

MEETING: PLANNING COMMITTEE

DATE: 10 March 2010

TIME: 6.30 pm

VENUE: Town Hall, Southport

Member

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

Substitute

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

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

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

A G E N D A

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

Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.
- 3. Minutes of the Meeting Held on 10 February, 2010** (Pages 5 - 16)
- 4. Petitioned Applications** (Pages 17 - 20)
 - A** Application No.S/2009/0771-Car Park Pendle View, Litherland (Pages 21 - 34)
 - B** Application No.S/2009/1133 - Land Adjacent to 'The Croft', 8 Thirlmere Road, Hightown (Pages 35 - 42)
 - C** Application No.S/2010/0061 - 19 Bath Street, Southport (Pages 43 - 52)
- 5. Applications for Planning Permission - Approvals** (Pages 53 - 56)
 - A** Application No.S/2010/0021-Outline Application for Erection of a Dwelling, Land to Rear 22 Heathfield Road, Birkdale (Pages 57 - 64)
 - B** Application No.S/2010/0058-Land Adjacent to 1 Blundell Grove, Hightown (Pages 65 - 72)
 - C** Application No.S/2010/0093-30 Moorgate Avenue, Crosby (Pages 73 - 78)
 - D** Application No.S/2010/0146-Land Part of the Former Parcellforce Site, Orrell Lane, Bootle (Pages 79 - 86)
 - E** Application No.S/2010/233-Various Properties On Keble Road, Hertford Road, Exeter Road, Queens Road, Kings Road, College View, Marble Close and Balliol Road, Bootle (Pages 87 - 104)
- 6. Joint Waste Development Plan: Consultation on Preferred Options Report** (Pages 105 - 112)

Report of the Planning and Economic Development Director
- 7. Liverpool Core Strategy Preferred Options 2010** (Pages 113 - 120)

Report of the Planning and Economic Development Director
- 8. Department for Communities and Local Government Consultation on Improving Engagement by Statutory and Non-Statutory Consultees** (Pages 121 - 130)

Report of the Planning and Economic Development Director
- 9. Consultation Response in Respect of Consultation Report on Development Management** (Pages 131 - 136)

Report of the Planning and Economic Development Director

- 10. Joint Strategic Housing Land Availability Assessment 2008 - Final Report** (Pages 137 - 148)
Report of the Planning and Economic Development Director
- 11. Informed Assessment of the Economic Viability of Affordable Housing in Sefton - Consultation Draft** (Pages 149 - 156)
Report of the Planning and Economic Development Director
- 12. Planning Policy Statement 4 : Planning for Sustainable Economic Growth** (Pages 157 - 164)
Report of the Planning and Economic Development Director
- 13. Section 106 Monitoring** (Pages 165 - 182)
Report of the Planning and Economic Development Director
- 14. Works in Default at 72 Seaforth Road, Seaforth** (Pages 183 - 186)
Report of the Planning and Economic Development Director
- 15. Works in Default at 39 Ursula Street, Bootle** (Pages 187 - 190)
Report of the Planning and Economic Development Director
- 16. Works in Default at 41 Ursula Street,** (Pages 191 - 194)
Report of the Planning and Economic Development Director
- 17. Urgent Works Notice - International Hotel, Crosby Road South, Seaforth** (Pages 195 - 198)
Report of the Planning and Economic Development Director
- 18. Town and Country Planning Act 1990 - Appeals** (Pages 199 - 216)
Report of the Planning and Economic Development Director

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

PLANNING COMMITTEE

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON 10 FEBRUARY 2010**

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

Councillors Barber, Byrne, Colbert, Connell,
M Fearn, Glover, Gustafson, Mahon, Roberts,
Storey, Sumner and Tweed

ALSO PRESENT: Councillors Friel, Kerrigan, Maher and Weavers

150. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Preston and Shaw.

151. DECLARATIONS OF INTEREST

The following declarations of interest were received:-

| Member / Officer | Item | Interest | Action |
|----------------------|---|--|---|
| Councillor Gustafson | Alexandra Branch Dock, 1 Regent Road, Bootle | Prejudicial – has publicly supported a petition against the proposed development | Stayed in the room and took part in the consideration of the item then left the room and did not vote thereon |
| Councillor Roberts | Land Adjacent to Hall Road BR Station, Hall Road East, Crosby | Prejudicial – is a member of Merseytravel's Executive Board | Left the room and took no part in the consideration of the item and did not vote thereon |
| Councillor Sumner | Land Adjacent to Hall Road BR Station, Hall Road East, Crosby | Prejudicial – is a member of Merseytravel's Executive Board | Left the room and took no part in the consideration of the item and did not vote thereon |
| Mr.D.Poley | 86-88 Lord Street, Southport | Prejudicial – Knows the applicant well | Left the room and took no part in the consideration of the item |

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| | | | |
|-------------------|--|---|--|
| Mr.A.Wallis | Land adjacent to the Croft, 8 Thirlmere Road, Hightown | Prejudicial – Knows the applicant well | Stayed in the room but took no part in the consideration of the item |
| Councillor Barber | Laurel Cottage, Broad Lane, Thornton | Prejudicial – has had detailed discussions with a local resident regarding the property and application | 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 Crowland Street, Southport site | Left the room and took no part in the consideration of the item and did not vote thereon |
| 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 |

152. MINUTES OF THE MEETING HELD ON 13 JANUARY, 2010

RESOLVED:

That the Minutes of the meeting held on 13 January 2010 be confirmed as a correct record.

153. APPLICATION NO.S/2009/1133 - LAND ADJACENT TO THE CROFT, 8 THIRLMERE ROAD, HIGHTOWN

The Planning and Economic Regeneration Director explained that copies of a petition to address the Committee submitted by objectors to the application had been misplaced. Consequently, Officers were unaware of the request to address the Committee and likewise objectors were unaware that the application would be considered at this meeting of the Committee.

RESOLVED:

That consideration of the application be deferred to provide objectors and the applicant time to prepare their presentation and exercise their right to address the Committee.

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

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for the development of an electricity generation facility on part of the existing metals recycling facility, comprising the erection of steel clad main processing building, turbine and boiler building, un-processed materials storage building, conveyer belt system, associated plant and machinery and perimeter fencing be approved, subject to the conditions and reasons stated or referred to in the report.

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

RESOLVED:

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

**155. APPLICATION NO.S/2009/1167 - BOWLING GREEN TO THE
REAR AND 1A VIRGINIA STREET, SOUTHPORT**

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

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

RESOLVED:

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

**156. APPLICATION NO.S/2010/0041 - LAND ADJACENT TO HALL
ROAD, BR STATION HALL ROAD EAST, CROSBY**

The Committee considered the report of the Planning and Economic Regeneration Director recommending that the above application for the layout of a Park & Ride facility, including bus transport facilities and altered

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site entrance be approved, subject to the conditions and reasons stated or referred to in the report and Late Representations.

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

RESOLVED:

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

157. 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/2009/0873 | Various Properties on Keble Road, Hertford Road, Exeter Road, Queens Road, Kings Road, College View, Marble Close and Balliol Road, Bootle |
| S/2009/0929 | 86-88 Lord Street, Southport |
| S/2009/1019 | St John and St James Church, 50a Monfa Road, Bootle |
| S/2009/1082 | Rear of 45-51 High Park Road, Southport |
| S/2009/1083 | Land at 131 Southport Road, Lydiate |
| S/2009/1103 | Hawthorne Tannery Hawthorne Road, Bootle |
| S/2009/1125 | Maggies Public House, Bridle Road, Netherton |
| S/2009/1145 | 61-71 Shakespeare Street, Southport |
| S/2009/1194 | Netherton Activity Centre, Glovers Lane, Netherton |
| S/2009/1205 | Laurel Cottage, Broad Lane, Thornton |

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

The Planning and Economic Regeneration Director informed the Committee that this application had been withdrawn by the applicant.

159. APPLICATIONS TO BE INSPECTED BY THE VISITING PANEL ON 8 FEBRUARY, 2010

The Committee considered the report of the Planning and Economic Regeneration Director which advised that the undermentioned sites had been inspected by the Visiting Panel on 8 February, 2010.

| Application No. | Site |
|-----------------|---|
| S/2010/0041 | Land Adjacent to Hall Road, BR Station Hall Road East, Crosby |
| S/2009/1205 | Laurel Cottage, Broad Lane, Thornton |
| S/2009/1058 | Broad Farm, Broad Lane, Thornton |
| S/2009/1133 | The Croft, 8 Thirlmere Road, Hightown |
| S/2009/1200 | Former Power House, Hoggs Hill Lane, Formby |
| S/2009/1136 | 21 Victoria Road, Formby |
| S/2009/1167 | Bowling Green to the Rear and 1A Virginia Street, Southport |

RESOLVED:

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

160. 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 on the preparation of the joint Merseyside Waste Development Plan Document (DPD) and seeking approval and endorsement of the Preferred Options Report, which would include consultation on specific sites that had the potential to accommodate the additional waste management facilities that would be required in the future.

The report was submitted 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 the Preferred Options Report.

Councillor Maher, as Ward Councillor, spoke in support of the removal of Site F1029: Site off Grange Road, Dunnings Bridge Road, Bootle: Proposed District Site Allocation.

RESOLVED: That the Cabinet be recommended to approve:-

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- (1) That the Waste DPD Preferred Options Report be noted;
- (2) That the commencement of a six-week long public consultation process on the Waste DPD Preferred Options Report during 2010 be agreed;
- (3) At this stage Sefton MBC invite the Planning Inspectorate to advise the Council on the soundness of the Waste DPD Preferred Options Report;
- (4) That Site F1029: Site off Grange Road, Dunnings Bridge Road, Bootle: Proposed District Site Allocation be removed from the Waste DPD Preferred Options Report; and
- (5) That a further report on the outcomes of the Preferred Options consultation be submitted to this Committee in due course.

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

161. WIRRAL WATERS: CREATION OF A NEW CITY NEIGHBOURHOOD AT EAST FLOAT, BIRKENHEAD - PLANNING APPLICATION - NEIGHBOURING AUTHORITY CONSULTATION

The Committee considered the report of the Planning and Economic Regeneration Director that advised 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 sought the retrospective endorsement of officer comments submitted by the extended 4 February consultation deadline.

RESOLVED: That

- (1) the Wirral Waters: Creation of a New City Neighbourhood at East Float, Birkenhead Planning Application – Neighbouring Authority Consultation report be noted; and
- (2) the Officer comments, submitted to Wirral Metropolitan Borough Council by the 4 February deadline, be endorsed.

162. IMPROVING THE USE AND DISCHARGE OF PLANNING CONDITIONS

The Committee considered the report of the Planning and Economic Regeneration Director that advised of the content of the Department for

Communities and Local Government consultation paper on Improving the Use and Discharge of Planning Conditions.

RESOLVED: That

- (1) the Improving the use and Discharge of Planning Conditions report be noted; and
- (2) the Planning and Economic Regeneration Director's responses to the Department for Communities and Local Government consultation paper, as detailed within the report, be endorsed.

163. DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT - IMPLEMENTATION PLAN FOR THE FUTURE OF BUILDING CONTROL

The Committee considered the report of the Planning and Economic Regeneration Director that advised of the Government proposals to modernise the building control system with the aim of addressing the perceived weaknesses in the current system, improving compliance with the Building Regulations and further reducing the burdens associated with the system.

RESOLVED: That

- (1) the Department for Communities and Local Government - Implementation Plan for the Future of Building Control report be noted; and
- (2) 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.

164. DCLG CONSULTATION ON PERMITTED DEVELOPMENT RIGHTS FOR SMALL SCALE RENEWABLE AND LOW CARBON ENERGY TECHNOLOGIES, AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

The Committee considered the report of the Planning and Economic Regeneration Director that advised of the content of the Department for Communities and Local Government consultation paper on Permitted Development Rights for Small Scale Renewable and Low Carbon Energy Technologies, and Electric Vehicle Charging Infrastructure.

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PLANNING COMMITTEE- WEDNESDAY 10TH FEBRUARY, 2010

RESOLVED: That

- (1) the Department for Communities and Local Government consultation on the Permitted Development Rights for Small Scale Renewable and Low Carbon Energy Technologies, and Electric Vehicle Charging Infrastructure report be noted; and
- (2) the Planning and Economic Regeneration Director's responses to the Department for Communities and Local Government consultation paper, as detailed within the report, be endorsed.

165. JOINT EMPLOYMENT LAND AND PREMISES STUDY 2008 - FINAL REPORT

The Committee considered the report of the Planning and Economic Regeneration Director that reported the key findings of the Joint Employment Land and Premises Study, which was one of a number of key evidence gathering studies that were being undertaken to inform the Core Strategy process and to guide advice and decisions on individual employment proposals and planning applications.

RESOLVED: That

- (1) the key findings of the Joint Employment Land and Premises Study for Sefton be noted; and
- (2) 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, be endorsed.

166. NORTH WEST REGIONAL STRATEGY 2010: DRAFT PART 1 CONSULTATION

The Committee considered the report of the Planning and Economic Regeneration Director that informed of the consultation on the Draft Part 1 of the forthcoming Northwest Regional Strategy and sought delegated authority from the 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.

RESOLVED: That

- (1) 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 be noted; and
- (2) 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.

167. MERSEY FOREST AGREEMENT AND PARTNER CONTRIBUTIONS

The Committee considered the report of the Planning and Economic Regeneration Director that sought approval for the renewal of the Mersey Forest Agreement with Cheshire West and Chester Council (2010/11 to 2014/15), which would include a commitment to continue partner contributions over the next five years. The report also requested delegated authority for the Legal Director and Planning and Economic Regeneration Director to agree minor changes to the agreement if required. The report provided an update on the work of the Mersey Forest team who continue to demonstrate best value for the Council.

RESOLVED: That

- (1) the draft Mersey Forest Agreement with Cheshire West and Chester Council 2010/2011 to 2014/2015 be approved;
- (2) a fixed contribution of £18,609 per annum for the next five years be approved;
- (3) the Legal Director and Planning and Economic Regeneration Director be authorised to agree any minor amendments to the draft Agreement, and subject thereto, to enter into the Agreement; and
- (4) the report and the continuing best value of the Mersey Forest team be noted.

168. PLANNING AND ECONOMIC REGENERATION DEPARTMENT - PERFORMANCE REPORT: APRIL - SEPTEMBER 2009

The Committee considered the six-monthly report of the Planning and Economic Regeneration Director on the progress towards the Planning Department meeting its Service and Corporate Plan objectives and targets for the period to September 2009.

RESOLVED:

That the Planning and Economic Regeneration Department – Performance Report April to September 2009 be noted.

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169. PROPOSED INCREASE IN FEES AND CHARGES

The Committee considered the report of the Planning and Economic Regeneration Director that sought approval to increase fees and charges levied within the Planning Portfolio.

RESOLVED: That

- (1) the content of the Proposed Increase in Fees and Charges report be noted; and
- (2) the Cabinet be recommended to approve the proposed increases in fees and charges for 2010/11, and the revised financial contributions to be set out in Supplementary Planning Guidance.

