		
Estimated value of building work £	Discounted Charge (net of VAT) £	Discounted is equivalent to following percentage reduction of Schedule 3 Charge
£1 -£1000	£100.00	(No discount applies)
£1001 - £2000	£100.00	(25% discount)
£2001 - £3000	£100.00	(80% discount)
£3001 - £4000	£100.00	(80% discount)
£4001 - £5000	£100.00	(80% discount)
£5001 - £6000	£105.00	(50% discount)
£6001 - £7000	£110.00	(50% discount)
£7001 - £8000	£115.00	(50% discount)
£8001 - £9000	£120.00	(50% discount)
£9001 - £10000	£125.00	(50% discount)
£10000 - £11000	£130.00	(50% discount)
£11001 - £12000	£135.00	(50% discount)
£12001 - £13000	£140.00	(50% discount)
£13001 - £14000	£145.00	(50% discount)
£14001 - £15000	£150.00	(50% discount)
£15001 - £16000	£155.00	(50% discount)
£16001 - £17000	£160.00	(50% discount)
£17001 - £18000	£165.00	(50% discount)
£18001 - £19000	£170.00	(50% discount)
£19001 - £20000	£175.00	(50% discount)
£20000 - £100,000	add £2.40 for each £1000(or part of) over £20,000 up to £100,000	Approx. (60% discount)
£100,000 - £1M	add £1.05 (excl. V.A.T.) for each £1000(or part of) over £100,000 up to £1M	

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£1M - £10M	add £0.83 (excl. V.A.T.) for each £1000 (or part of) over £1M up to £10M	
Over £10m	add £0.60 (excl. V.A.T.) for each £1000(or part of) over £10M	

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# Agenda Item 17

**Committee:** Planning

**Date of Meeting:** 10 February 2010

**Title of Report:** Planning Enforcement Update

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

**Contact Officer:** Jim Alford Telephone 0151 934 3544

**Case Officer:** Peter Evans Telephone 0151 934 3570

<b>This report contains</b>	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 inform Planning Committee of the Planning Enforcement workload for the October to December 2009 quarter.

To provide an update on the progress of cases where formal action has been taken/authorised.

To review the work of the Enforcement Team during the year 2009.

## **Recommendation(s):**

That the Committee:

- (i) Note the content of the report and the action as set out in the annexe being taken.

# Agenda Item 17

## 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				
<b>REVENUE IMPLICATIONS</b>				
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

None

# Agenda Item 17

## 1. Introduction

The following tables show the workload for the Planning Enforcement Staff for the last quarter (1<sup>st</sup> October to 31<sup>st</sup> December 2009) and provide an overview/summary of statistics and work undertaken over the past 12 months.

## 2. Number of new cases

	Oct-Dec	Jan-Sept	Total
<b>Enforcement</b>	<b>146</b>	<b>625</b>	<b>771</b>

### Total number of cases received yearly

	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999
<b>Total</b>	771	715	704	838	787	776	1000	980	901	1001	834

### Notices Served

	Oct-Dec	Jan-Sept	Total
<b>Enforcement</b>	4	22	26
<b>Stop</b>	0	0	0
<b>Breach of Condition</b>	0	4	4
<b>Section 215</b>	3	9	12
<b>PCN</b>	8	28	36
<b>Section 330</b>	3	26	29
<b>High Hedges</b>	3	0	3

### Notices Served Yearly

	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999
<b>Enforcement</b>	26	21	35	36	43	35	27	21	19	18	20
<b>Stop</b>	0	1	1	3	4	4	2	2	2	4	4
<b>BOC</b>	4	16	11	6	19	21	16	21	34	9	10
<b>215- Untidy Land</b>	12	19	14	16	0	0	0	0	0	0	0
<b>PCN</b>	36	32	24	29	25	37	35	0	0	53	58
<b>Section 330</b>	29	14	32	17	25	0	0	0	0	0	0
<b>High Hedges</b>	3	0	1	4	0	0	0	0	0	0	0

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## Current backlog of uninvestigated Cases.

TOTAL	68
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## Retrospective applications & fees generated via complaints.

Oct-Dec		Jan- Sept		Total	
Apps	Fees	Apps	Fees	Apps	Fees
32	£9,100	71	£30,205	103	£39,215

## Number of Cases Resolved

Oct – Dec	Jan-Sep	Total
210	481	691

## Number of sites identified for condition monitoring Oct-Dec.

TOTAL	6
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## Total number of sites currently being monitored.

TOTAL	79
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## Discharge of condition applications

	Oct-Dec	Jan-Sept	Total
Applications received	53	107	160
Decisions Made	45	116	161

## Fees for discharge of conditions

Oct-Dec	Jan – Sep	TOTAL
£4,335	£7,771	£12,106

## Number of general written enquiries

Oct-Dec	Jan-Sept	Total
13	28	41

## High Hedge Yearly

	Number	Fee
Complaints (Initial Assessments)	0	0
Information packs sent out	89	n/a
Formal Complaints (Enforcement Notices)	3	£500

### 3a. Breach Types

Breach Type	No of cases	%
Untidy Land	65	8%
Adverts	121	15%
Aerials	6	1%
Breach of Condition	72	9%
Condition Monitoring	15	2%
Change of Use	117	15%
Domestic	177	23%
Miscellaneous	98	14%
Operational Development	44	6%
Business	47	6%
Trees	2	0%
Listed Buildings	4	1%
Conservation	2	0%

### Case closed Reasons

Reason						Total
Case resolved						367
No breach of planning control						179
Not expedient to pursue						51
Permitted development						72
Retrospective Application submitted						103

4. The number of complaints received in the final quarter of 2009 Oct-Dec remains consistent with previous years. Overall, 2009 proved yet to be another busy year in terms of Planning Enforcement with an increase in the number of complaints received compared to the previous two years. This amounts to over 2 complaints per working day.
5. The workload has been varied and includes the expected mix of domestic, commercial, advertisements, untidy land and both pro-active and re-active condition monitoring. The priority schedule introduced by members in 1999 and revised/updated in May 2009 to include breaches that occur in the green belt and pre-

# Agenda Item 17

commencement conditions remains in force though sometimes difficult to meet the agreed response times/targets.

6. Information is provided above on numbers/types of complaints and outcomes.
7. The statistics show that almost 23% relate to domestic/residential issues. This involves extensions, dormers, conservatories, outbuildings and boundary enclosures – fences/walls. 15% of complaints relate to issues involving a change of use e.g. dwelling houses being converted to flats/HMOs, land or buildings within the green belt, commercial or Industrial being used for a different use. Also the change of use of land for the siting of caravans, containers and/or other temporary structures.
8. Complaints regarding adverts/signs account for 15% of the workload which in most cases after investigation are found to be illegal. Also, the enforcement team have throughout the year undertaken a small number of pro-active initiatives seeking the removal of proliferation of adverts in specific locations. In all cases formal action has been avoided in removing illegal adverts.
9. Other complaints received relate to miscellaneous issues, not specifically categorised, which account for 15% and breach of conditions 9%. Breach of condition issues relate to non-compliance with conditions attached to planning approvals which may involve developments not being undertaken in accordance with approved plans, premises such as hot-food takeaways, pubs, bistros opening beyond approved hours, various schemes not being submitted. 8% of complaints relate to (Section 215) Untidy Land/Buildings in Disrepair, this does not include work undertaken by the councils Section 215 Officer who primarily works in the HMRI & Stepclever areas. Operational developments which include shop fronts, extensions to commercial/Industrial premises and alleged businesses being operated from a dwelling house each account for 6% of the workload respectively.
10. On receipt of complaints and following investigation, it appears over 48% of cases are identified as a breach of planning control, which in most cases are resolved without recourse to any formal action. Over 23% of cases are not a breach of planning control and no further action is required. Complaints that are determined to be permitted development account for over 10% and complaints that lead to retrospective applications being submitted generate a similar number.
11. Members should note that the main source for all complaints is from members of the public, just over 65%. Internal complaints 17% and complaints from councillors comprise 12% of the total.
12. In terms of formal action being taken, the service of a Stop Notice has not been required and the number of enforcement notices served shows a slight increase to last year. This emphasises officer's ability and commitment to resolving issues without recourse to formal action.
13. Condition monitoring, undertaken by 2 compliance officers, continues but this is largely overtaken by work involved with the Discharge of Condition applications. This is because there is a time limit and a fee involved with a DOC application. Members will be aware that this legislation was introduced in April 2008 and requires Local Authorities to charge a fee for a discharge of condition (£85.00 for commercial developments & £25.00 for domestic). The fee payable is per request not per condition. Often an application, submitted by applicants/agents, is to discharge all