170. PLANNING ENFORCEMENT UPDATE

The Committee considered the report of the Planning and Economic Regeneration Director that informed of the Planning Enforcement workload for the October to December 2009 quarter. The report also provided an update on the progress of cases where formal action had been taken/authorised. The report went on to review the work of the Enforcement Team during the year 2009.

Attached as an annexe to the report was a list of Outstanding Enforcement Cases be noted.

RESOLVED:

That the report and attached annexe of Outstanding Enforcement Cases be noted.

171. REGULATORY SERVICE DEVELOPMENT

The Committee considered the report of the Planning and Economic Regeneration Director that provided an update on the Regulatory Services development in 2009 and agreed the priorities for the coming year.

RESOLVED:

That the Regulatory Service Development report and the attached schedules be noted and the priorities for 2010, as detailed within the report, be agreed.

172. DEVELOPMENT CONTROL PERFORMANCE

The Committee considered the report of the Planning and Economic Regeneration Director that advised the Planning Department's performance in dealing with planning applications, appeals, and related matters for the fourth quarter of 2009.

RESOLVED:

That the Development Control Performance report be noted.

173. REVENUE AND CAPITAL EXPENDITURE MONITORING TO 31ST DECEMBER 2009

The Committee considered the report of the Planning and Economic Regeneration Director that provided the forecast position, based on information as at the 31 December 2009, in relation to the Portfolio's 2009/10 Revenue Budget.

RESOLVED: That

- (1) the progress on the Planning Portfolio's revenue budgets that are subject to risk-based monitoring be noted; and
- (2) the provisional Local Authority Business Growth Initiative Grant allocation of £207,000 be noted.

174. TOWN AND COUNTRY PLANNING ACT 1990 - APPEALS

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

| Appellant | Proposal/Breach of Planning Control | Decision |
|---------------|---|-----------------------|
| Mr.R.O'Grady | Unit 1, Sefton Lane Industrial Estate Sefton Lane, Maghull - S/2009/0609 - appeal against refusal of the Council to grant Advertisement Consent for the display of 1 no. non-illuminated free standing poster sign adjacent to the grass verge fronting Sefton Lane | Allowed 14/01/10 |
| Mr.N.Harrison | Morton's Dairy, Kenyons Lane, Lydiate – S/2009/0215 – 2106013 appeal against an Enforcement Notice the effect of which would be to stop using the land for dairy purposes – namely the parking and manoeuvring of | Dismissed 11/01/10 |

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vehicles, storage of plant equipment, storage of out of service milk floats and storage of other dairy related items and the removal of all plant, equipment, milk floats and all dairy related items.

| | | |
|---------------|--|----------------------------------|
| Mr.N.Harrison | Morton's Dairy, Kenyons Lane, Lydiate – S/2009/0215 - 2106091 appeal against an Enforcement Notice the effect of which would remove the hardstanding and take all resultant materials from the land to an authorised place of disposal; alleviate compaction of the underlying soil or subsoil as a result of the removal of the hardstanding by ripping soil to optimise surface water drainage; restoration of the land to its former condition and its former levels by filling excavation with soil. Finish levels shall exceed the adjoining undisturbed soil by a minimum 300mm to allow 20-25% differential settlement. | Dismissed 11/01/10 |
| Mr.N.Harrison | Morton's Dairy, Kenyons Lane, Lydiate – S/2009/0215 - 2104157 appeal against refusal of the Council to grant an application for a 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 | Partially allowed 11/01/10 |
| Mr.A.Payne | 20 York Close, Formby - S/2009/0533 - appeal against refusal of the Council to grant planning permission for the erection of a first floor extension to the front / side of the dwellinghouse (Resubmission of N/2008/0616, refused 23/09/08) | Dismissed 18/01/10 |

RESOLVED:

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

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Committee: PLANNING

Date of Meeting: 10 MARCH 2010

Title of Report: Petitioned Applications

Report of: Andy Wallis
Planning and Economic Development Director

Contact Officer: S Tyldesley (South Area) 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

| | | | |
|----------|--------------------|--|------------------------|
| A | S/2009/0771 | Car Park, Pendle Drive, Litherland | St Oswalds Ward |
| B | S/2009/1133 | The Croft, Thirlmere Road, Hightown | Manor Ward |
| C | S/2010/0061 | 19 Bath Street, Southport | Dukes Ward |

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Committee: **PLANNING**

Date of Meeting: **10 March 2010**

Title of Report: **S/2009/0771**
Car Park Pendle View, Litherland
(St Oswald Ward)

Proposal: Erection of a total of 8 two storey dwellinghouses comprising of two pairs of semi-detached dwellinghouses and one block of 4 town houses with associated landscaping and car parking. (Alternative to S/2009/0405 withdrawn 01/07/2009)

Applicant: Baker Properties Limited

Executive Summary

The proposal is for the construction of 8 dwellings on an existing car park on the junction of Pendle Drive and Bowland Drive. The application was deferred following the Planning Committee meeting in December 2009.

The issues relate to the impact of the proposal in terms of layout and design, the relationship of the scheme to neighbouring residential and retail premises, and the issues in respect of highway safety having regard to the reduced car parking available for the retail units as a result of the development. Issues of crime and anti-social behaviour are also relevant.

There has been discussion between the applicant and One Vision Housing (OVH) with regard to the future of Pendle Hall. This is reported in more detail within the main body of the report but it is considered that the previous recommendation of approval should remain.

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. X1 Compliance
3. S-106 Standard S106
4. M-2 Materials (sample)
5. M-3 Obscure Glazing
6. L5 Landscaping (scheme)
7. L-4 Landscape Implementation
8. M-6 Piling

9. No part of the development shall commence until details in respect of the following

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have been submitted to and approved in writing by the Local Planning Authority.

- a) a scheme for the reconstruction of the existing vehicular/pedestrian accesses onto Pendle Drive and Bowland Drive and the reinstatement of the footway,
 - b) a scheme for vehicular/pedestrian access to the development from Pendle Drive and Bowland Drive, and
 - c) a scheme of highway improvement works for the northern side of Pendle Drive and the eastern side of Bowland Drive together with a programme for the completion of the works.
10. No part of the development shall be occupied until the required highway improvement works as set out within condition 9 have been constructed in accordance with the approved details.
 11. H-6 Vehicle parking and manoeuvring
 12. Height restrictor bar to car park
 13. R-2 PD removal garages/ extensions/outbuildings
 14. No development as defined by Section 56 (a) of the Town and Country Planning Act 1990 shall commence in respect of the two dwellings identified as Block 'C' on drawing no. PH010 until such time as
 - a) a contract has been exchanged for the demolition of Pendle Hall and said building demolished, and
 - b) a full landscaping scheme covering the area of demolition, specific pedestrian links to public highway and steps to the retail parade (including a section drawing) has been submitted to and agreed in writing with the Local Planning Authority prior to the occupation of either dwelling within Block 'C'. The agreed scheme shall be implemented in full within nine months following the first occupation of Block 'C'. The applicant shall provide written notification of the date of first occupation to the Local Planning Authority to inform on the subsequent nine month deadline.
 15. The area to the rear of Block 'A' shall be landscaped as shown on drawing PH009 within nine months of the first occupation of any part of the development unless a material start has been made on Block 'C' following compliance with the requirements of Condition 14. The applicant shall provide written notification of the date of first occupation to the Local Planning Authority to inform on the subsequent nine month deadline.
 16. The proposed dwellings shall meet Code Level 3 Sustainable Homes.

Reasons

1. RT-1
 2. RX1
 3. RS-106
 4. RM-2
 5. RM-3
 6. RL1
 7. RL-4
 8. RM-6
 9. RH-1
 10. RH-1
 11. RH-6
 12. RH-6
 13. RR-2
14. To ensure that the proposal makes appropriate provision for addressing issues of crime and disorder and to comply with Sefton UDP Policies CS3 and DQ1.

15. To ensure that the proposal makes appropriate provision for addressing issues of crime and disorder and to comply with Sefton UDP Policies CS3 and DQ1.
16. To provide sustainable development and comply with UDP Policies CS3 and DQ1 and the South Sefton Interim Planning guidance.

Notes

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

The applicant is advised that agreements are required under Section 38 and Section 278 of the Highways Act 1980 will be required for all works to the adopted highway.

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.

Drawing Numbers

Location Plan, drawings PH001, 002, 003, 004, 005, 008, 009, 010, 011, coloured site plans, height restriction barrier detail.

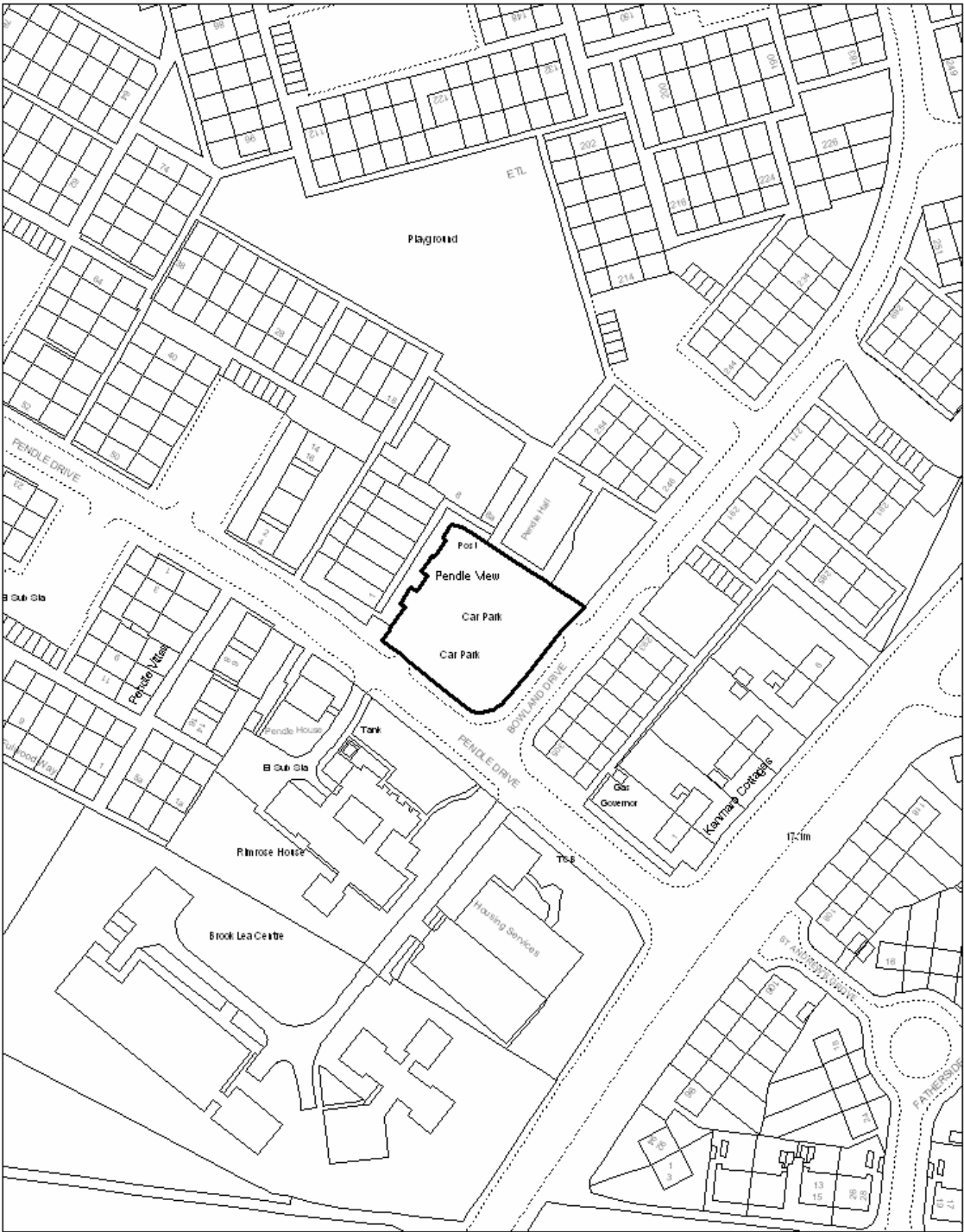
Agenda Item 4a

Financial Implications

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

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

History referred to
Policy referred to



| | | | |
|--|--|----------------------|--|
| Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small> | S/2009/0771 Car Park Pendle View Litherland | | Standard Site Plan Scale: 1:1250 Date: 23/2/2010 Drawn By: EBERT on |
| | OSGR: 334224, 399503 | Sheet(s): 1306, 130A | |
| <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): St Oswald Postcode Sector(s): L21 0 Polling District(s): B1 Parish(es): None Found |

Agenda Item 4a

original

Received by [unclear] Council Planning & Economic Regeneration Department, Bostle Office
 Date 15 OCT 2009

We the undersigned object to the submitted plans for the erection of dwelling homes to be built upon the now car park located upon Pendle Drive.

NEW PETITION 9-10-09

Name RESIDENTS Address Signature RESI.

| | | |
|--------------------|---------------------|-------------|
| x CTAYLOR | 303 BOWLAND DRIVE | [Signature] |
| MR CYRIL TAYLOR | 303 BOWLAND DRIVE | [Signature] |
| MISS LYNNE YOUNG | 301 BOWLAND DRIVE | [Signature] |
| MR DREW D RELL | 297 BOWLAND DRIVE | [Signature] |
| MRS ROSEMARY KELLY | 297 BOWLAND DRIVE | [Signature] |
| DONNA POWER | 295 BOWLAND DRIVE | [Signature] |
| AMCSWEENEY | 293 BOWLAND DRIVE | [Signature] |
| M Eddy | 287 Bowland DR | [Signature] |
| J Eddy | 287 Bowland DR | [Signature] |
| B. Moffett | 257 Bowland Drive | [Signature] |
| J. Arent | 257 Bowland Drive | [Signature] |
| D. Moffett | 257 Bowland Drive | [Signature] |
| J. Davies | 291 Bowland DR | [Signature] |
| N. Davies | 291 Bowland DR | [Signature] |
| Jackie Bond | 7 Bleasdale Way | [Signature] |
| K Grainger | 283 Bowland Drive | [Signature] |
| T Grainger | " " " | [Signature] |
| J Brady | 289 Bowland Drive | [Signature] |
| D. Brady | " " " | [Signature] |
| M Kenners | 246 " " | [Signature] |
| C. Ewan | 248 Bowland Drive | [Signature] |
| S. Doull | 248 Bowland Drive | [Signature] |
| M. Devlin | Page 26 Bowland | [Signature] |
| K Davies | 24, Fatheside Drive | [Signature] |

original

We the undersigned object to the submitted plans for the erection of dwelling homes to be built upon the now car park located upon Pendle Drive.

Received by Council Planning & Economic Development Office
Scanned by 15 OCT 2009

NEW PETITION 9-10-09

Name (RESIDENT) Address Signature (RESIDENT)

| | | |
|-----------------------|----------------------|-------------|
| Angela Long | 254 Bauland | A Long |
| Alison Sanders | 253 Bauland | A Sanders |
| Kath McKenna | 251 Bauland Drive | K McKenna |
| Peter Tandy | 271 Bauland Drive | P Tandy |
| K. Davies | 90 Bauland | K. Davies |
| Irene Long | 94 St Philips Avenue | I Long |
| William Long | 94 St Philips Avenue | W Long |
| Chris Cassens | 25 Amesty Road | C Cassens |
| E Sutton | 77 Smeadwell | E Sutton |
| L. Dempsey | 18 Pend. Drive | L. Dempsey |
| S. Dempsey | 18 Pend Drive | S. Dempsey |
| F. Dempsey | 18 Pend Drive | F. Dempsey |
| O. Dempsey | 18 Pend Drive | O. Dempsey |
| L. Dornity | 267 Bauland Drive | L Dornity |
| J. Dornity | 158 Bauland Drive | J Dornity |
| A. Dornity | 158 Bauland Drive | A. Dornity |
| A. Dornity | 158 Bauland Drive | A Dornity |
| Steven Stephen Davies | 93 Bauland Drive | S. Davies |
| CHRISTINE DAVIES | 93 BOWLAND DRIVE | C DAVIES |
| A. Hollaway | 1299 Bauland | A Hollaway |
| D. Hollaway | 299 Bauland | D. Hollaway |
| C. LESLEY | 250 BOWLAND DR. | C. LESLEY |
| D. COUSINS | 141 PENDLE DRIVE | D. COUSINS |
| L. WILDING | 20 Pendle Drive | L. WILDING |

Agenda Item 4a

The Site

The site comprises privately owned car park and landscaped area at the junction of Pendle Drive and Bowland Drive. It is accessible from both with no formalised secure boundary but slightly raised from footway level. The site is relatively flat but with a very slight south-north orientation.

There are residential properties to the north and east of the site, with a shopping parade in the applicant's ownership to the west, which has benefited from recent investment, and Pendle Hall to the north which is accessed from the car park and adjacent walkway. Pendle Hall is currently disused and boarded up.

Proposal

Erection of a total of 8 two storey dwellinghouses comprising of two pairs of semi-detached dwellinghouses and one block of 4 town houses with associated landscaping and car parking. (Alternative to S/2009/0405 withdrawn 01/07/2009)

History

S/2009/0405 - Erection of 8 no. two storey dwellings in two blocks comprising: six dwellings in block A and two dwellings in block B, layout of car parking spaces and landscaping works – withdrawn 1 July 2009

Consultations

Highways Development Control – no objection subject to conditions

Environmental Protection Director – no objection subject to piling condition

Merseyside Fire and Rescue – no objection

Merseyside Police ALO – no objection following redesign; see main report.

Neighbour Representations

Last date for replies: 16 October 2009.

A petition has been received containing 48 signatures sponsored by Councillor Mark Dowd. A number of other petitions have been submitted independently containing a combined total of 247 signatures.

Individual objections have been submitted from 1, 2, 3 and 6 Pendle View on the following grounds:

Reduced parking on site causing extra parking pressure on remaining area, in particular loss of parking for staff,

Congestion resulting from reduced levels of parking,

Impact on large goods vehicles,

New build blocking passing trade causing harm to business and prejudicing further investment into parade.

Letters of support have been received from Units 7 and 8 Pendle View – “the private investment by the landowner shows he has faith in the regeneration of our local community and can only help with the growth of our local businesses.”

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 |
| EP6 | Noise and Vibration |
| H10 | Development in Primarily Residential Areas |
| H12 | Residential Density |
| H3 | Housing Land Supply |
| R7 | Local Shopping Parades |
| South Sefton Interim Planning Guidance | |

Comments

Members will recall the deferral of this application in December 2009, following concern relating to the implications for the adjacent Pendle Hall. Further discussions have taken place in relation to this which are detailed in a separate section in the report.

The proposal seeks to develop part of the land fronting Bowland Drive with a total of eight two storey residential dwellings.

Two houses front the retail parade directly, with access via the existing car park, four fronting Pendle Drive and the remaining two Bowland Drive. The remaining land would serve as parking space for the retail units fronting the car park at present.

There has previously been a proposal for eight dwellings which was withdrawn. This scheme suffered chiefly from the failure to address key street scenes. In particular, there would be substantial side garden fronting Pendle Drive, houses turned at 90 degrees to Bowland Drive, and a large area of fencing addressing the public car park.

There was also concern raised regarding the loss of informal grassed area to the eastern end of the site adjacent to Bowland Drive, and the creation of a very narrow pedestrian walkway adjacent to Pendle Hall that would be unwelcoming and cause issues of anti-social behaviour.

The small grassed area fronting Bowland Drive is retained in the current scheme, whereas in the previous proposal it was intended to build a pair of semi-detached dwellings in this position.

The existing car park is unrestricted and not marked out, and whilst it is used in conjunction

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with the shopping parade, it is believed to be sufficient for the purposes of patrons. It is also used for the servicing of these premises though there is a gated service access to the rear of shops.

The proposal seeks to provide a smaller, but formalised parking layout containing 13 parking spaces (3 disabled), accessed from Pendle Drive. The layout is designed to ensure that the shops continue to benefit from parking provision on site whilst preventing the spread of vehicles onto the surrounding roads within the estate.

The site lies within a Primarily Residential Area and there is no objection in principle to the provision of eight dwellings on site. The key issue relates to their scale, appearance and layout.

Design

The revised scheme maintains eight dwellings, but adopts an entirely alternative approach in terms of the layout and positioning of dwellings. The aim is for this scheme to better address the street scene and to create a “mixed use” approach where the shops are seen to sit comfortably within a residential environment, as opposed to being entirely alienated as the original scheme would have done.

Two dwellings would front Bowland Drive, four would face Pendle Drive and the other two are accessed via the existing car park.

The dwellings are all two storey and meet required interface distances to other residential properties and also comfortably exceed minimum requirements for garden sizes. Side elevations are all designed to address the street scene and there are minimal instances of substantial side walling/fencing fronting the public highway.

In addition, there is low walling provided to front gardens ensuring there are no areas outside the development that would present issues of general maintenance. All public areas outside of the application site are closely overlooked.

Dwellings would be chiefly rendered with brickwork and imitation slate, and are of an attractive and simple design which responds very positively to the character and appearance of the surroundings. All properties are of a size and scale consistent with the prevailing pattern of development in the area.

The amended layout also maintains the informal grassed area above, and affords a reasonable means of access in the event of potential future development of Pendle Hall.

There are no existing residential properties that will be affected by way of overlooking or overshadowing and the scheme complies with policy in this regard.

In line with the requirements of South Sefton Interim Planning Guidance, the dwellings will require construction to Code 3 level Sustainable Homes and a condition is attached to this effect.

Impact on Shopping Parade

There is concern relating to the obscuring of retail premises when viewed from Gorsey Lane in particular as a result of the residential layout and the potential for a loss of passing trade. The retail premises have been subject to recent investment and are also within the applicant's control.

Whilst it is correct that the parade may to some degree be perceived differently, the development directly overlooks and addresses the residual car parking area. It is not considered that with the design proposed the layout will compromise the vitality or viability of the shopping parade as it stands at present. A number of retail units have remained vacant for a period of time in any event.

Car parking and Access

The reduced car park for the retail units would accommodate 13 vehicles. The existing car park would appear capable of accommodating more, but is not particularly well marked out and several site observations have demonstrated that there is no pattern to parking and that those using the car park generally park at random in the clearest available space. The existing and proposed car park would be in the applicant's control and are subject to his own management approach.

Having regard to available retail floorspace, the maximum standard for the retail parade is 22. However, the applicant has submitted traffic surveys demonstrating that the parking areas in question are very much underused and bearing in mind that policy requires adherence to maximum as opposed to minimum standards, it is considered that the parking area provided will be sufficient for the purpose of all users and it has been specifically designed to cater for the residential properties who will need access by way of a variance in materials and definable front garden boundaries.

The redesigned car park will be much safer, providing obvious disabled provision and the opportunity for cycle parking. It will also offer an ease of manoeuvrability that doesn't exist at present, and will in addition give rise to a much safer environment for the benefit of both pedestrians and vehicles.

Servicing provision is known to take place both to the front and rear of retail properties at present. However, the reduced car park area would clearly make servicing at the front a less desirable option, in respect of the restricted space available for such vehicles, and in regard to the potential blocking of available spaces.

A height restrictor bar will therefore be provided to prevent larger service vehicles using the car park. It is set back in the street scene and will be painted red and white to minimise its impact whilst making it appropriately easy to see. The measure will encourage retail premises to continue their servicing from the rear whilst ensuring that the car park is free from obstruction.

Trees/Greenspace

The scheme would require £13,472 in greenspace provision (£1,684 per dwelling) at 2009/2010 rates, and a total of 13 trees are proposed on site, 8 of which would be planted in the car park area to enhance the visual amenity in that location. This means 11 are required to be planted off site (£446 per tree) with a commuted sum requirement of £4,917 towards planting off site.

The scheme will therefore derive a total sum at 2009/2010 rates of £18,389.

Pendle Hall and issues of phasing/designing out crime

The application has been subject to detailed discussions relating to some specific design

Agenda Item 4a

matters in and around the vacant Pendle Hall ongoing with the Merseyside Police Architectural Liaison Officer.

In addition, following the Planning Committee meeting in December 2009, the applicant contacted One Vision Housing (OVH), the current owners of the hall, but not the grassed verge fronting Bowland Drive, with a view to progressing matters in respect of achieving a more comprehensive form of development incorporating the hall and in potential partnership with OVH. However, this has not proved possible on a reasonable timescale due to consultation requirements.

The applicant owns all of the land surrounding the hall to the south and east, including the grass verge fronting Bowland Drive. He has also made a written offer to OVH for the hall with an undertaking that he would undertake the costs of its demolition.

A number of representations have been received in respect of the potential for crime and anti-social behaviour and there has been significant discussion subsequently with the applicant and the Police ALO to ensure that this issue is appropriately addressed.

The specific areas of concern relate to the walkway dividing the retail units from Pendle Hall on the northern point of the site.

The Police ALO considers that the building of all 8 houses whilst Pendle Hall is in place will give rise to problems regardless of how they are laid out. The presence of the alley and boarded up windows with a handrail running adjacent to new residential properties will in his opinion present a very uncomfortable residential environment. This would exacerbate an existing known scenario where the police are being called on a regular basis to address gathering youth under the sheltered retail parade.

The Director shares this concern. However, to secure residential redevelopment and a suitable compromise, it is accepted that the problems of anti social behaviour can be minimised and issues reduced significantly by splitting the development effectively into two phases.

The pair of semi-detached dwellings fronting the car park would be those most exposed as a result of the issues being raised. Those fronting Bowland Drive and Pendle Drive have been identified not to suffer the same problems if constructed as proposed.

As such, the Planning and Economic Regeneration Director would consider it reasonable for development to proceed on the basis of only those six dwellings being constructed and occupied before Pendle Hall is demolished. The pair fronting the car park could only be commenced when Pendle Hall is demolished, and all debris is cleared.

In the event that the applicant is unable to secure the demolition, it is a requirement prior to occupation of any frontage dwellings that a specific agreed planting scheme is in place adjacent to the existing car park.

The scheme involves turfing the land over and providing robust planting around the edges to the rear of residential properties. The area would not be secluded and would benefit from the overlooking of residents and all retail shops, with the car park adjacent. A low level fence would also be provided to prevent its use as a temporary overspill car park.

Similar planting will also be provided on the land to the north of the northernmost dwelling fronting Pendle Drive and the boundary treatment would be of a railed form.

Agenda Item 4a

The package of measures is such that the Police ALO no longer has a objection to the proposal subject to these measures and indeed specifically states that a scheme can be designed allowing a safe and welcoming area leading to the shops that will not be a crime or disorder generator that will allow the 2 houses to be built once the scheme is designed.

It is considered that the applicant is entitled to receive a decision based on the fact that he has a development that is in its own right entirely compliant with planning policy and for which specific safeguards have been built into the decision making process to satisfy the concerns of the Police in terms of crime and anti-social behaviour. The granting of permission will not interfere with the continued appraisal of OVH.

The applicant has been extremely proactive in trying to seek solutions but it must be noted that he has the right to appeal against non-determination of the application at any time until 19 May 2010. It is recommended that planning permission be granted.

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 March 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.
4. Before the development is commenced, a landscaping scheme covering the land

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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.

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

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.

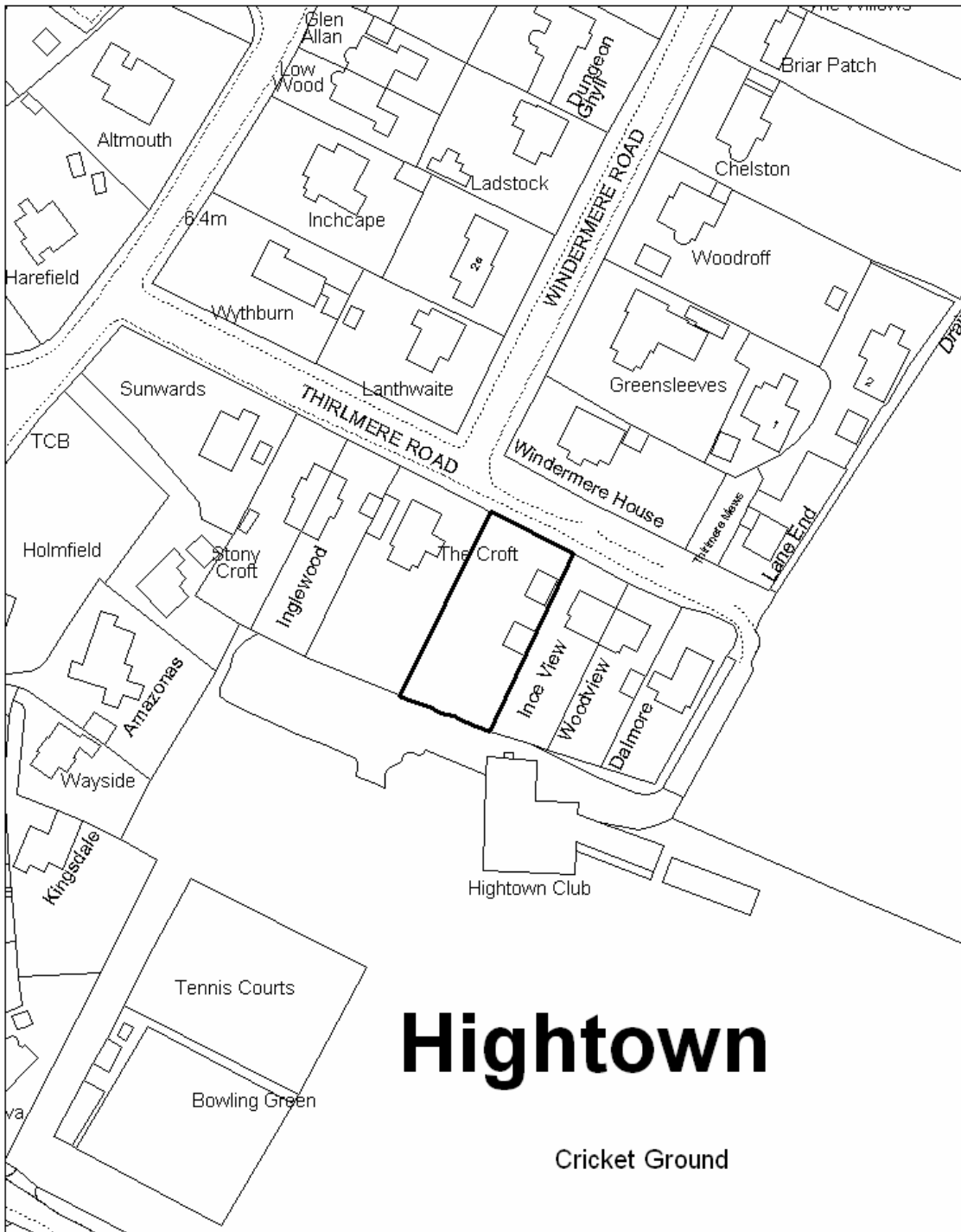
Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 4b



Hightown

Cricket Ground

| | | | |
|--|--|----------------|--|
| Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small> | S/2009/1133 Land adjacent to The Craft 8 Thirlmere Road Hightown L38 3RQ | | Standard Site Plan Scale: 1:1250 Date: 23/2/2010 Drawn By: BBERT 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): Manor Postcode Sector(s): L38 3 Polling District(s): 10 Parish(es): Hightown C |

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: 31st December 2009.