conditions attached to a planning approval and they do not realise that a lot of conditions cannot be discharged until the development has been completed. Consequently when a Refusal Notice is issued this becomes a separate monitoring case which cannot be recorded in statistics.

DoC applications can be extremely complicated and time consuming as there is an 8 week time frame to approve/refuse applications. If an officer exceeds the 8 week period the applicant has the right to a full refund of the application fee. However members should note no refunds have been made. Additionally DoCs applications are treated as a priority because often pre-commencement conditions are involved and applicants/developers cannot commence on site until such conditions have been discharged and any delay may be detrimental. Members should note that this year 160 applications have been submitted compared to 93 last year

## 14. High Hedges

There remains a steady number of telephone enquires from the public on this subject which often generates requests for information packs.

In this quarter there have been two complaints received and payment of £500 in fees – one complaint resulted in three notices being issued and served. The remaining complaint is ongoing.

## 15. The following projects funded by Stepclever and carried out by the council's Section 215 Officer:

**HMRI.** This work involves identifying properties of a poor state within the HMRI areas and requesting remedial works to raise their level of appearance/condition to an acceptable standard. There are 13 complaints ongoing and 12 complaints resolved since the last quarter for the five areas (Seaforth/Waterloo, Linacre One, Knowsley Rd/Peel Rd, Klondyke and Queens Rd/Bedford Rd).

**Step Clever Project,** tackling predominantly vacant commercial units within 6 wards, Derby & Linacre in Sefton and 6 in Liverpool. This project involves improving neglected, poorly maintained properties, negotiating with owners to undertake remedial works to improve the appearance and condition of their properties with funded assistance.

There are 15 properties of which 10 have been completed. Of the 10 resolved they have either followed enforcement action which has resolved the matter amicably or by enforcement notice and works in default or works by the owners as follows:

- 39, Hawthorne Road, Bootle, L20 2DQ – Derelict Shop – Derby Ward
- 309 Breck Road, Liverpool 5 – Derelict Shop – Everton Ward
- 311 Breck Road, Liverpool 5 – Derelict Shop – Everton Ward
- 313 Breck Road, Liverpool 5 – Derelict Shop – Everton Ward
- 315 Breck Road, Liverpool 5 – Derelict Shop – Everton Ward
- 295, Hawthorne Road, Bootle, L20 3PA – Derelict Shop – Derby Ward - Completed
- 12 Seaforth Road, L21 3TX – Electrical Repair Shop – Linacre Ward - Completed
- 14 Seaforth Road, L21 3TX – Vacant Shop – Linacre Ward - Completed
- 39 Seaforth Road, L21 3TX – Second Hand Shop – Linacre Ward - Completed
- 41 Seaforth Road, L21 3TX – Electrical Shop – Linacre Ward - Completed
- 59 Seaforth Road, L21 3TX – Café Shop – Linacre Ward - Completed
- 61 Seaforth Road, L21 3TX – Second Hand Shop – Linacre Ward - Completed

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63 Seaforth Road, L21 3TX – Vacant Shop – Linacre Ward - Completed  
65 Seaforth Road, L21 3TX – Take Away Shop – Linacre Ward - Completed  
275 Cherry Lane, L4 6UH – County Ward - Completed

## **Empty Property Project**

This is a new project supporting the Neighbourhoods & Investment Department that is aimed at dealing with the large number of long term vacant properties in the Sefton Area. There are over 4,000 properties that have been identified in the HMRI areas and Southport (Dukes & Cambridge Wards) would be prioritised.

The project will contact owners where possible and negotiate improvements with a view to getting the property back into use. More difficult cases where owners cannot be traced or they are not willing to improve the properties may result in their properties being subject to enforced sales. The aim for these properties is to ensure they are bought by responsible owners who will bring them back into use. There will however be a limit to the amount of time which can be devoted to this project by the department's officer.

16. Overall the enforcement team have achieved a great deal in the past year. They have again coped exceptionally well with a high workload whilst ensuring a good quality, fair and balanced service that has achieved improvement to the environment of Sefton. The Planning Director feels the Enforcement Service provides an excellent, very effective and well-recognised service.



# Outstanding Enforcement Cases

## South Road / Hot Food Takeaway

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>55 South Road Waterloo,</b>	del	21/06/2007			21/07/2007

**Ward: Church**

Breach of condition notice - req - open premises for business in accordance with approved opening hours of 11.00pm Sun to Thur & 11.30pm Fri & Sat.

Hot food take away South Road

planning app submitted to extend opening hours .application refused 2/8/07 no appeal.

BOC notice in full effect

Breach identified on pro-active late night monitoring, premises open for business beyond approved hours.

Matter referred to legal for prosecution non-compliance with breach of condition notice.

Propreitor pleaded guilty at North sefton Magistrates Court on 23 October 2008, fined £600 plus contribution of £500 towards costs and victim surcharge of £15, total £1,115.00

Situation being monitored.

## Outstanding Enforcement Cases

### ***South Road / Hot Food Takeaway***

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>116 South Road Waterloo,</b>	del	24/08/2007	Yes	Dismissed	

**Ward: Church**

Breach of condition notice - requirements hot food take away - open the premises for business only between the hours of 09.00am & 23.00pm Sunday to Thursday & 09.00am and 23.30pm Friday & Saturday.

Situation being monitored.

Breach identified on pro-active late night monitoring programme in South Sefton

Appeal lodged against planning refusal to extend hours, Hearing at Bootle Town Hall 28 May 2008

Appeal dismissed 18 June 2008,

BOC comes into full effect.

Late night pro-active monitoring identified premises open for business beyond approved hours.

Referred to legal for prosecution.

Propreitor pleaded guilty on 18 December 2008 at North sefton Magistrates Court, fined £550, plus council costs of £418 & vitim surcharge of £15.00, total of £989.00

situation being monitored.

<b>62 South Road Waterloo,</b>	del	16/08/2007	n/a		16/09/2007
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**Ward: Church**

Breach of condition notice - requirements - pub premises - open premises for business only between the hours of 9.00am & 11.00pm Sunday to Thursday & 9.00am and 11.30pm Friday & Saturday.

Situation being monitored.

Breach identified on pro-active late night monitoring programme in South Sefton.

Situation being monitored.