Ward Councillor Debi Jones has called in this application to be determined by Planning Committee.

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 a copy of a petition of 30 names has been received objecting to the proposal on the grounds that the modern design is out of character.

Agenda Item 4b

As expressed through informal correspondence, this petition has been supported by Councillor Jones. However a valid petition to speak has not been received at the time of writing, as a copy will not suffice for this purpose.

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

This application was deferred at the February meeting because a petition of objection had not been reported.

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 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.

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.

Agenda Item 4b

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

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

Committee: **PLANNING**

Date of Meeting: **10 March 2010**

Title of Report: **S/2010/0061**
19 Bath Street, Southport
(Dukes Ward)

Proposal: Change of use of existing Bed & Breakfast premises into 5 self-contained flats after demolition of existing rear conservatory and store (alternative to S/2009/0958 refused 17/12/2009)

Applicant: Mr I Conway

Executive Summary

This application is seeking consent for the change of use of the former bed and breakfast premises to five self-contained flats after demolition of rear conservatory and store (alternative to S/2009/0958 refused 17/12/2009).

The main issues for consideration in the assessment of this application are the principle of development in the Southport Resort Area, impact on amenity, compliance with policy on flat conversions and SPG New Housing Development.

Recommendation(s) Approval

Justification

The proposal is appropriate within the Southport Resort Area, Southport Central Area and will preserve and enhance the character and appearance of the Conservation Area. The scheme has no significant detrimental impact on residential amenity and complies with policy in terms of tree planting and greenspace provision. The proposal therefore complies with policies EDT13, HC1, MD2, DQ3 and DQ4 of Sefton's Adopted UDP.

Conditions

1. T-1 Full Planning Permission Time Limit
2. L-4 Landscape Implementation
3. H-6 Vehicle parking and manoeuvring
4. H-7 Cycle parking
5. M-4 Window Details
6. Prior to the commencement of development, details of the materials to be used in the hardsurfacing area to the front of the property shall be submitted to and approved in writing by the Local Planning Authority.
7. S-106 Standard S106

Agenda Item 4c

8. X1 Compliance

Reasons

1. RT-1
2. RL-4
3. RH-6
4. RH-7
5. RM-4
6. RM1
7. RS-106
8. RX1

Notes

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

Drawing Numbers

409/1A, 1254/01

Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 4c



| | | | | | |
|---|--|--|--|--|--|
| Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small> | | S/2010/0061 19 Bath Street Southport PR9 0DP OSGR: 333640, 417570 Sheet(s): 489C Area: 279 sqm | | Standard Site Plan Scale: 1:1250 Date: 23/2/2010 Drawn By: BEERT on | |
| <small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921</small> | | <small>Created by Sefton Council Planning & Economic Regeneration Department using MapInfo</small> | | Ward(s): Dukes Postcode Sector(s): PR9 0 Polling District(s): W2 Parish(es): None Found | |

The Site

The site is a three storey, semi-detached property on the north-western side of Bath Street. The surrounding area is characterised by a mix of guest houses, small hotels and residential properties and forms part of the Southport Central Area. An area of hard surface is situated in front of the property with a very small yard area to the rear.

Proposal

Change of use of existing Bed & Breakfast premises into 5 self-contained flats after demolition of existing rear conservatory and store (alternative to S/2009/0958 refused 17/12/2009).

History

89/0069/S Conservatory at front 17/19 Bath Street - Refused 22/03/89.

88/1014/S Conservatory at front 17/19 Bath Street - Non-determined.

N/2003/0988 Installation of patio doors and windows to replace existing windows to front - Refused 27/11/2003.

N/2009/0958 Change of use to 6 self-contained flats involving alterations to the elevations after demolition of existing rear conservatory and store - Refused 17/12/2009.

Consultations

Environmental Protection Director – No objection

Highways Development Control - The proposal includes the provision of two off street parking spaces for the 5 self-contained flats which is acceptable, given the accessible location of the site within the town centre. Some provision for cycle parking is made within the rear yard of the premises. There is an existing footway crossing in situ on Bath Street which will cater for vehicular access to both car parking spaces, however its position does not correspond with the location of the proposed vehicular access.

Neighbour Representations

Last date for replies: 26 February 2010

Received: Letters of objection received from 4, 6 Bath Street raising a number of concerns:

- Will lead to other properties converting into flats which would change bath Street from a tourist/holiday area into 'bedsit street' and the associated social problems.

Agenda Item 4c

- Would be detrimental to the Conservation Area, and the image of Southport Classic Resort which Southport Tourist Board are promoting.

A petition of 25 signatures has been submitted in objection to this application. The petition is reported as an objection and not a petition to speak at this stage.

Policy

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

| | |
|-------|-----------------------------------|
| DQ1 | Design |
| DQ3 | Trees and Development |
| DQ4 | Public Greenspace and Development |
| EDT14 | Southport Resort Area |
| HC1 | Development in Conservation Areas |
| MD2 | Conversion to Flats |

Comments

The main issues for consideration in the assessment of this application are the principle of development in the Southport Resort Area, impact of the proposal on the character and appearance of the Conservation Area and street scene, impact on amenity, compliance with policy on flat conversions and SPG New Housing Development.

This application is a re-submission of an earlier application for 6 flats which was refused for a number of reasons including poor quality accommodation, residential amenity, window design on the front elevation and impact on the Conservation Area, and failure to comply with policies DQ3 and DQ4. This application for 5 flats has tried to address these issues with a completely different internal layout which includes duplex flats to enable each habitable room to have reasonable outlook and each flat to be of an appropriate size.

Principle

The site lies within the Southport Resort Area where policy EDT14 is relevant. This policy states that development will be permitted in this area which maintains and enhances the area's tourist function. In this case, the property was previously in use as a guest house but has been vacant for some time following its sale with no. 17 adjacent. The property adjacent at no. 17 has recently been refurbished as a guest house but this site has remained vacant. The current vacant state of the property does not maintain or enhance the tourist function of this area.

The site also lies within the Southport Central Area and policy EDT13 allows development which makes a positive contribution to the economic function of the area, re-using land and buildings which strengthen the mixed economic, cultural, service and residential function and wider role of the area.

In this case, it is considered that whilst residential use may not directly enhance the area's tourist function, it does maintain the existing function / status of the area on the basis that the property has been vacant for some time and there are other residential properties in the area. The re-use of a building in this central location will be of benefit to the mixed function and wider role of the area, in accordance with policy EDT13.

The principle of this conversion into residential use is therefore on balance considered to be acceptable.

Residential Amenity

The five flats are considered far more appropriate than the six originally applied for given the revised layout which is significantly different.

The flats proposed range between approximately 44 sq m (Flat 1 which is a one bedroom flat) and 106 sq m (Flat 2 which is a duplex across the ground and first floor). The flats also include the use of the roofspace in the outrigger to provide a bedroom for Flat 4. The arrangement of rooms within each flat is considered acceptable on the basis that each habitable room has a reasonable outlook. Bedroom 2 of flat 2 is the only window to a habitable room which faces the side outrigger of the adjacent property. As this is a second bedroom this is considered on balance to be appropriate. The level of amenity for potential occupants of the flats is considered to be appropriate.

The demolition of outbuildings/extensions to the rear have increased the level of amenity space to the rear of the flats which is welcomed. Whilst the amenity space is lower than the 30 sq m per flat recommended in SPG New Housing Development, the site lies within the Central Area where there is a ready supply of open space and the level of amenity space is therefore considered appropriate.

In terms of other details of the scheme, approximately one third of the frontage of the site is shown as soft landscaping which complies with guidance on flat conversions and two car parking spaces are shown to the front of the site. Highways Development Control have stated that they are satisfied with the proposal. A small bin store area is shown to the rear of the site and some provision is made here for some cycle parking to the rear.

The overall level of amenity is considered to be satisfactory and as such complies with policy.

Impact on character and appearance of the Conservation Area

There are limited external alterations proposed to the property to facilitate this conversion which involve the removal of a rear conservatory, single storey rear outrigger and lean to store at the side and alterations to window positions on the side elevation of the outrigger to the rear. The alterations at the rear of the property do not affect the character and appearance of the Conservation Area. No concerns are raised in conservation terms for this scheme.

Agenda Item 4c

Trees and Greenspace

Policy DQ3 requires the provision of 3 new trees per dwelling to be provided on the site and policy DQ4 seeks a financial contribution towards the provision or improvement of public greenspace for proposals of 5 or more dwellings.

Fifteen trees are required for this scheme under policy DQ3 and the plans show that four trees are to be planted on the site, two at the front and two to the rear. This is considered appropriate and the remaining 11 will be planted off-site at a cost of £447 per tree. The applicant has agreed in writing to pay the £4,917 for off-site planting via section 106 agreement. The proposal therefore complies with policy DQ3.

Policy DQ4 requires a financial contribution towards public greenspace improvements or provision at a cost of £1,684 per dwelling. The total contribution is therefore £8,420 and the applicant has agreed to pay this sum via a section 106 agreement. The proposal therefore complies with policy DQ4.

Comments of objections received

Neighbours have raised objections to the proposed flat conversion on the basis that it will detrimentally affect the resort area if more flats are permitted. Other flat conversions in the street have resulted in the deterioration in the quality of the area and this, if approved, will set a precedent for further changes which will alter the character of the area from bed and breakfast / hotel accommodation to become flats. As stated earlier, policy EDT13 allows for a mix of uses which strengthen the wider role of the area including its residential function. It is considered that to bring back into use a large vacant building will have a benefit to the wider area and outweigh the need to retain buildings for hotel use. Furthermore, each application is considered on its individual merits and does not set a precedent.

Conclusion

The principle of the conversion of the property into flats is considered acceptable, despite the fact that residential use may not directly enhance the area's tourist function, it does maintain the existing function / status of the area on the basis that the property has been vacant for some time and there are other residential properties in the area. The re-use of a building in this central location will be of benefit to the mixed function and wider role of the area, in accordance with policy EDT13.

The level of amenity provided within the proposed flats is appropriate and each habitable room has a reasonable level of outlook. The proposal will not have a significant detrimental effect on residential amenity for neighbours and will preserve, if not enhance, the character and appearance of the Conservation Area by bringing back into active and appropriate use a large vacant property.

The application is therefore recommended for approval.

Agenda Item 4c

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

Case Officer: **Andrea Fortune** Telephone **0151 934 2208**
(Wed, Thurs, Fri only)

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Agenda Item 5

Committee: **PLANNING**

Date of Meeting: **10 MARCH 2010**

Title of Report: **Planning Approvals**

Report of: **Andy Wallis**
Planning and Economic Development Director

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

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

Purpose of Report

The items listed in this Appendix are recommended for approval.

Recommendation

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

Corporate Objective Monitoring

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

Agenda Item 5

Financial Implications

None

Departments consulted in the preparation of this Report

See individual items

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

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

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

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

Approvals Index

| | | | |
|----------|--------------------|--|-----------------------|
| A | S/2010/0021 | Land rear 22 Heathfield Road, Southport | Ainsdale Ward |
| B | S/2010/0058 | Land adj to 1 Blundell Grove, Hightown | Manor Ward |
| C | S/2010/0093 | 30 Moorgate Avenue, Crosby | Victoria Ward |
| D | S/2010/0146 | Land at Trinity Park, Orrell Lane, Bootle | Netherton Ward |
| E | S/2010/0233 | Queens/Bedford Road, Bootle | Linacre Ward |

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Committee: **PLANNING**

Date of Meeting: **10 March 2010**

Title of Report: **S/2010/0021**
Land to rear 22 Heathfield Road, Birkdale
(Ainsdale Ward)

Proposal: Outline Planning Permission for the erection of a detached bungalow in the garden to the rear

Applicant: Mr & Mrs James & Hannah Talbot

Executive Summary

This application is seeking outline permission for the erection of a detached bungalow in the garden to the rear. Matters included for consideration at this time are access, landscaping, layout and scale with the appearance of the dwelling being reserved for future consideration.

The main issues in the assessment of this application are the principle of development, the impact on residential amenity, compliance with tree planting policy and guidance on New Housing Development.

Recommendation(s) Approval

Justification

The proposed dwelling is appropriate in terms of scale and layout, provides a good standard of accommodation, will not have a significant detrimental impact on amenity of neighbouring properties by virtue of overshadowing or overlooking and complies with the adopted policies CS3, DQ3 and H10. The granting of planning permission is therefore justified.

Conditions & Reasons

1. T-2 Outline planning permission (Time Limit)
2. T-3 Reserved Matters (Time Limit)
3. The detailed plans submitted as reserved matters shall include a survey of existing and proposed ground levels, sections across the site and details of the finished slab level for the property.
4. M-6 Piling
5. H-2 New vehicular/pedestrian access
6. D-2 Restriction to bungalow (Outline)
7. R-2 PD removal garages/ extensions/outbuildings
8. L-4 Landscape Implementation
9. X1 Compliance

Agenda Item 5a

APPENDIX 5A

Reasons

1. RT-2
2. RT-3
3. In the interests of privacy and neighbouring residential properties and to comply with Sefton UDP policy H10.
4. RM-6
5. RH-2
6. RD-2
7. RR-2
8. RL-4
9. RX1

Notes

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

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

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

Development massing drawing received 25/02/10; Site layout received 24/02/10

Financial Implications

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

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

History referred to
Policy referred to



| | | |
|--|--|---|
| Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small> | S/2010/0021 Land to rear 22 Heathfield Road Birkdale PR8 3DX OSGR: 332819, 413207 | Standard Site Plan Scale: 1:1250 Date: 23/2/2010 Drawn By: EBERT on |
| | Sheets: 406D Area: 1016 sqm | Ward(s): Ainsdale Postcode Sector(s): PR8 3 Polling District(s): R1 Parish(es): None Found |

The Site

The site is an area of private garden in a backland location at the rear of 22 Heathfield Road. Access to the site is via an existing driveway immediately adjacent to and which serves the existing the semi-detached dwelling (no. 22).