# Oustanding Enforcement Cases - By Area Committee

## Crosby

**Ward:** *Blundellsands*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>26-28 Holden Road, Waterloo</b>	Del	28/08/2009	N/A		29/10/2009

Section 215 Notice - Untidy Land/Building in Disrepair -req - secure windows/doors with 4mm steel sheeting, replace missing roof tiles, remove all waste materials & leave the land in a clean & tidy condition.

Construction works have commenced to refurbish existing 12 flats, Consequently, Section 215 notice to be withdrawn.

No further action.

**Ward:** *Manor*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>The Windmill, Moor Lane, Crosby</b>	del	27/02/2008	No		30/10/2009

Listed Building Enforcement Notice - req - remove all ground floor windows, porch rear extension & wrap around extension, reinstate all openings on ground floor to their original state.

Remove all upvc windows & replace with timber windows., property sold at auction, new owner agrees to undertake remedial works.

Listed Building consent approved to remove render, Situation being monitored.

<b>7 Ince Road, Thornton</b>	Del	02/12/2009	No		05/02/2010
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Enforcement Notice - req - demolish timber fence & supports or reduce the height of fence/post not to exceed 1 metre.

<b>23 Hillcrest Road, Crosby</b>	Del	21/09/2009			21/11/2009
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Section 215 Notice - Untidy Land/Building in disrepair req - carry out remedial works.

Property is vacant, owner cannot be ascertained.

Works in de-fault to be carried out funded by NRF.

All works complete, notice complied with no further action.

## Oustanding Enforcement Cases - By Area Committee

### Crosby

**Ward:** Manor

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>35 Pilkington Road, Southport</b>	Del	22/10/2009	Yes		

Enforcement Notice - req - remove timber decking & balustrade from roof of rear extension & timber staircase or carry out development in accordance with pp Ref: N/2005/0832.

Awaiting appeal decision

**Ward:** Victoria

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>15 Chetwood Avenue, Crosby</b>	Del	11/12/2009	No		18/01/2010

Section 25 Notice -Unidy Land/Building in Disrepair - req - re-instate brick boundary wall, carry out remedial works to property.

Owner cannot be traced, Works in de-fault to be undertaken.

# Oustanding Enforcement Cases - By Area Committee

## Formby

**Ward:** *Harington*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>3 Woodlands Close, Formby</b>	Del	07/01/2010	No		18/05/2011

Anti-Social Behaviour Act 2003 - Section 69 - High Hedges - req - Reduce by 2 stages the height of hedging on boundary over a period of 15 months relating to 3 properties. Situation being monitored.

<b>56 Bushbys Lane, Formby</b>	del	02/02/2009	Yes	Dismissed	31/03/2010
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Enforcement notice - req demolish tree house & remove all resultant materials.  
Appeal dismissed

# Oustanding Enforcement Cases - By Area Committee

## Formby

**Ward:** *Ravenmeols*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>80 Raven Meols Lane, Formby</b>	Del	05/03/2009	Yes	Dismissed	09/04/2010

Enforcement Notice - req - demolish porch/hall extension, reinstate bay window, remove concrete pantiles or construct porch/hall in accordance with pp N/2008/0530  
 Enf Notice upheld.  
 Situation being monitored.

<b>58 Brows Lane, Formby</b>	del	04/04/2008	Yes	Dismissed	
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Enforcement notice - req - remove roller shutters & associated housing.  
 Compliance 11th May 2009.  
 notice not complied with, prosecution proceedings pending.

<b>Hoggs Hill Farm, Hoggs Hill Lane, Formby</b>	Del	01/12/2009	No		01/04/2010
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Listed Building Enforcement Notice - req - reinstate original 19th Century cast iron pump or replace with replica.

# Oustanding Enforcement Cases - By Area Committee

## *Formby*

**Ward:** *Ravenmeols*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>Lady Green Fisheries, Orrell Hill Lane, Ince Blundell</b>	Del	17/09/2009	Yes		22/12/2009

Enforcement Notice - req - Remove decked area, concrete base & all associated materials, leave the land in a clean & tidy condition.  
Awaiting appeal decision.

# Oustanding Enforcement Cases - By Area Committee

## *Lincare & Derby*

**Ward:** *Derby*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>293 Hawthorne Road, Bootle</b>	Del	10/09/2009	No		15/12/2009

Enforcement Notice - req - remove UPVC shop front & replace with timber shop front to match previous.  
 Property in Derby Park Conservation area.  
 Planning application approved 15/01/10 for new shop front. Ref; S/2009/1049.  
 works to implement above approval to commence as alternative to enf. Notice.  
 Situation being monitored.

**Ward:** *Linacre*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>Stella Precinct, Seaforth Road., Seaforth</b>	Del	05/06/2009	No		05/11/2009

Section 215 Notice - Building in Disrepair - req - carry out remedial works to shopping parade inc general maintenance, re-glazing, painting, securing all boarded windows to improve appearance & condition of building.

Works on-going, situation being monitored.  
 All remedial works complete , 215 Notice complied with.  
 No further action.

<b>13-15 Seaforth road, Bootle</b>	del	17/09/2009	No		17/11/2009
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Section 215 Notice - Untidy land/Building in Disrepair - req - reinstate & paint missing fascia boards, paint roller shutters, remove waste materials & leave the land in a clean & tidy condition.

Works in de-fault carried out & funded by NRF & Stepclever.  
 Notice complied with  
 No further action.,.

<b>1-3 Bedford Road, Bootle</b>	Del	19/10/2009	No		19/12/2009
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Section 215 Notice - Untidy Land/Building in Disrepair req - remedial works to secure vacant property inc steel & polymer sheeting to all windows/doors, repair gutters & remove waste materials.

Owner cannot be ascertained. Works in de-fault to be undertaken.



# Oustanding Enforcement Cases - By Area Committee

## *Litherland & Ford*

**Ward:** *Litherland*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>451-455 Stanley Road, Bootle</b>	del	28/01/2009	Yes	Dismissed	10/11/2009

Enforcement notice - req - stop using the premises as a car wash & valetting facility,  
appeal dismissed, Enf. Notice comes into full effect.  
Car Wash & valetting now stopped, premises closed.  
Enf. Notice complied with.  
No further action.

# Oustanding Enforcement Cases - By Area Committee

## Sefton East

**Ward:** Park

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>Mortons Dairy (Land to the West of), Kenyons Lane, Lydiate</b>	del	22/05/2009	Yes	Dismissed	11/01/2011

Enforcement Notice - req - remove hardstanding & restore land to its former condition, (one of two notices) - Appeal lodged, Public Inquiry Bootle Town Hall 8 & 9 December 2009.

Appeal is dismissed & enforcement notice is upheld with a variation.  
Compliance period extended from 28 days to 12 months 11/01/2011

<b>Mortons Dairy (Land to the west of), Kenyons Lane, Lydiate</b>	del	22/05/2009	Yes	Dismissed	11/01/2011
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Enforcement Notice - req - cease using the land for dairy purposes, parking & manourvring of vehicles, storage of plant & equipment, storage of out of service milk floats & storage of other dairy related items & remove all plant, equipment, milk floats & all other dairy related products.

Appeal lodged, Public Inquiry Bootle Town Hall, 8 & 9 December 2009.

Appeal is dismissed & the enforcement notice is upheld with a variation.  
14 days to remove disused milk floats & ancillary equipment, 12 months to cease using the overall land for manourvring/parking of vehicles.

# Oustanding Enforcement Cases - By Area Committee

## Southport

**Ward:** Cambridge

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>1 Argyle Road, Southport</b>	Del	01/12/2009	No		05/04/2010

Listed Building Enforcement Notice - req - reinstate original fireplace, over mantel & mirror or replace with similar design & character.

<b>21 Argyle Road, Southport</b>	del	04/09/2009			04/11/2009
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Section 215 Notice - Untidy Land - req - remove, bricks, concrete blocks, pallets, cabin & caravan, cut back overgrown vegetation & leave the land in a clean & tidy condition.  
Notice complied with in part, works on going.  
Situation being monitored.

# Oustanding Enforcement Cases - By Area Committee

## Southport

**Ward:** Dukes

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>1-3 Lord street, Southport</b>	Del	11/05/2009			15/09/2009

Enforcement notice - requirements - demolish raised decked area & guard rails & remove UPVC french doors & re-instate bay window.  
 Notice to be withdrawn & re-issued.  
 PCN to be issued to determine ownership status.

<b>43 King Street, Southport</b>	del	18/06/2008	Yes	Dismissed	
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Enforcement Notice - req - cease using premises as a HMO  
 Compliance 11.4.2009  
 Only 3 occupants now occupy premises,  
 situation being monitored with EPD.

<b>41 King Steet, Southport</b>	del	18/06/2008	Yes	Dismissed	
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Enforcement notice - req - Cease using premises as a HMO  
 Only 3 occupants now occupy premises.  
 Situation being monitored with EPD.

<b>Car Park, West Street, Southport</b>	Del	29/06/2009	Yes	Dismissed	30/11/2009
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Enforcement Notice - req - remove metal railings & access gates from the land.appeal against planning refusal.  
 Appeal dismissed.  
 Negotiations on going regarding the design of replacement metal railings.

# Oustanding Enforcement Cases - By Area Committee

## Southport

**Ward:** Dukes

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>53 Eastbank Street, Southport</b>	Del	09/03/2009	No		13/09/2009

Enforcement Notice - req - Remove roller shutters & associated housing.  
new compliance dated 23 sept 2009.

Notice not complied, refer to legal for prosecution.

<b>Ribble Building, Lord Street, Southport</b>	Del	09/10/2009	No		09/02/2010
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Section 215 Notice Untidy Land/Building in disrepair - req - carry out remedial works to building.

<b>2A Lord Street West, Southport</b>	Del	19/01/2009	No		23/10/2010
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Listed Building enforcement Notice - req - remove all upvc windows & doors and replace with timber windows & doors in accordance with approved plans N/2006/0610 & N/2008/0611.

Further application submitted and approved ,  
notice reissued with compliance extended to December 2010

**Ward:** Kew

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>126 Linaker Street, Southport</b>	Del	04/09/2009	No		02/11/2009

Enforcement Notice - req - remove metal storage container.

Container now removed, no further action.

# Oustanding Enforcement Cases - By Area Committee

## Southport

**Ward:**      *Norwood*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>2 Lesley Road, Southport</b>	Del	18/05/2009	Yes		19/10/2009

Enforcement Notice - req - remove extraction flu from side of premises.  
 PP now granted for a brick chimney to be built around above extraction system.  
 Bld. Regs submission made, works to commence November 2009.  
 works on-going.  
 Situation being monitored.

<b>42-42A Hart Street, Southport</b>	Del	22/12/2008	No		22/04/2009
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Section 215 Notice - req - Reinstate front bay window, carry out remedial works and remove all waste materials.  
 Notice not complied with, negotiations to resolve situation on going.

# Oustanding Enforcement Cases - By Area Committee

## *St Oswald, Netherton & Orrell*

**Ward:** *St Oswald*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>Manor House Farm, Chapel Lane, Netherton</b>	del	09/07/2009	No		09/12/2009

Listed Building Enforcement Notice - req - remove 16no. UPVC windows & 1 UPVC door & replace with matching timber windows & door. Remove 6no. Timber panelled doors & replace with matching existing doors. Remove pointing to rear elevation & re-point with lime mortar.

Property now has new owners, notice withdrawn.

Works on going to comply with notice by new owners.  
Situation being monitored.

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# Agenda Item 18

**Committee:** Planning

**Date Of Meeting:** 10 February 2010

**Title of Report:** **Regulatory Service Development**

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

**Contact Officer:** Jim Alford Telephone 0151 934 3544  
**Case Officer:** Debbie Robinson Telephone 0151 934 3588

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 update Members on Regulatory Services development in 2009 and agree the priorities for the coming year.

## Recommendation(s):

That the content of this report be noted and priorities for 2010 be agreed.

## 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		✓	

# Agenda Item 18

## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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

## Introduction

This report is to keep Members abreast of developments within Regulatory Services.

## Changes to Legislation

Members may recall a series of reports on consultation documents released by the Department of Communities and Local Government (CLG). Consultations include:

- Small scale renewable energy
- Improving Permitted Development
- Micro generation
- Engagement with consultees
- Community Infrastructure Levy
- Houses in Multiple Occupation
- Development Management: Proactive Planning from Pre-Application to Delivery
- Improving the use and discharge of planning conditions
- Improving engagement by statutory and non-statutory consultees
- Publicity for planning applications

We are still awaiting changes in legislation relating to the majority of these areas, however legislative amendments have taken place that temporarily allow extensions of time for planning permissions. Formal arrangements have also been brought into force to allow Local Planning Authorities to deal with amendments to planning permissions. If applicants propose amendments to approved schemes, depending on the significance and impact of the proposed change, they must either apply for a minor amendment or a non-material amendment to the existing planning permission. Procedures have been put in place to deal with these new types of application.

## Office Reorganisation

From September the development control service consolidated in Magdalen House. The move involved the transfer of development control, enforcement and some of the support staff. The office in Crown Buildings now provides a more accessible, joint reception service for the building control and development control services. Performance levels across the teams remain high. The level of customers attending Crown Buildings to access Planning services has continued to dwindle, as greater use is made of the departmental web facilities.

The consolidation of development control officers in one office has led to efficiency savings in terms of accommodation needs, time spent in staff management, moving files and information between offices – for example delays of hard copy information travelling between Bootle and Southport offices of between 2 days and a week were commonplace. Staff in the support team have retrained to enable a comprehensive support across building control and development control. The support staff that have transferred to Magdalen House have provided a much needed bolster the resources available to deal with validation of planning applications and the increased workload transferred from the Southport office.

## Agents Forum

A business lunch for planning agents was held in November. Agents were given presentations from LABC on Home Warranty; from Merseyside Police on 'Secured by Design'; from the Planning Portal on New Planning Legislative Changes and Updates to the

# Agenda Item 18

Planning Portal; whilst staff presented on The Killian Pretty Review – Development Management and Building for Life. Another meeting with agents will be arranged in the spring to discuss relevant issues and receive feedback on Agent issues.

## Section 106 Agreements

Over the past year we have made improvements to our in-house software which now has the facility to attach relevant documents to S106 records. We've improved the financial management element of the data by expanding the income and spend recording facilities. The expansion of the income element of the database is particularly relevant during this financial period where recovery of unpaid S106 is becoming increasingly difficult. The database enables officers to track the complex pursuit of free and lease holders and the attachment of land charges on properties.

We trained our staff in the intricacies of free hold and different type of lease hold interests in land. This training has enabled officers to develop specific and legally robust procedures to pursue unpaid S106 when the applicant has sold the site without paying or disclosing the S106 requirement to the purchaser.