Proposal

Outline Planning Permission for the erection of a detached bungalow in the garden to the rear.

History

None

Consultations

Highways Development Control – The installation of the proposed new access will involve the removal and relocation of an existing lighting column on the highway. This will be at the expense of the applicant as well as the construction of the vehicular access. In view of this, there are no objections to this application subject to conditions relating to new vehicular / pedestrian access being created.

Environmental Protection Director – No objection in principle. Need piling condition.

Neighbour Representations

Last date for replies: 3rd February 2010

Received: Three anonymous letters received from neighbours raising the following concerns:

- Proximity to boundary of neighbouring properties – effect on outlook
- Further loss of trees on site
- Site already operating a logging business and has caused noise and disturbance
- Will the accommodation on site proposed result in an intensification of the business use?
- Concern that the bungalow will become a dormer (as a staircase is shown on the plan) and therefore increase the size and height at a later date.
- Property values will reduce even though they know it is not a planning issue
- Loss of privacy for surrounding neighbours
- Difficult to assess impact when only approximate dimensions have been submitted
- Proposed dwelling should be sited in different position facing north which would prevent overlooking

Policy

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

Agenda Item 5a

APPENDIX 5A

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

Comments

The application is seeking outline planning consent for the erection of a detached dwelling at the rear of 22 Heathfield Road. Matters included for consideration at this time are access, landscaping, layout and scale. The appearance of the proposed dwelling is reserved for future consideration.

Principle

The principle of the erection of a single dwelling on this site is acceptable on the basis that the site lies within a primarily residential area as identified on the adopted UDP proposals map and also that there is no current housing restraint mechanism in place. Policy L4 recommends that LPAs should monitor and manage the availability of land through development control decisions to achieve the housing provision requirement.

Layout

The siting of the dwelling is proposed to be in the eastern corner of the site, closest to dwellings fronting both Heathfield Road and Carr Lane. This is to enable the applicant to still drive his business vehicle into the site and turn it to exit whilst still in forward gear which was a requirement of the site layout from the applicant's point of view. Concern has been raised by neighbouring properties that the proposed bungalow will be very close to the rear boundaries of their dwellings and as a result will have a detrimental impact on their outlook. When assessing this application, it was felt that the dwelling would be better sited more centrally within the site, away from the boundaries with surrounding dwellings. This is in order to protect the amenity of surrounding dwellings but also to enhance the amenity of potential occupants of the dwelling. Outlook from any windows on the elevations facing the neighbouring boundaries at close proximity is limited and would benefit from being further away from the boundaries.

An amended plan has been submitted showing the dwelling in a slightly different position but still in the eastern part of the site. The applicant has stated that this is the optimum siting of the dwelling for their purposes as they wish to retain sufficient space within the site to turn their business vehicle around and that it affords a reasonable spacing around the proposed dwelling.

APPENDIX 5A

Having considered the revised siting of the dwelling, it is accepted that the main habitable room windows all have reasonable outlook, and many of which have dual aspect in any case. The kitchen window is 5.5m off the boundary and as such has an appropriate level of outlook. The layout and siting of the dwelling is therefore considered acceptable.

Scale

The application seeks consent for the erection of a single storey dwelling. The dwelling will be a true bungalow and conditions can be used to ensure that no dormer windows can be inserted without prior consent. The proposed eaves height of the dwelling is 2.15m with the maximum ridge height being 4.5m. This has been reduced slightly from the original submission.

Given the siting of the bungalow on the site it is considered that its scale and massing proposed is appropriate. The eaves height is only marginally higher than that of a standard garden fence that could be erected without consent and the ridge, at 4.5m high, and at a distance of 8 metres to the rear boundaries of the nearest neighbouring dwellings, is considered to also be appropriate. The scale of the dwelling will not cause significant detrimental harm to residential amenity in terms of overshadowing or overlooking given its limited height and that all windows are at ground floor. Rooflights will be inserted to enable the roofspace to be utilised for additional accommodation but the position of these will not be agreed until reserved matters stage.

Access

Access to the proposed bungalow will be via an existing vehicular access at the side of no. 22 Heathfield Road. This access is currently used by the owner of the site and will continue to do so along with serving the new dwelling. The access fails to meet the recommended minimum distance of 3 metres from the side wall of adjacent residential dwellings on the basis that there is a window in the side elevation of no. 22 which serves the kitchen. However, a 2 metre high boundary wall is proposed to be erected between the existing dwelling and the access to the backland site. This wall was in situ at the time of the site visit and afforded sufficient protection of the amenity of the occupants of no. 22. Despite the access not strictly complying with the recommended distance set out in SPG it is considered on balance that the access is totally screened from no. 22 with the 2 metre high wall and as it will only be serving one bungalow, the level of noise and disturbance to the frontage dwelling is limited. The access is therefore considered to be appropriate in this instance.

Landscaping

Policy DQ3 requires the provision of 3 new trees to be planted on site per new dwelling created and two new trees to be planted for every tree removed. In this case 5 new trees are required to be planted on the site. The site layout plan submitted shows 5 new trees to be planted which complies with this policy. In terms of other landscaping to the site, an amended plan has been submitted showing the detailed landscape proposals along the boundaries of the site which are to be enhanced by significant shrub planting which will afford screening to both neighbouring properties and proposed occupants of the dwelling. This is considered to be acceptable.

Agenda Item 5a

APPENDIX 5A

Conclusion

The principle of the erection of a true bungalow on this site is acceptable given it lies within a residential area. Whilst the access is close to the side of no. 22, it has been used for some time as an access serving the land to the rear which was used for storage for the owner's tree surgeon business and given the 2m high wall between the access and no. 22, the impact on amenity is not considered to be significantly detrimental. The appropriate level of tree planting and landscape enhancement to the boundaries has been proposed and the scale of the bungalow proposed is also appropriate in this location. The application therefore complies with the Council's adopted policies and is therefore recommended for approval.

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

Case Officer: **Mrs A Fortune Telephone 0151 934 2208 (Wed,
Thurs, Fri only)**

| | |
|------------------|---|
| Committee: | PLANNING |
| Date of Meeting: | 10 March 2010 |
| Title of Report: | S/2010/0058 Land Adjacent 1 Blundell Grove, Hightown (Manor Ward) |
| Proposal: | Erection of a two storey detached dwelling and new boundary wall. |
| Applicant: | Mr Kenneth Ball |

Executive Summary

This proposed two-storey dwelling within the curtilage of Number 1 Blundell Grove Hightown is appropriate in style, height, scale and massing to the street scene of Blundell Grove and makes a positive contribution to the character of the surrounding area. The dwelling will not result in a significant loss of residential amenity to neighbouring properties by virtue of overshadowing or overlooking and complies with the Council's adopted policies CS3, H10 and DQ1.

Recommendation(s) Approval

Justification

The proposed replacement dwelling is appropriate in style, height, scale and massing to the street scene of Blundell Grove 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. The ground and first floor windows to the east elevation facing Number 1 Blundell Grove shall not be glazed otherwise than with obscured glass and top hung and thereafter be permanently retained as such.
3. 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.
4. 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
5. M-6 Piling
6. Before the development is commenced, a landscaping scheme covering the land

Agenda Item 5b

subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including

- i) existing and proposed levels or contours;
 - ii) proposed and existing services above and below ground;
 - iii) details of boundary treatments and hard surfaces;
 - iv) the location, size and species of trees to be planted;
 - v) the location, size, species and density of all shrub and ground cover planting;
 - vi) a schedule of implementation.
7. L-4 Landscape Implementation
 8. The development permitted by this planning permission shall not be started by the undertaking of a material operation as defined in Section 56(4) (a-e) of the Town and Country Planning Act 1990 until a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 has been made and lodged with the Local Planning Authority and the Local Planning Authority has given its approval in writing. The planning obligation will provide that a commuted sum payment as required by Policy DQ3: Trees and Development of the Sefton Unitary Development Plan will be paid to the Local Planning Authority for amenity purposes.
 9. X1 Compliance

Reasons

1. RT-1
2. To safeguard the amenities of occupiers of adjoining properties and to comply with polices CS3 and DQ1 of the Sefton Unitary Development Plan.
3. 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.
4. RH-2
5. RM-6
6. In the interests of visual amenity and to accord with Unitary Development Plan policy DQ3.
7. RL-4
8. To ensure that the development provides appropriate tree planting and complies with Policies DQ3 of the Sefton Unitary Development Plan.
9. RX1

Drawing Numbers

5809-1, 5809-2, 5809-3

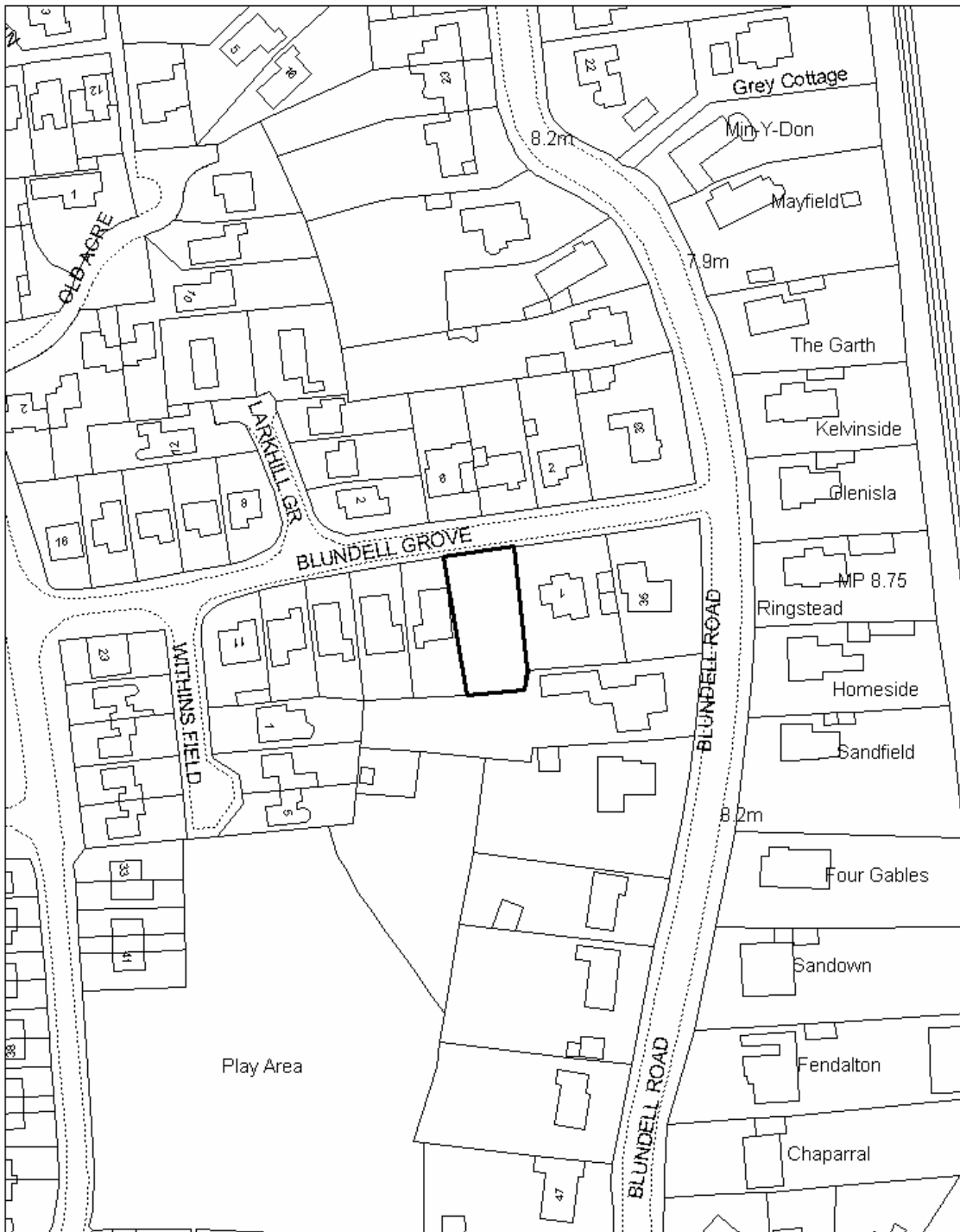
Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5b



| | | |
|--|---|---|
| Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small> | S/2010/0058 Land Adjacent 1 Blundell Grove Hightown L38 9EA | Standard Site Plan Scale: 1:1250 Date: 23/2/2010 Drawn By: EBERT on |
| | OSGR: 329956, 403153 Sheet(s): 205D Area: 594 sqm | Ward(s): Adaxor Postcode Sector(s): L38 9 Polling District(s): 20 Parish(es): Hightown C |

The Site

Land forming part of the side garden to Number 1 Blundell Grove, Hightown

Proposal

Erection of a two storey detached dwelling and new boundary wall.

History

None.

Consultations

Highways DC – No objections to the proposal as the proposed boundary wall provides a satisfactory visibility splay. Request that conditions are to be attached to any approval.

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

Neighbour Representations

Last date for replies: 11th February 2010.

Representations received: Letter of objection from Number 3 Blundell Grove. Points of objection relate to the impact upon Number 3 and local wildlife.

Policy

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

| | |
|-----|--|
| AD2 | Ensuring Choice of Travel |
| CS3 | Development Principles |
| DQ1 | Design |
| DQ3 | Trees and Development |
| EP6 | Noise and Vibration |
| H10 | Development in Primarily Residential Areas |
| H3 | Housing Land Supply |

Comments

As the proposal site is within a Primarily Residential Area then residential development is acceptable so long as it responds harmoniously to the character of the area and does not harm neighbouring residential amenity.

Scale & Appearance

Agenda Item 5b

The character of the adjoining Blundell Road is of detached two-storey dwellings, while to Blundell Grove it is a mixture of true bungalows and two-storey detached properties, the majority of which have resulted from post war housing development to the west of the site towards the coast. As such, the proposed two-storey detached dwelling is of a form that is consistent with residential properties within the area.

While the proposed dwelling does not echo the appearance of Number 1 Blundell Grove it is clearly evident that Number 1 Blundell Grove is a unique building, erected in 1936, of a style not evident within Hightown by virtue of its flat roofs. Although the replication of this form would not be out of character with the area, the proposed building is of a form that lessens the stark contrast between Number 1 and modern properties on Blundell Grove and should therefore be supported.

As is evident from site visit and from submitted drawing 5809-1, the road level increases from east to west, so that Number 1 is set at least 1.5 metres lower than the bungalow at Number 3. Furthermore, Numbers 3 - 7 Blundell Grove are set back from the highway within raised plots.

The sloping roof to the right hand side of the proposed dwelling shows clear consideration for the scale of the true bungalow at Number 3 with an eaves height lower than that of this neighbouring dwelling that is achieved through the increase in ground level. The sloping roof allows the 7.5 metre ridgeline to be set over 8 metres from the boundary to Number 3 thereby responding harmoniously to the appearance of the street scene.