We have set up a system to write to the applicant of expired planning permissions to ascertain if they have commenced work. If the applicant then claims works have commenced to establish an extant permission the site is inspected and any pre-commencement conditions, including the S106 conditions are then identified as breach.

We have striven to encourage joined up working in particular sharing information. The nature of S106 has expanded in two fields, acquiring payment and monitoring spend. The S106 database has been designed to be 'rolled' out to share with other departments who are tasked with spending the commuted sums to assist their monitoring of spend. Officers have also extended partnership working with neighbouring authorities to share knowledge and expertise. This includes the support of tracking developers

## Fast Track Appeals System

Procedures have been put in place to deal with the new Fast Track Appeals System for householder developments. To date take up appears to be slow with only 2 appeals being submitted electronically. All other appeals continue to be dealt with using the original procedure.

## Planning Guide

We have prepared, in association with a publishing company, a Planning Guide for our customers. The guide contains information on planning policy, the planning application process, conservation, enforcement and building control. The guide will be sent out to applicants to help guide them through the application process and will be available on our website.

## ISO Database

Building Control are accredited under the ISO 2000 scheme. The database they had been using had become unreliable. We have now set up the ISO documentation on our intranet to

enable greater use to be made of it and to make it more accessible for all staff.

## Avoidable Contact

Members may recall that the department was involved in the collection of data for National Indicator 14 'avoidable contact'. The intention is to identify areas where we can improve our service delivery to customers and try to minimise the number of times they contact us for information which is already available or not clear, or we fail to provide information they have asked for.

We tried to capture why people contact us; if they have to contact us a second time is it because we haven't given them all the information they needed or perhaps they didn't understand what we told them; they may have queries about information on our website; they may want to complain about our service etc. Results of the early sample reveal that over 30% of our contact is potentially 'avoidable'.

From the limited information available we have endeavoured to identify areas for improvement. We have put processes in place to ensure that our staff are easier to contact and that calls are answered. We have made changes to our website to ensure that more information is available.

The data collection exercise will be repeated at the end of February across the authority when a more detailed analysis of results may be possible.

## IT Development

Electronic submission of planning applications continues to rise with over 50% of applications being submitted on line in November and December. Our web pages continue to be well used an average of over 45,000 page views a month for planning applications online, making this one of the most popular pages on Sefton's website. As mentioned earlier in this report enhancements to the S106 database have been made and the ISO 2000 database has been replaced with a more robust web based system.

## What else have we done?

Departmental budget constraints and vacancy management targets have had direct implications on team's ability to meet targets. Vacant posts have not been filled across development control, building control and the support teams. Nevertheless we managed to:

- ❖ validated and registered 1572 planning applications
- ❖ booked in 1,365 pre application enquiries
- ❖ sent out 31,500 neighbour notification letters
- ❖ registered 1503 building regulations applications
- ❖ inputted 1,889 cavity wall notifications and 195 initial notices
- ❖ completed 984 land charge searches
- ❖ prepared 12 planning committee agendas
- ❖ downloaded 568 planning portal applications
- ❖ answered 29,872 phone calls (support team only)
- ❖ administered 44 appeals
- ❖ collected £679,097.25 in S106 planning obligations
- ❖ uploaded 12,546 documents and plans to our website

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as well as dealing with members of the public, responding to government consultation papers, supporting colleagues attending training courses, fixing IT faults, dealing with the post, receipting applications, running reports, chasing performance data, updating webpages, scanning etc

## Challenges for 2010

Nationally the drive is to transform development control into a more pro-active development management regime (details to be reported to the next committee meeting). The Government have produced an implementation plan on the Future of Building Control, details are reported elsewhere on this agenda. Changes to legislative arrangements are expected in response to the CLG consultations described earlier.

Corporately there are increasing challenges for the future. The effects of the recession, the transformation agenda and the need to make budget savings will have increasing impact across the department. It is anticipated that the Corporate Customer Strategy will influence the way in which services are delivered.

Priorities for this year across the team will focus on:

- ❖ maximising income possibilities
- ❖ minimising expenditure
- ❖ managing change resulting from corporate and national transformation projects
- ❖ embedding culture change and performance management
- ❖ improving customer experience
- ❖ partnership working
- ❖ data integrity – focus on the quality of existing electronic records, historic data capture and consolidation of information where possible
- ❖ creation of spatial information – enhance our existing spatial data holdings with information held in text based systems, enabling GIS functionality to be used for land charges information

# Agenda Item 19

**Committee:** PLANNING

**Date Of Meeting:** 10 FEBRUARY 2010

**Title of Report:** DEVELOPMENT CONTROL PERFORMANCE

**Report of:** A Wallis, Planning & Economic Regeneration Director

**Contact Officer:** Mr J Alford Telephone 0151 934 3544

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 Department's performance in dealing with planning applications, appeals, and related matters for the fourth quarter of 2009.

## Recommendation(s):

That the contents of this report and the attached schedules be noted

## 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		✓	

## Financial Implications

None

## Departments consulted in the preparation of this Report

None

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

DCLG Quarterly statistics of Development Control performance

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1. The purpose of the report is to advise the Planning Committee of the Department's performance, dealing with planning applications and to provide information on national performance.
2. In England the number of applications in the Jul-Sept quarter fell by 12,000 (12%) in comparison with the number submitted for the same quarter last year, although the annual figure is 23% This was numerically less than the previous (Apr-Jun) quarter but is the lowest Jul-Sept total by a large margin. The number of decisions made fell reflecting the much lower number of recent applications. The numbers overall are a little higher than the lowest point in the Jan-Mar quarter. 90% of applications were approved overall, comprising major 72%, minor 80%, other 89% within the BVPI target (source: DCLG website). In relation to Metropolitan Authorities, 74% major applications were determined in 13 weeks, 81% minor in 8 weeks, and 90% of others in 8 weeks. In Sefton 401 decisions were made, 89% were determined overall in the required time comprising 86% major, 83% minor and 95% other.
3. In Sefton the number of applications received in the fourth (Oct-Dec) quarter of 2009 was approx 11% less than received last year. The number of major applications submitted rose from 6 to 13. The number of householder applications continued to fall (29 but at a slower rate; the effects of the changes to householder permitted development which came into force in October 2008 have now run through for a full year).
4. The level of decision-making remains high. 91% of applications were determined within 8 weeks. The Government's BVPI for decisions were fully met; majors (91%), minors (87%) and other applications (95%).
5. The number of appeals in the quarter was 11; in terms of outcomes, since April 25% of all appeals have been allowed.

## **Planning Director's comments**

6. The number of applications submitted has continued to fall but at a slower rate; this reflects the national situation. The number of major applications submitted this quarter has risen slightly with the result that fee income so far is a little ahead of last year but still well below the budget target. The number of householder applications has again fallen albeit at a slower rate, a pattern for the last 4 quarters; this may be levelling out as the effect of the permitted development changes ceases to apply. The overall performance level remains very good. In respect of BVPIs, the target for major, minor and other applications is being met.
7. From the beginning of September 2009 all development control case officers and enforcement officers have been based at Magdalen House; the opportunity has been taken to organise workload slightly differently. We no longer operate solely on an area basis but many of the case officers still tend to have similar types of applications and cover parts of the borough with which they are familiar. Whilst staff do spend part of their time at Crown Buildings, we have had very few requests for meetings in Southport. Overall the change has gone well but the increase in the number of major applications and pre-applications submitted in



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this period is putting pressure on the limited number of officers who have the necessary experience to deal with them and also have to manage the team.