The use of facing brick, render and interlocking roof tiles to the proposal reflect materials used within the locality, while the modest 1.5 metre boundary wall is of a size and scale commensurate with boundary treatments to Blundell Road and to Number 1 Blundell Grove.

Therefore the proposal will comply with SPG New Housing Development and UDP policies CS3, DQ1 and H10 in this regard.

Residential Amenity

The first-floor windows to the east elevation will face on to the blank side elevation of Number 1, and while there aren't any windows to the first-floor of this property, the applications states that these windows are to be obscurely glazed, which will be ensured through a suitably worded condition.

In addition, the ground floor windows to the east side of the proposed dwelling towards Number 1 have the potential, by virtue of the ground levels of the respective plots, to give rise to overlooking to the detriment of the amenity of the occupiers of Number 1. As such, a suitably worded condition will be attached to ensure that all the windows to the ground floor east elevation are obscurely glazed and fixed shut/top hung.

The two skylights to the west elevation will serve the internal staircase and in addition to their height and positioning within the roof slope, they will not contribute to the loss of amenity to Number 3 by overlooking.

As Number 3 lies to the west of the application site they benefit from south facing rear gardens and as the bulk of the proposal is set away from the boundary it will not cause harm to the amenity of the neighbouring property through overshadowing the rear garden to an

unreasonable degree.

The proposal will have a garden depth of 14 metres from the principle rear elevation, which exceeds the requirement of Supplementary Planning Guidance 'New Housing Development' and will ensure that the first-floor windows to the rear elevation will not overlook the large garden to the rear of Number 37 Blundell Road to the south.

Therefore the proposal will comply with SPG New Housing Development and UDP policies CS3, DQ1 and H10 in this regard.

Trees & Development

Following the submission of a tree survey and guidance from the Council's Tree Officer, it is clear that 14 (fourteen) trees are to be removed to enable development. None of these trees are of sufficient quality to require preservation. Replacement planting can provide appropriate provision for wildlife including red squirrels if appropriate species are chosen. So as to comply with Unitary Development Plan policy DQ3 where trees are to be removed to enable development they must be replaced on at least a 2:1 basis, in addition to the three new trees required per new residential dwelling. Therefore, a total of 31 (thirty one) trees are required on this site. Based upon the initial landscaping plan it is clear that this number cannot be wholly accommodated within the site and as such, the applicant will be expected to enter into a legal agreement to provide for off-site tree planting. This will be ensured through a suitably worded condition.

After considering all of the above it is recommended that the application 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 March 2010**

Title of Report: **S/2010/0093**
30 Moorgate Avenue, Crosby
(Victoria Ward)

Proposal: Erection of a two storey extension to the rear of the dwellinghouse (resubmission of S/2009/1127 withdrawn 26/01/2010)

Applicant: Mr A Walker

Executive Summary

The main issues to consider are compliance with policy and the impact on neighbouring residential amenities. It is the impact of the first floor element of the extension on the residential amenities of Nos. 94 & 96 the Northern Road which is of particular concern.

Recommendation(s) Approval

Justification

The proposed development by reason its siting and design, would have no significant detrimental effect on either the character of the street scene or on the amenities of the neighbouring occupiers and therefore complies with UDP policy MD1/SPG House Extensions.

Conditions

1. T-1 Full Planning Permission Time Limit
 2. M-3 Obscure Glazing
 3. M-1 Materials (matching)
 4. X1 Compliance
1. RT-1
 2. RM-3
 3. RM-1
 4. RX1

Drawing Numbers

A/313/01A

Agenda Item 5c

Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5c

The Site

A detached two storey dwellinghouse situated on the south side of Moorgate Avenue.

Proposal

Erection of a two storey extension to the rear of the dwellinghouse (re-submission of S/2009/1127 withdrawn 26/01/2010)

History

S/2010/1127 Erection of a two storey extension to the rear of the dwellinghouse – withdrawn 26/01/2010

Consultations

N/A

Neighbour Representations

Councillor Tonkiss has requested a site visit by the Visiting Panel to view the site from No. 94 The Northern Road. Comments:- extension should be limited to single storey, two storey will eliminate any view of the sky for residents at Nos. 94 & 96 The Northern Road at ground level, it will reduce natural heat from the sun and heating costs will rise (significant factor for elderly resident), will block out light into rear living room where she sits and reads books whilst looking out of the window.

Letters of objection from Nos. 94 & 96 the Northern Road re: Living room is 12ft x 10ft (which faces the side of No. 30) where sit, eat, gaze out of window, can see sky and clouds with light in the room, indoors most of the day (as in 80's), will be deprived of all this, huge high extension, single storey extension would be acceptable. Already large extension and chimney which blocks sunlight and casts shadow over house and garden, proposal will block direct sunlight to garden, will be an eye-sore to ourselves, neighbours and future buyers, de-value property making it more difficult to sell, invasion of privacy, affect quality of life, loss of light to property and sunny garden (suffer from illness resulting from lack of direct sunlight which improves quality of life – this would be lost).

Policy

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

MD1 House Extensions
SPG House extensions

Comments

The main issues to consider are compliance with policy and the impact on neighbouring residential amenities.

Policy

Policy MD1 and the associated SPG seeks to ensure that extensions appear as sub-ordinate to the main dwelling and that they do not adversely affect the residential amenities of neighbouring occupiers. The SPG recommends that blank walls of two storey extensions should be at least 12m from the habitable room windows of nearby homes.

The proposal has been reduced in size from the previous application. The extension would square off the ground floor to the rear with a width of 5.5m and depth of 6.6m. The first floor element would be 2m smaller in width than proposed on the previous application. It would be 5.8m in width, 6.7m in depth with a maximum height of 8m. The proposed roof would be lower than the main dwelling which is 9.4m to the apex.

Impact on Neighbouring Residential Amenities

The main concern is the impact on the residential amenities of the occupiers of Nos. 94 & 96 The Great Northern Road which back onto the site. These gardens have an average length of 8.5m with views from the rear lounge, kitchen and bedrooms. The views from these windows face directly to the side elevation of No. 30 Moorgate. There is an interface distance of 15m from the rear windows of Nos. 94 & 96 to the proposed side elevation of the extension. This distance has been increased by 2m from the previous application. The SPG recommends an interface distance of 12m to avoid over-shadowing of gardens and to protect loss of daylight or sunlight entering a habitable room. In addition the roof has been reduced in height so that it would appear as sub-ordinate to the main dwelling.

The outlook from the rear rooms to Nos. 94 & 96 would be altered by the proposal to some extent. However given that the roof height would be significantly lower than the main roof and that the interface distances comply with policy it is considered that the impact does not justify a refusal in this case.

Whilst the Council is sympathetic to the individual circumstances of the occupiers of Nos. 64 & 96 the Northern Road these issues are not material planning considerations.

A small window is proposed to the first floor elevation side (to serve an en-suite) and this would be obscurely glazed (condition attached). No adverse impact would therefore be created to No. 28 Moorgate Avenue.

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

Case Officer: **Miss L Poulton Telephone 0151 934 2204**

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Committee: **PLANNING**

Date of Meeting: **10 March 2010**

Title of Report: **S/2010/0146**
Land part of former Parcelforce site, Orrell Lane, Bootle
(Netherton & Orrell Ward)

Proposal: Change of use of part of former Parcelforce site to general haulage depot

Applicant: Mr Martin Goggins Goggins Transport Company

Executive Summary

This application seeks planning permission to use part of the former Parcelforce depot on Orrell Lane as a general haulage depot. The main issues to consider include the principle of the development as well as its impacts on highway safety and residential amenity.

Recommendation(s) Approval

Justification

The proposal is considered acceptable in principle and in terms of its impacts on residential amenity and highway safety therefore approval is recommended.

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. The site shall be used only for the storage and parking of vehicles and trailer units and no maintenance or engineering works shall be carried out on any vehicle or trailer unit at the site.
4. The idling of stationary vehicles at the site shall not be permitted except for starting from cold which shall be limited to that which enables vehicles to drive from the site safely.
5. No refrigerated trailer units shall be operated when parked at the site.
6. No HGV shall turn left when exiting the site from Orrell Lane.

Reasons

1. RT-1
2. RX1
3. In the interests of residential amenity and to comply with Policies CS3 and EP6

Agenda Item 5d

- in the Sefton UDP.
4. In the interests of residential amenity and to comply with Policies CS3 and EP6 in the Sefton UDP.
 5. In the interests of residential amenity and to comply with Policies CS3 and EP6 in the Sefton UDP.
 6. In the interests of highway safety and to comply with Policies CS3 and AD2 in the Sefton UDP.

Drawing Numbers

1:2500 Location Plan and 1:500 Site Plan received 10/2/10

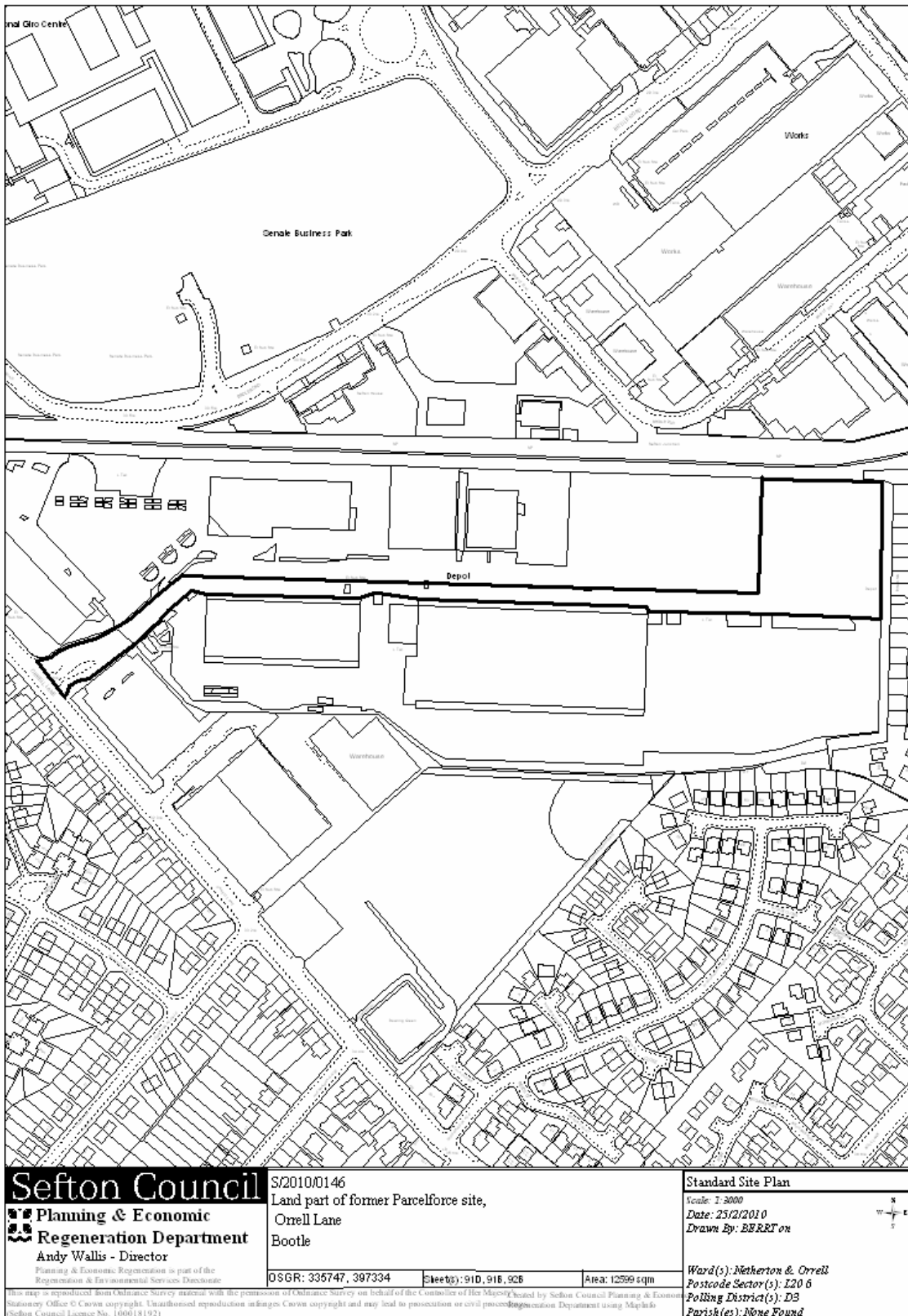
Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5d



The Site

The site comprises a vacant concrete yard located in the north eastern corner of Trinity Park (the former Parcelforce site). Trinity Park contains the Peoples car dealership, a new Parcelforce depot, and a large industrial building containing 24 small units. Access to the Trinity Park site is taken from Orrell Lane close to its junction with Bailey Drive and Netherton Way.

There are residential properties to the east of the site and also to the south of the Trinity Park site with further residential properties located on Orrell Lane opposite Trinity Park and its entrance.

To the north of the site lies a former railway line with industrial/commercial premises beyond.

Proposal

Change of use of part of former Parcelforce site to general haulage depot.

History

S/2006/0325 - Erection of 12,000 sq ft building for use as a Royal Mail sorting and delivery office together with associated parking. Approved 18/05/06

S/2006/0220 - Outline consent for the erection of 10 buildings comprising 24 industrial units with associated car parking. Approved 18/05/06

S/2003/1166 - Change of use from distribution centre to vehicle sales showrooms and vehicle repair workshops at the front of the premises and B1, B2 and B8 at the rear including extension and alterations. Approved 15/01/04

Consultations

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

There is a weight restriction on the bridge over the railway line at Orrell Park Station which prevents access by HGVs to Rice Lane/Walton Vale. In addition, the section of Orrell Lane, between the site access and the bridge has predominately residential frontage and as such it wouldn't be appropriate to use this route for access by HGV's.

In view of this, the layout of the junction of the site access with Orrell Lane has been configured to deter HGV's from turning left onto Orrell Lane, however, in order to ensure that drivers of HGV's do not turn left when exiting from the site, an appropriate condition should be added to any approval notice.

Environmental Protection Director - A certain amount of protection from noise is

Agenda Item 5d

afforded to the adjacent houses to the proposal in Trinity Park at Heatherleigh Close by a close boarded acoustic fence that was erected as part of the overall requirements of previous planning applications within Trinity Park.

Therefore, I have no objection to this proposal in principle. However, to minimise any potential noise impact from the proposed operation, I would recommend that the subsequent issues are addressed.

The proposed site should only be used for the storage and parking of vehicles and trailer units. There should not be any maintenance or engineering works carried out on any vehicle or trailer unit at the premises.

Driver instructions for the site should clearly state that idling of stationary vehicles at the depot is not permitted, except for: starting from cold, which should be limited to enable vehicles to drive from the site safely.

Further, I would recommend, refrigerated trailer units should not be operated when parked at the depot.

The air quality team will contact you directly on any issues with regard to this application.

Neighbour Representations

Last date for replies: 4/3/10

Letters of objection received from 71 and 73 Orrell Lane and from 44 Woodbrook Avenue. Grounds of objection include unsocial hours of operation, noise of HGVs close to houses, dangerous access location already busy with traffic, reduction in property values.