8. The Director considers the performance dealing with planning applications for the last quarter has been satisfactory

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## Oct - Dec 2009

		Total	< 8 weeks	8-13 weeks	13+ weeks
<b>M</b>	Dwellings	0	0	0	0
<b>A</b>	Offices/R&D/Light Ind	0	0	0	0
<b>J</b>	General Industry/storage/warehouse	0	0	0	0
<b>O</b>	Retail Dist & Servicing	0	0	0	0
<b>R</b>	Gypsy & Traveller Pitches	0	0	0	0
<b>LARGE</b>	All other large scale major	3	1	2	0
<i>Sub Total:</i>		3	1	2	0

<b>M</b>	Dwellings	4	1	3	0
<b>A</b>	Offices/R&D/Light Ind	1	1	0	0
<b>J</b>	General Industry/storage/warehouse	0	0	0	0
<b>O</b>	Retail Dist & Servicing	2	1	0	1
<b>R</b>	Gypsy & Traveller Pitches	0	0	0	0
<b>SMALL</b>	All other small scale Develop	1	1	0	0
<i>Sub Total:</i>		8	4	3	1

<b>M</b>	Dwellings	29	23	6	0
<b>I</b>	Offices/R&D/Light Ind	3	1	1	1
<b>N</b>	General Industry/storage/warehouse	3	3	0	0
<b>O</b>	Retail Dist & Servicing	8	8	0	0
<b>R</b>	Gypsy & Traveller Pitches	0	0	0	0
<b>DEVE</b>	All other small scale Develop	66	60	5	1
<i>Sub Total:</i>		109	95	12	2

<b>O</b>	Minerals	0	0	0	0
<b>T</b>	Change of Use	24	24	0	0
<b>H</b>	Householder Developments	164	155	9	0
<b>E</b>	Advertisements	29	27	2	0
<b>R</b>	Listed Bldg Consent	9	8	0	1
	Listed Building Consent Demolish	0	0	0	0
	Conservation Area Consents	4	4	0	0
	Certificates of lawful development	3	3	0	0
	Notifications	7	7	0	0
<i>Sub Total:</i>		240	228	11	1

<b>TOTAL:</b>	360	328	28	4
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	Total	< 8 weeks	8 - 13 weeks	13+ weeks
Large Scale Major Developments	3	0%	0%	0%
Small Scale Major Developments	8	50%	38%	13%
Minor Developments	109	87%	11%	2%
Other Developments	240	95%	5%	0%
<b>Total:</b>	360	91%	8%	1%

ODPM's Targets	Actual	Difference (%)
Major - 60% in 13 weeks	91%	31%
Minor - 65% in 8 weeks	87%	22%
Other - 80% in 8 weeks	95%	15%

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## Applications and appeals received and determined by quarter from 2004

Quarter	Applications			Appeals		
	Received	Determined	% Determined within 8 weeks	Southport	Bootle	Total
<b>2004</b>						
1st	712	578	78	9	10	19
2nd	735	742	87	8	10	18
3rd	726	667	71	7	11	18
4th	598	613	76	8	10	18
<b>Totals</b>	<b>2771</b>	<b>2600</b>	<b>78</b>	<b>32</b>	<b>41</b>	<b>73</b>
<b>2005</b>						
1st	673	523	90	14	8	22
2nd	694	684	83	14	10	24
3rd	662	636	83	17	6	23
4th	572	587	89	7	6	13
<b>Totals</b>	<b>2601</b>	<b>2430</b>	<b>86</b>	<b>52</b>	<b>30</b>	<b>82</b>
<b>2006</b>						
1st	626	486	89	4	11	15
2nd	629	562	90	9	7	16
3rd	592	553	89	9	6	15
4th	505	515	89	8	9	17
<b>Totals</b>	<b>2352</b>	<b>2116</b>	<b>89</b>	<b>30</b>	<b>33</b>	<b>63</b>
<b>2007</b>						
1st	625	517	84	2	9	11
2nd	611	610	80	13	7	20
3rd	583	636	86	10	8	18
4th	507	536	80	8	6	14
<b>Totals</b>	<b>2326</b>	<b>2299</b>	<b>83</b>	<b>33</b>	<b>30</b>	<b>63</b>
<b>2008</b>						
1st	552	537	88	6	4	10
2nd	516	500	90	7	6	13
3rd	514	464	90	8	6	14
4th	448	345	87	4	1	5
<b>Totals</b>	<b>2030</b>	<b>1846</b>	<b>89</b>	<b>25</b>	<b>17</b>	<b>42</b>
<b>2009</b>						
1st	362	308	90	7	11	18
2nd	397	365	91	5	10	15
3rd	387	401	89	3	3	6
4th	383	360	91	3	8	11
<b>Totals</b>	<b>1529</b>	<b>1434</b>	<b>90</b>	<b>18</b>	<b>32</b>	<b>50</b>

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# Agenda Item 20

**REPORT TO:** Planning Committee  
Overview and Scrutiny Committee  
(Regeneration and Environmental).

**DATE:** 10 February 2010  
9 March 2010

**SUBJECT:** Revenue and Capital Expenditure Monitoring  
to 31st December 2009

**WARDS AFFECTED:** None directly affected

**REPORT OF:** Andy Wallis  
Planning & Economic Regeneration Director

**CONTACT OFFICER:** Andy Wallis  
0151-934-3542  
Dave Gant 0151 934 2378  
Kevin McBlain 0151 934 4049

**EXEMPT/CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To provide the Committee with the forecast position, based on information as at the 31st December 2009, in relation to the Portfolio's 2009/10 Revenue Budget.

**REASON WHY DECISION REQUIRED:**

Committee accountability and in line with the corporate performance management process.

**RECOMMENDATION(S):**

That the Planning Committee:

- a) Notes the progress on the Planning Portfolio's revenue budgets that are subject to risk-based monitoring
- b) Notes the provisional Local Authority Business Growth Initiative Grant allocation of £207,000.
- c) Indicates whether any comments about the overall performance of this Portfolio's Revenue Budget should be referred to Cabinet.

That Overview and Scrutiny Committee (Regeneration and Environmental):

- a) Note the contents of this report and indicates whether any comments about the overall performance of the Planning Department's Revenue Budget should be referred to Cabinet.

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**KEY DECISION:** No.

**FORWARD PLAN:** Not appropriate.

**IMPLEMENTATION DATE:** Not appropriate.

**ALTERNATIVE OPTIONS:**

None.

**IMPLICATIONS:**

**Budget/Policy Framework:** None.

**Financial:**

The current forecast outturn (December 2009) is showing a £200,800 overspend against the Portfolio's revenue budgets. This will be closely monitored during the remainder of the year as part of the budget monitoring process. The recent announcement of Local Authority Business Growth Initiative Grant for 2009/10 indicates that the Council will receive a grant in the region of £207,000.

**Legal:** Not appropriate.

**Risk Assessment:** Not appropriate.

**Asset Management:** Not appropriate.

**CONSULTATION UNDERTAKEN/VIEWS**

**FD 312** - The Finance and Information Services Director has been consulted and his comments have been incorporated into this report.