Policy

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

| | |
|------|---|
| AD2 | Ensuring Choice of Travel |
| CS1 | Development and Regeneration |
| CS3 | Development Principles |
| EDT5 | Primarily Industrial Areas |
| EDT6 | Development Sites within Primarily Industrial Areas |
| EDT7 | Improvement of Industrial Areas |
| EP2 | Pollution |
| EP6 | Noise and Vibration |

Comments

The main issues to consider include the principle of the proposal, its impacts on highway safety and on residential amenity.

The Sefton UDP allocates the application site as part of a 'development site within a Primarily Industrial Area'. The site was used as a depot in the past. There is also a history of planning permissions for business (B1), industrial (B2) and storage and distribution (B8) uses on the whole of the Trinity Park site. A 2006 outline permission granted consent for industrial units in the location of the proposed haulage yard. Whilst a haulage use is considered to be a 'sui generis' use, that is it does not fall within a B1, B2 or B8 use class, it is considered to be a suitable use on an industrial site. The principle of the development is therefore considered acceptable.

Local residents have expressed concern about the hours of operation and noise generated by the proposed use. The proposed hours of operation are 4am to 10pm Monday to Friday, 6am to 4pm Saturdays, and 11am to 3pm on Sundays. It is proposed to park 29 lorries, all 56 ft in length, at the yard. Houses to the east of the site are set at a much higher level than the application site. There is a substantial acoustic fence along the rear of these properties which sits on top of a steep grassed embankment. Previous planning permissions on the site have not restricted the hours of operation and it is not considered appropriate in the current case.

The Environmental Protection Director raises no objection in principle to the proposal and recommends various issues are addressed which can be covered by condition. These include restricting the use of the site for the storage and parking of vehicles and trailer units with no maintenance or engineering works being carried out on the vehicles or trailer units on the site. In addition, unnecessary idling of vehicles should be prevented as well as the operation of refrigerated trailer units. These measures will help to minimise the impact of the proposal on local residential amenity.

Highways Development Control raise no objections to the proposal on highway safety grounds. However, a condition is recommended to prevent HGV drivers from turning left when exiting the site.

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 March 2010**

Title of Report: **S/2010/0233**
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 160 no. (2,2.5 and 3 storey) residential dwellings, garages and cycle/bin stores including the layout of car parking and public open space. (Re-submission of S/2009/0873 approved 11/02/2010)

Applicant: Keepmoat Homes Keepmoat Homes North West

Executive Summary

This application is necessary to remedy a discrepancy between the numbers of dwelling stated on the decision notice and the number shown on the approved plans in respect of application S/2009/0873. The issues are the same as raised by that application.

Recommendation(s) **Delegate Approval to Officers at expiry of publicity period subject to no additional objections raising new planning issues being received.**

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.

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

Agenda Item 5e

8. L-5 Landscape Management Plan
9. H-2 New vehicular/pedestrian access
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 20 mph zone on all roads within the development site has been implemented in full.
17. Unless otherwise agreed in writing by the Local Planning Authority, 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 Local Planning Authority. 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 Local Planning Authority, 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 Local Planning Authority, the said scheme shall comply with the required of BS5489. The approved scheme shall be implemented in full prior to the development being brought into use.
19. S106 Agreement
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 Local Planning Authority. All approved mitigation measures shall be incorporated into the development.
32. The development shall not be commenced until a scheme to improve the existing surface water system has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that the drainage system will cope with the 1 in 100 year event (including 30% allowance for climate change). The scheme shall be fully implemented in accordance with the phasing of the scheme or as agreed in writing with the Local Planning Authority.

Reasons

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. In the interests of highway safety and to accord with policies CS3, DQ1 and AD2 of the Sefton Unitary Development Plan.
16. RH-5
17. RH-5
18. RH-5
19. In the interests of highway safety and to accord with policies CS3, DQ1 and AD2 of the Sefton Unitary Development Plan.
20. R106
21. RR-2
22. RS-1
23. RM-8
24. To ensure the provision of locally accessible employment in accordance with the Council's Labour policy and to comply with Sefton UDP Policy UP1.
25. To accord with the Interim Planning Guidance for South Sefton.
26. RCON-1
27. RCON-2
28. RCON-3
29. RCON-4

Agenda Item 5e

30. RCON-5
31. In the interests of amenity of future occupiers and to comply with policies DQ1, CS3 and EP5 in the Sefton Unitary Development Plan.
32. To prevent flooding and to comply with UDP Policy EP7.

Notes

1. 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 27-30 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 30 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.
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.

Drawing Numbers

HH08/766 - LTH/02; HH08/853 - LTH/02; HH08/1551 - LTH/02; HH08/1519 - LTH/02; HH08/1416 - LTH/02; HH08/1259 - 100/02; HH08/1148 -100/02; HH08/1059 - LTH/02; HH08/1054 - LTH/02; HH08/973 - LTH/02; HH10/925 - LTH/02; HH10/867 - LTH/02; HH8/738 - LTH/02; HH8/702 - LTH/02; HH8/666 - LTH/02; HH08/622 - DQS-03; HH08/622 - DQS-04; 9083 02B, KHQB 01 A & 02 9083 0AF and 01G; 9083/PB:02B

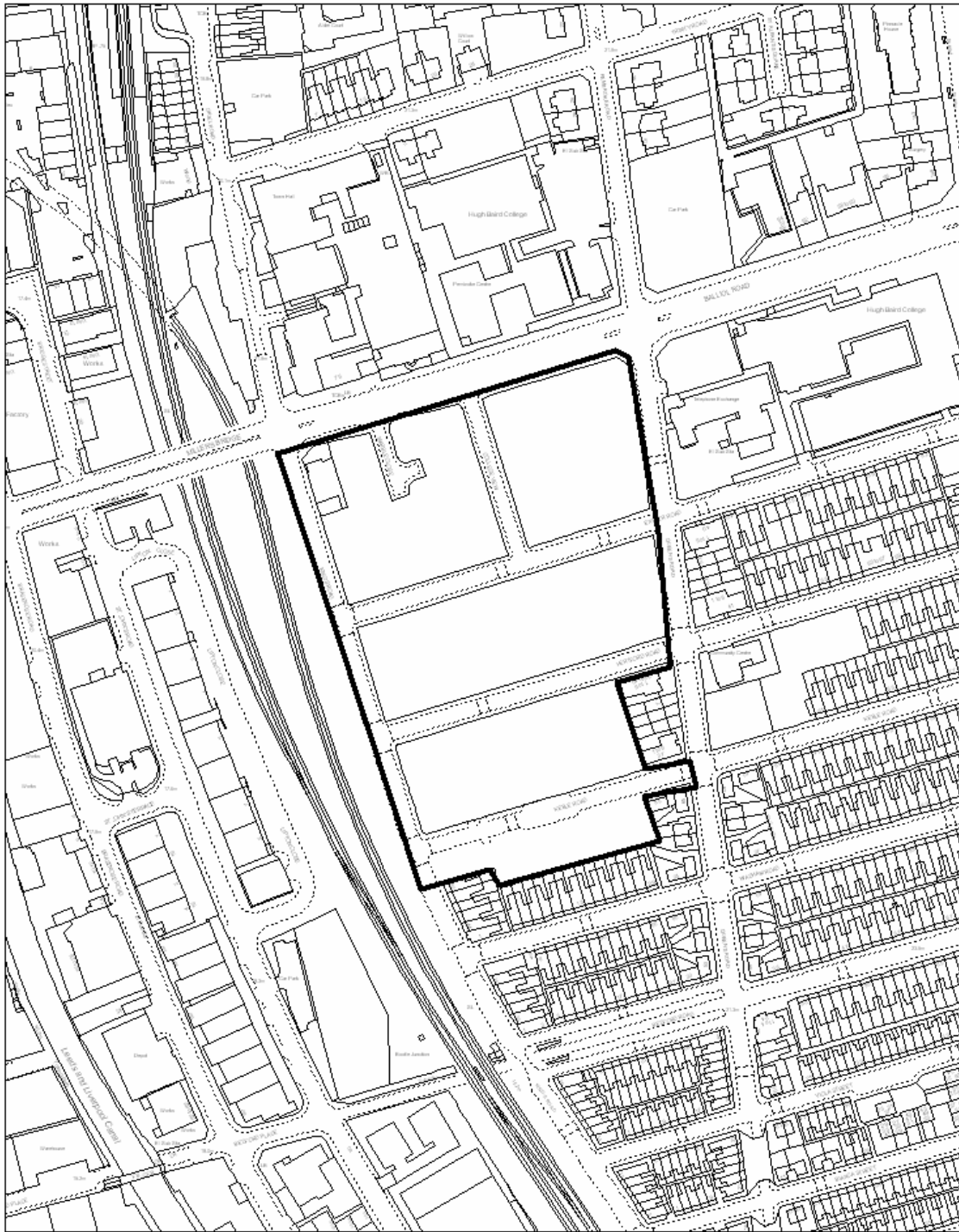
Financial Implications


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

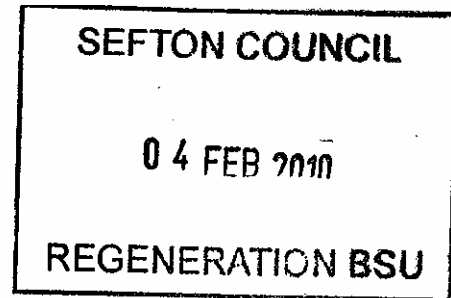
List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to

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| | | | |
|--|---|--------------------|--|
|  Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small> | S/2009/0873 Various Premises Queens / Bedford Bootle L20 OSGR: 334166, 394671 | | 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. 1000181921</small> | Sheet(s): 306, 30A | Area: 37666 sqm |



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3 February 2010

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 four 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 conversations with the local authority, the revised planning application drawings have been considered by chair of design review, Piers Gough, CABE panel member Dominic Papa, 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

Whilst we think that improvements have been made to the appearance of the houses proposed for this development, much will depend on the quality of their materials and detailing. In several other respects, we think that the design quality of the scheme has deteriorated since the 2006 planning approval. 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, we continue to have concerns about the space standards of the house types proposed, and the site lay

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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.

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 2006 scheme for this site. The street layout remains, in broad terms as before, but 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.

The arrangement of homes is also less convincing than in the approved 2006 scheme, which included bespoke house types responding to specific site locations. This allowed good enclosed frontages, creating coherent streetscapes, and well protected gardens. Revisions to the current application

provide a new semi-detached house type on the corner of Exeter Road and Queens Road, with entrances facing both streets. However, generally, the current application has a more fragmented arrangement of houses along streets such as Exeter Road, Hertford Road and the Mews Links.

Architecture

Revised elevations for the house types have been submitted as an amendment to the current planning application, and we think these are an improvement, although ultimately, much will depend on the quality of detailing and materials. One new house type has been introduced, responding to a corner location. However there continues to be poor enclosure by houses along streets, for example on Exeter Road, and the house types proposed have very small space standards.

Kings Centre

The proposed retention of the Kings Centre, which was previously to have been demolished, is a positive aspect of the current scheme. 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. We understand that a feasibility study for its conversion to residential use has been commissioned by a Registered Social Landlord. We 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.

Landscape design

We think there is scope for a strong landscape strategy to go some way to strengthen the quality of place created by this development. For example, where the fragmented arrangement of house types leaves gaps along streets such as Exeter Road, if brick walls were provided as the boundary to gardens, this could help give a greater sense of enclosure to the streets. We would encourage the local authority to use a planning condition to require details of the landscape design, as a means of securing high quality street trees, paving materials, boundary walls and planting.

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

Yours sincerely



Deborah Denner
Design review advisor

| | | |
|----|---------------|--------------------------------------|
| cc | Darren Higson | MPSL Planning & Design Ltd |
| | 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

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

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 160 no. (2,2.5 and 3 storey) residential dwellings, garages and cycle/bin stores including the layout of car parking and public open space. (Re-submission of S/2009/0873 approved 11/02/2010)

History

- S/2010/0233 - 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 - approved 11/02/2010
- 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

The following responses were received on the previous application

CABE - response attached. This recognises that improvements have been made to the appearance but are not convinced that the perception of this part of Sefton will be transformed by this new housing. CABE remains concerned about the use of parking courts, the space standards of some houses and some aspects of layout.

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

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lower vehicle speeds and a safer and more attractive environment for residents. A scheme of traffic signs to indicate the 20 mph 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.

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 legal 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.

The previously approved application for this site identified the need to make a contribution (via a s106 agreement) towards the cost of a new traffic signal controlled junction at Balliol Road/Queens Road/Pembroke Road in order to improve accessibility for pedestrians by creating direct and safe linkages with the town centre.

Since then, the traffic signals have been implemented and are fully operational. The total cost of the scheme amounted to £140,830 and was funded from the Local Transport Plan allocation. This necessitated using a proportion of funds identified for other schemes within the programme, with the intention of reallocating those funds once the s106 monies were received by the developer.

Although this is a new planning application, the developer and the site remain the same and as such, we would still seek to secure the funds from the developer for 50% of the total scheme cost. This equates to a contribution of £70,415. I would request that this be required as part of the S106 agreement.

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.

Environment Agency - no objection, but recommends conditions with regard to drainage and contaminated land.

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

Neighbours have been notified and reply period ends on 19th March. Site Notice expires 19th March. Press Notice expires 25th March.

Objections were received to the previous application as follows

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
- house sizes too small
- public open space inadequate

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.

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

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| | |
|-----|--|
| 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 is a resubmission of an application which was considered and approved by committee last month. Unfortunately, due to late submission of revised plans the numbers on the decision notice and approved plans differed. The present application seeks to clarify and remedy that situation and also includes additional substations. In all other respects the application is identical to that approved last month and the same considerations apply. The additional dwelling has been created by replacing 2 units with three on Queens Road close to the corner with Balliol road. This raises no significant additional planning issues.

The proposal 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 proposals take into consideration the changed market conditions and also take into account the retention of the Kings Centre. The main changes from 2008 are 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 permissions 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 2006 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 on S/2009/0873 was considered by CABE and the response was 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 proposals were revised. The CABE response recognises that significant improvement has been made although some concerns remain in respect of parking courts and dwelling sizes.

Parking Courts

The applicant has been concerned to provide adequate off street parking. 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 courts have been reduced in size to become less dominant aspects of

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the scheme and provide one parking space for those 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.

Although CABE still expresses concern about the parking courts, the Director considers that the revisions now made to reduce these courts are reasonable and that the inclusion of some parking courts within the scheme is acceptable.

Street scenes

The proposals seek to turn the corners appropriately and avoid too much fragmentation of street scenes. The submitted plans are now acceptable in this respect.

Architecture

The architecture has now been designed for the scheme and CABE recognise significant improvement from the original submission under reference S/2009/0873. The present 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 now 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 160 for social renting 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 provided but as an essential part of the accessibility requirements for the present site it is considered that a contribution is still required.

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.

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 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 £202,080 (120 x £1,684) at current prices would be required for the remainder in

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Policy DQ3 requires 3 trees per dwelling ie 480 trees. A commuted sum for those which cannot be provided on site will be required. It would appear that about 300 can be provided on site. The applicant indicates the inclusion of some feathered trees which are to be tightly planted on site boundaries in a way which is not suitable for inclusion in the S106 requirement.