## 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		✓	

<b>LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT</b>
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# Agenda Item 20

## 1. Background/Issues for consideration

- 1.1 This report forms part of the Council's overall monitoring process by advising the Members of this Committee of the progress against the Planning Portfolio's revenue budget risk areas and progress of actual expenditure against the capital programme where appropriate, for the period ending 31st December 2009. Where budget pressures have been identified, Service Directors have reviewed their departmental budgets for compensating savings. Departments have also been asked to consider whether or not all other budgets can be contained with the resources allocated by the Council for 2009/10.

## 2. Revenue Budget

- 2.1 Details of this portfolio's budgets that are monitored and reported on the risk-assessed basis are shown in Annex A. Members should note from the Annex that the summary forecast position at the end of December 2009 was a forecast overspend of £200,800.

- 2.2 It should also be noted

- (a) After a decade of steadily increasing volumes, from the early part of 2008 we have experienced a marked reduction in the numbers of applications for planning approval and most particularly in major applications. The trend has been highlighted in the Department's M1 returns throughout the year and steps have been taken to address the anticipated funding shortfall.
- (b) There is a similar trend in the numbers of applications for Building Regulation approval. At the same time, it is expected that pressure on fee bids for work open to the private sector will become increasingly competitive.
- (c) As a result of declining Planning Applications and Building Control fees it is currently estimated there will be a combined income shortfall during 2009/10 in the order of £424,000. On past performance fee income can be unpredictable and therefore these figures must be treated with some caution.
- (d) These principal budget pressures are compounded by other difficulties:
- (e) There has been a reduction in grant support. The importance, which Government attaches to sustaining the Planning system and its statutory functions, has been demonstrated by grant to reward performance in plan preparation and decision making. Until 2008 Sefton performed well against these reward criteria with a figure of £253,000 built into the base budget. The criteria changed in September 2007 to include (and favour) house building targets and, subsequently, whilst we continue to exceed the national targets for determination of planning applications and re-use



of brownfield land, grant received fell in 2008 to £128,000, resulting in a shortfall against budget of £125,000. Housing and Planning Delivery Grant (H&PDG) for 2009/10 has been awarded at a significantly reduced sum of £37,000. This represents a shortfall on the expected budget of £216,000. The award has been challenged and the outcome is awaited

- (f) There is a Merseyside commitment to completion of the Waste Development Plan Document, which in previous years has been funded from Planning Delivery Grant. This is no longer available and the budget requirement for 2009/10 is £30,000 (and for 2010/11 £20,000).

2.3 To assist with the Department's overall forecast overspend, Sefton will receive Local Authority Business Growth Initiative Grant for 2009/10 of £207,000.

### **3. Capital Programme**

3.1 There is no Capital Programme for the Planning Department. Section 106 balances are treated as part of the Leisure Services Capital Programme. Members will be aware that a detailed report on the progress of these schemes is compiled every six months.

### **4. Recommendations**

That the Planning Committee:

- a) Notes the progress on the Planning Portfolio's revenue budgets that are subject to risk-based monitoring
- b) Notes the provisional Local Authority Business Growth Initiative Grant allocation of £207,000.
- c) Indicates whether any comments about the overall performance of this Portfolio's Revenue Budget should be referred to Cabinet.

That Overview and Scrutiny Committee (Regeneration and Environmental):

- a) Note the contents of this report and indicates whether any comments about the overall performance of the Planning Department's Revenue Budget should be referred to Cabinet.

**Planning Committee Revenue Budget Risk Areas to 31 December 2009**

**ANNEX**

Ref	Service	Budget	Full Year Budget £000	Budget to Date £000	Actual to Date £000	Variance to Date £000	Forecast Outturn £000	Forecast Outturn Variance £000
		Employee Costs	3,558.2	2,668.7	2,827.8	159.1	3,246.7	-311.5
		Legal costs	22.3	16.7	5.6	-11.1	22.3	0
		Planning Application Fees	-909.8	-682.4	-566.1	116.3	-675.0	234.8
		Local Plans	27.4	20.6	6.1	-14.5	27.4	0
		Building Control Fees	-866.7	-649.9	-442.4	207.5	-677.0	189.7
		Consultancy costs	304.1	228.1	78.6	-149.5	244.1	-60.0
		Housing & Planning Delivery grant	-253.1	-189.8	0	189.8	-37.0	216.1
		Advertising – staffing	4.6	3.5	1.2	-2.3	2.6	-2.0
		Advertising – other Legal	21.6	16.2	34.1	17.9	36.6	15.0
		Other items – Dept underspend/savings	0	0	0	0	-81.3	-81.3
		<b>Totals</b>	<b>1,908.6</b>	<b>1,431.7</b>	<b>1,944.9</b>	<b>513.2</b>	<b>2109.4</b>	<b>200.8</b>

Proportion of budget reported upon	Gross £'000	Income £'000
Total of Budget reported on	<b>3,938.2</b>	<b>-2,029.7</b>
Total departmental controllable budget	<b>5,464.8</b>	<b>-2,872.8</b>
Percentage of total budget reported	<b>72.1%</b>	<b>70.6%</b>

**Comments on key areas of budget (including remedial action)**

The employee budgets include an over provision following the agreement of the 2009/10 JNC pay award.

This is expected to result in additional resources (£15,600) being available to support the projected departmental overspend.

Employee costs also include the "one -off" redundancy costs (£47,000) incurred as a result of the staff changes agreed by cabinet in April.

There is an improvement in direct pay costs as funding for work carried out for Regeneration Department has been confirmed

We continue to experience a marked reduction in the numbers of applications for planning approval and most particularly in major applications. In terms of Building Control, the rate of change is becoming more pronounced as there is a similar trend in the numbers of applications for Building Regulation approval. Given economic forecasts it must be assumed that volumes will continue to decrease. At the same time, it is expected that pressure on fee bids for work open to the private sector will become increasingly competitive. It should be noted however that on past performance fee income can be unpredictable and therefore these figures must be treated with some caution.

These principal budget pressures remain compounded by other difficulties:

There has been a reduction in grant support. The importance, which Government attaches to sustaining the Planning system and its statutory functions, has been demonstrated by grant to reward performance in plan preparation and decision making. The Government has only just confirmed the award of Housing & Planning Delivery Grant in 2009/10. It is very disappointing to report that this year's award is £37,000 a substantial reduction in resources when compared to last year's settlement (£128k) and the current budgeted income (£253k). This reduction is a consequence of new grant criteria and emphasis on demonstrating a 5 year housing supply.

The net additional cost to the Planning budget of the new I.T. arrangements is under review but is expected to be £44,000 from 2009/10. Whilst this appears to be an additional cost, further discussions with the Finance Director have identified that this will be cost neutral to the Council although it does impact on PERD. The forecast £187k Departmental overspend takes into account this expense.

There is a Merseyside commitment to completion of the Waste Development Plan Document, which in previous years has been funded from Planning Delivery Grant. This is no longer available and the budget requirement for 2009/10 is £30,000 (and for 2010/11 £20,000).

The other Departmental savings (£48k) identified above consist of many smaller budget areas identified by the Department.

Corporate savings £34,150 contribute further pressure to the budget and as yet have not been identified within the detailed Departmental budget. (However the forecast £200k Departmental overspend takes into account this expense). These savings will need to be considered within the light of the overall budgetary pressures on the Department. Every effort will be made to mitigate the effect of the above pressures but this may mean that this can only be achieved with significant reductions in service provision. For this reason options to deal with the budget pressures will be presented in future budget monitoring reports..

# Agenda Item 21

## APPENDIX

**Committee:** PLANNING

**Date Of Meeting:** 10<sup>th</sup> February 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 21

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## Mortons Dairies Kenyons Lane, Lydiate

S/2009/0215 - 2104157 & 2106013 & 2106091

Application for Lawful Development Certificate for use of the land in connection with a dairy business involving the parking and manoeuvring of cars and commercial vehicles, storage of plant and equipment, storage of out of service milk floats and storage of other dairy related items

**Appeal Type:** Public

**Lodged Date:** 16 June 2009

**Decision:** Dismissed

**Decision Date:** 11 January 2010

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## 20 York Close, Formby

S/2009/0533 - APP/M4320/D/09/2116944

Erection of a first floor extension to the front / side of the dwellinghouse (Resubmission of N/2008/0616, refused 23/09/08)

**Appeal Type:** Written

**Lodged Date:** 23 November 2009

**Decision:** Dismissed

**Decision Date:** 18 January 2010

## New Appeals

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### Land to the rear of 79 Albert Road, Southport

N/2009/0344 - APP/M4320/A/10/2119909

(a) Erection of a detached two storey dwelling with underground swimming pool and leisure facilities with access onto Fleetwood Road  
(b) Construction of an underground car park for the residents of the apartment block to the rear of 79 Albert Road

**Appeal Type:** Written

**Lodged Date:** 07 January 2010

**Decision:**

**Decision Date:**

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### 61 & 63 Albert Road, Southport

S/2009/0874 - APP/M4320/A/10/2120504/NWF

Outline planning application for the erection of a block of five, four storey town houses fronting onto Albert Road and a block of six, part three, part four storey town houses at the rear after demolition of existing buildings

**Appeal Type:** Informal

**Lodged Date:** 18 January 2010

**Decision:**

**Decision Date:**

# Agenda Item 21

## NEW ENFORCEMENT APPEALS

33 PILKINGTON RD  
SOUTHPORT  
PR8 6PD

APPEAL TYPE WRITTEN  
LODGED DATE 26/11/2009

Without planning permission, within the last four years, 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

LADY GREEN FISHERIES  
ORRELL HILL LANE  
INCE BLUNDELL

APPEAL TYPE WRITTEN  
LODGED DATE 10/11/2009

Erection of a decked area with concrete base.





## Appeal Decision

Site visit made on 4 January 2010

by **Susan Holland** MA DipTP MRTPI

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

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](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**18 January 2010**

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### Appeal Ref: APP/M4320/D/09/2116944 20 York Close, Formby, Merseyside, L37 7HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Alan Payne against the decision of Sefton Metropolitan Borough Council.
- The application Ref S/2009/0533, dated 8 July 2009, was refused by notice dated 24 August 2009.
- The development proposed is a first floor extension to the side and front of the detached dwelling.

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#### Decision

1. I dismiss the appeal.

#### Main issue

2. The main issue is the effect of the appeal proposal upon the intrinsic design of the host dwelling.

#### Reasons

3. No.20 York Close is a 2-storey detached house which incorporates, as part of its original design, a large gable-roofed double garage projecting forward from the front elevation. The garage extends across approximately half the front elevation of the main dwelling. Its depth is increased by the inclusion of a utility room and separate cloakroom immediately between the garage space and the line of the main front elevation. A subsequent single-storey extension has been built, projecting sideways from the garage. The side extension itself stands wholly forward of the main dwelling and appears to be accessed internally only via the utility room within the garage element.
4. The appeal proposal is to build an upper storey out above both the existing garage and the existing side extension. The new 1<sup>st</sup>-floor element above the garage itself would be set back from the front elevation of the garage to form in effect a double tier, with a truncated hipped roof to the lower element and a fully-hipped roof to the upper. The roof ridge of the garage element would meet the roof of the main dwelling at a point below the main roof ridge. In both respects, the new extension above the garage itself would, on its own, be clearly subordinate to the main dwelling, and appropriately balanced in its design and proportions.
5. However, that part of the proposed 1<sup>st</sup>-floor element which would extend out above the existing single-storey side extension would not result in a balanced

or proportionate overall development. The pitched roof of the new 1<sup>st</sup>-floor side element would meet, at similar ridge height, the new roof above the extended garage. Together, the new upper storey and roof above it would obscure the whole end elevation of the existing main house. The depth of the new 2-storey extension would be similar to that of the main house. The resulting overall extension would be substantially out of scale in relation to the main dwelling and would appear as an entire (albeit smaller) house placed directly in front of, and overlapping, the original main house. The result would be an awkward, over-complicated, disproportionately lengthy and unbalanced combined development.

6. I therefore conclude that the appeal proposal would have a materially harmful effect upon the intrinsic design of the host dwelling. I consider that the proposal would materially conflict with saved statutory Policy MD1 of the Sefton MBC Unitary Development Plan in that the proposed extension would not be *of a size, scale and mass that is minor in relation to the existing dwelling*; and with Policy DQ1 in that it would fail to *make a positive contribution to [its] surroundings through the quality of [its] design in terms of scale, form [and] massing*.
7. The appeal site is located at the farthest cul-de-sac end of York Close, and in relation to the highway is set in an oblique position. Whilst the 2-storey side extension would rise above the hedge which screens the existing single-storey side extension, the full extent of the resulting development would not be apparent as seen from the street. The garage itself is set well back from the street. However, whilst I consider that the effect of the proposal upon the street scene of York Close would be limited, this matter does not outweigh the conclusion which I have reached on the basis of the main issue.

*S Holland*

INSPECTOR



## Appeal Decision

Site visit made on 12 January 2010

by **Elizabeth C Ord** LLB(Hons) LLM MA  
DipTUS

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

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](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**14 January 2010**

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### Appeal Ref: APP/M4320/H/09/2116100

### Neptune Aquatics, Unit 1, Sefton Lane Industrial Estate, Liverpool, L31 8BX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Mr. Roy O'Grady against the decision of Sefton Metropolitan Borough Council.
- The application Ref S/2009/0609, dated 28 July 2009, was refused by notice dated 10 September 2009.
- The advertisement is a free standing trade sign advertisement for existing business.

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#### Decision

1. I allow the appeal, and grant consent for the display of the free standing trade sign advertisement for existing business as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

#### Procedural matter

2. The advertisement has already been erected and the application has been made to regularise the situation.

#### Main issue

3. The main issue is the effect of the advertisement on the street scene and highway safety.

#### Reasons

4. The site is situated at the entrance to an industrial estate in an industrial improvement area. Nearby buildings are utilitarian in appearance and there is a reasonable level of signage in the vicinity, both within the estate and along Sefton Lane. The advertisement fronts Sefton Lane and is set back from the highway behind a grass verge and fence, partially within the tree line and close to site buildings.
5. Its scale and design respects its environment and blends into its surroundings. It is unobtrusively positioned and does not appear dominant. On my site visit I approached the premises from the east, and the sign was not readily noticeable until I was at the entrance of the industrial estate. It is not overly prominent and is not an undue distraction to drivers.

6. Permitting this advertisement would not make it more difficult for the Council to resist further applications for this estate, as each advertisement is assessed on its own merits.
7. For the reasons given and taking account of all matters raised, I find that the advertisement does not adversely affect the street scene and is not detrimental to highway safety. Therefore, it is not contrary to Policy MD7 of the Sefton Unitary Development Plan, which seeks, amongst other things, to avoid advertisements that are obtrusive or dominant features in the street scene.

*Elizabeth C. Ord*

INSPECTOR