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

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

DATE: 9th March 2010
10th March 2010

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

WARDS AFFECTED: All

REPORT OF: Andy Wallis, Planning and Economic Development Director

CONTACT OFFICER: Andy Wallis

EXEMPT/ CONFIDENTIAL: No

PURPOSE/SUMMARY:

Further to consideration of the Joint Waste Development Plan: Consultation on Preferred Options Report at the Cabinet Urgent Business Committee on 25th February to report on the consultations held with the Planning Inspectorate and Counsel on the soundness of that document.

REASON WHY DECISION REQUIRED:

To address concerns raised by Cabinet Urgent Business Committee prior to proceeding with public consultation.

RECOMMENDATION(S):

That the consultation undertaken and proposed to take place with the Planning Inspectorate Service be noted.

That subject to further consideration by Cabinet Urgent Business Committee on action to be taken, the commencement of a six-week public consultation process on the Waste DPD Preferred Options report during 2010 be agreed.

KEY DECISION: Yes

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FORWARD PLAN: Yes

IMPLEMENTATION DATE: Ongoing

ALTERNATIVE OPTIONS: A delay in the proposed timetable could potentially result in a deferring of consultation until after the May elections. This would have an impact on Adoption of the Development Plan and result in additional costs arising from retention of the Waste team within MEAS. It may also cause further uncertainty within the waste industry.

IMPLICATIONS:

Budget/Policy Framework:

Financial:

| <u>CAPITAL EXPENDITURE</u> | 2009 2010 £ | 2010/ 2011 £ | 2011/ 2012 £ | 2012/ 2013 £ |
|--|----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Gross Increase in Capital Expenditure | | | | |
| Funded by: | | | | |
| Sefton Capital Resources | | | | |
| Specific Capital Resources | | | | |
| <u>REVENUE IMPLICATIONS</u> | | | | |
| Gross Increase in Revenue Expenditure | | | | |
| Funded by: | | | | |
| Sefton funded Resources | | | | |
| Funded from External Resources | | | | |
| Does the External Funding have an expiry date? Y/N | When? | | | |
| How will the service be funded post expiry? | | | | |

Legal:

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 At the Cabinet Urgent Business meeting of 25th February it was resolved that:

- (1) consideration of the recommendations in the report be deferred to enable the Planning and Economic Development Director to submit a report to the Overview and Scrutiny Committee (Regeneration and Environmental Services and Planning Committee on the consultations held with the Planning Inspectorate and Counsel on the soundness of the Waste Development Plan Document Preferred Options Report;
- (2) following the submission of the report to the two above mentioned Committees, a meeting of this Committee be convened to enable further consideration to be given to the action to be taken on the Waste Development Plan Document Preferred Options Report; and
- (3) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given his consent under Rule 17 of the Scrutiny Procedure Rules for these decisions to be treated as urgent and not subject to “call-in” on the basis that Knowsley, St. Helens, Wirral and Halton Councils have all taken a decision on the Preferred Options Report and only Sefton and Liverpool Councils are outstanding. The consultation will not commence until each participating Council has given authority.

1.2 This report addresses the first of those recommendations

2. Soundness

2.1 Planning Policy Statement 12 states that a plan forming a part of the Local Development Framework must be ‘sound’. To be sound any part of the LDF, including a Development Plan Document, should be justified, effective and consistent with national policy. It goes on to state that justified means that the document must be founded on a robust and credible evidence base and be the most appropriate strategy when considered against the reasonable alternatives. Effective means that the document must be deliverable, flexible and able to be monitored. It falls to the Planning Inspectorate Service (PINS) to establish this. In practice this happens through two mechanisms:

- Liaison with PINS.
- The Examination in Public process.

2.2 In anticipation of the scrutiny of the Waste DPD through the Examination In Public process early advice has been sought from Counsel on a range of related issues including evidence base, blight and interpretation of Government planning policy statements but not specifically soundness. Counsel opinion was helpful in informing the Waste DPD process and has been taken into account in preparation of the Preferred Options Report.

3. Consultations with PINS

- 3.1 From the outset of the process in 2006 the Waste Development Plan Document Team in Merseyside Environmental Advisory Service has engaged with PINS and GONW at every appropriate opportunity to ensure the emerging spatial policies on waste in Merseyside and Halton meet the key tests of soundness described above. In addition, as advised by GONW, the Waste DPD has been subject to scrutiny by 'critical friends' recommended by the Planning Officers Society.
- 3.2 Apart from regular correspondence and informal contacts two particular events are of note:
- During 2007 and 2008, the robustness of the approach to the WDPD formed part of a Government-led review into joint waste plans in Metropolitan and Unitary Authorities. This resulted in the preparation of a joint guidance note by Planning Officers Society and Greater Manchester Geological Unit (March 2008).
 - In parallel with the Art of the Possible exercise with the MWDA, a meeting took place with PINS to address issues of soundness. It specifically considered the issues associated with Energy From Waste (EFW) for municipal solid waste and how the Waste DPD could respond in policy and site terms. In doing this PINS were advised of the evidence base for the DPD and the interpretation of it by the Waste DPD Team. PINS was satisfied with the evidence collected and the proposed approach but advised, amongst other matters, that sites should not be included in the DPD if they were not deliverable. This would include sites where owners' consent could not be obtained or where there would be LPA objection. To proceed on that basis would expose the Waste DPD to subsequent soundness risk.
- 3.3 After this meeting GONW convened a separate meeting with MWDA to share the main messages from that important discussion with PINS.
- 3.4 In addition, in October 2009 the Waste DPD team sought procedural guidance from PINS. Amongst other matters, PINS advised on the matters of certainty and deliverability in terms of funding. If information on costs and funding is not publicly available then it cannot form part of the DPD. This has direct relevance for the PFI and how the Waste DPD is able to refer to costs associated with that procurement process. PINS also advised that the DPD must demonstrate that sites are suitable, available and deliverable. This has important implications for MWDA contingency EFW sites such as Crabtree Rough and Butler's Farm.
- 3.5 Clearly any advice offered by PINS prior to Examination In Public is without prejudice to that process.
- 3.6 Subject to acceptance by the Districts, the Preferred Options Report will be subject to consultation as required by Government policy. During that period

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after commitment to consultation by the districts it is standard practice to invite PINS to further assess the robustness of the process. Discussion is currently taking place via GONW to agree a date for this PINS 'front-loading' visit. PINS do not encourage requests to comment on emerging DPDs before the Preferred Options consultation has taken place.

- 3.7 Assuming the consultation commences shortly, the front loading visit may take place in late March / April. The outcome would be reported to all participating Districts.
- 3.8 The whole purpose of the public consultation exercise on Preferred Options is to subject the Waste DPD to critical examination by all relevant parties. As a consequence of that consultation all the comments received will be analysed and reported to Members for approval. Given statutory responsibilities of the MWDA and their known concerns, the Waste DPD team will give very detailed consideration to any comments received.
- 3.9 Any revisions are then incorporated into the Waste DPD. The final DPD is then submitted to the Secretary of State following approval by the Districts.

4. Examination Hearing

- 4.1 The Secretary of State will appoint PINS to hold an Examination Hearing to test the soundness of the Waste DPD. Objectors (and supporters) have the right of attendance at the Examination Hearing and pre-examination meeting. The Examination Hearing is likely to take place in 2011 and is the opportunity for formal appraisal of the plan's soundness. However, throughout the Waste DPD preparation process advice has been sought on this matter.

5. Evidence Base

- 5.1 A key to soundness is the quality and relevance of the evidence base. A comprehensive evidence base has been assembled by the Waste DPD team and by independent consultants. This was initially made publicly available at the Issues and Options stage in March 2007 and a second time at the Spatial Strategy and Sites stage in November 2008. The MWDA did not object to the evidence base at either point. MWDA did welcome the Spatial Strategy and Sites Report, support the resource recovery led strategy and re-stated its site requirement for two residual waste treatment facilities.
- 5.2 In preparation for Preferred Options Report the evidence base has been updated and developed further. Since the Spatial Strategy and Sites stage new facilities have been consented including four Energy from Wastes sites in Merseyside and Halton (Energos in Knowlsey, Ineos Chlor and Granox in Halton, and Biossense in Wirral) and a fifth in Cheshire (Ince Marshes). Two of these facilities are regionally if not nationally significant. These new consents together potentially provide three times the required EFW capacity to meet the identified needs of the area and have therefore been reflected in the need for new facilities in Merseyside and Halton. Detailed dialogue has continued with the holders of the

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consents during this period and whilst this capacity cannot be guaranteed good progress is being made in bringing some of this capacity on line.

- 5.3 In September 2009 the evidence base was also subject to a further independent quality assurance check by Consultants Griffin Hill, who are used by the Regional Technical Advisory Body in these matters, in advance of developing policies, including EFW and consented capacity.
- 5.4 The whole evidence base will also be available for scrutiny during the Preferred Options consultation and will continue to be updated on the basis of new consents and the availability of those consents to Merseyside and Halton.

6. Conclusions

- 6.1 Notwithstanding the concerns raised by MWDA, on the basis of the information provided on consultation with PINS, officers are confident that the DPD is justified and effective and therefore sound. The concerns of the MWDA and those which may be raised by others through consultation will be reported to Members, and discussed with PINS and GONW. Unresolved objections will then be placed before the Inspector at the Examination Hearing. On this basis Members are recommended to agree to proceed to public consultation.

7. Recommendations

- 7.1 That the consultation undertaken and proposed to take place with the Planning Inspectorate Service be noted.
- 7.2 That subject to further consideration by Cabinet Urgent Business Committee on action to be taken, the commencement of a six-week public consultation process on the Waste DPD Preferred Options report during 2010 be agreed.

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Agenda Item 7

REPORT TO: PLANNING COMMITTEE

DATE: 10th MARCH 2010

SUBJECT: LIVERPOOL CORE STRATEGY PREFERRED OPTIONS 2010

**WARDS
AFFECTED:** All

REPORT OF: Andy Wallis – Planning and Economic Development Director

**CONTACT
OFFICER:** Steve Matthews
Local; Planning Manager
☎ 0151 934 3559

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

Liverpool Council's Preferred Options document is now available for consultation as part of their preparation of the Core Strategy. Members' views are requested.

REASON WHY DECISION REQUIRED:

To agree Members' views.

RECOMMENDATION:

That Planning Committee support the choice of Option Two ('Focused Regeneration') as the preferred option in the 'Liverpool Core Strategy Preferred Options 2010' document.

No

KEY DECISION:

FORWARD PLAN:

No

IMPLEMENTATION DATE:

N/A

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ALTERNATIVE OPTIONS:

None

IMPLICATIONS: None

Budget/Policy Framework: None

Financial: None

| <u>CAPITAL EXPENDITURE</u> | 2009 2010 £ | 2010/ 2011 £ | 2011/ 2012 £ | 2012/ 2013 £ |
|--|----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Gross Increase in Capital Expenditure | | | | |
| Funded by: | | | | |
| Sefton Capital Resources | | | | |
| Specific Capital Resources | | | | |
| <u>REVENUE IMPLICATIONS</u> | | | | |
| Gross Increase in Revenue Expenditure | | | | |
| Funded by: | | | | |
| Sefton funded Resources | | | | |
| Funded from External Resources | | | | |
| Does the External Funding have an expiry date? Y/N | When? | | | |
| How will the service be funded post expiry? | | | | |

Legal: N/A

Risk Assessment: N/A

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS

None

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

'Liverpool Core Strategy Preferred Options 2010'

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LIVERPOOL CORE STRATEGY PREFERRED OPTIONS 2010

1 Introduction

- 1.1 Like Sefton, Liverpool Council are preparing a Core Strategy as part of their Local Development Framework. Their timetable is slightly ahead of Sefton's and they have published their revised Preferred Options report for public consultation.

2 Vision

- 2.1 Liverpool's vision is, in summary:

- That by 2026, Liverpool will be a thriving international city at the heart of the sub-region with an outstanding urban environment
- The City's economy will be competitive and robust, having capitalised fully on the ability to generate growth of sectors in which it has key strengths (examples given)
- All of Liverpool's residential neighbourhoods will be thriving and attractive places to live and the City's population will have increased
- The amount of vacant and derelict land and buildings will have been significantly reduced
- The City Centre will remain at the heart of the City's economic and urban renaissance. It will be a thriving regional centre of commercial, and retail investment, a showcase for culture and art, and civic, leisure, educational and residential uses
- The Inner Area surrounding the City Centre will have been a focus for population growth. North Liverpool will have been transformed by the benefits of excellent neighbourhood design with major investment in housing, new and improved schools, university and other higher education facilities, public services and open spaces.

3 Strategy

- 3.1 A major challenge within Liverpool's strategy is to meet its housing requirement which is over 40,000 dwellings between 2008 – 2026. This comprises the target set in the Regional Spatial Strategy, but 20% of this represents an additional amount added as a result of Government's 'growth point' initiative. (This is something which Liverpool and Wirral are jointly committed to and will be met, in the main, by Peel Port's major proposals on the Mersey waterfront for a variety of uses, including residential development. These schemes are known as 'Liverpool Waters' and 'Wirral Waters').

4 Options

- 4.1 The Liverpool Core Strategy sets out three different options to meet its vision. The key differences between these various options is that they represent three different ways of meeting its housing need

Regardless of which option is chosen the Report notes that there will be features common to all three approaches. The proposed approach to North Liverpool is of most interest to Sefton, as it immediately borders Sefton.

For each option it is anticipated that North Liverpool will be a particular focus for new residential development within the 'Inner Areas' zone of Liverpool. This is in view of the concentrations of deprivation and number of significant site opportunities such as Central Docks (the proposed location of Liverpool Waters).

Elsewhere within the Inner Areas, sites in the Housing Market Renewal 'Zones of Opportunity' will be the first priority for housing in order to support the required housing market renewal, and underpin wider investment programmes. All options will need to make family housing a priority to meet the Housing Strategy requirements through the provision of lower to medium density housing with gardens (30-50 dwgs/ ha) and improve the provision of green infrastructure.

4.2 The proposed options are these:

Option One – Intensive Regeneration

Under this option the majority (90%) of housing growth would be concentrated in the City Centre and surrounding Inner Areas, representing an intensification of recent patterns. Only a small proportion (10%) of housing growth would take place in the rest of the City where it would be targeted to the Regeneration Fringes.

Option Two – Focused Regeneration

Under this option, the City Centre and surrounding Inner Areas would continue to be the primary geographical focus for new residential development (70%). However, a greater proportion than under Option 1 (30%) of new housing growth would be directed to the Outer Areas, thus enabling a relatively greater development emphasis on the Regeneration Fringes.

Option Three – Dispersed Regeneration

Whilst the City Centre and Inner Areas would remain as the primary focus for residential development under this option, the proportion (55%) would be considerably less than Options 1 & 2 whilst the proportion (45%) in the Outer Areas would be significantly greater.

5 Preferred Option

5.1 The report states that the favoured option is Option Two. This option places less reliance on the City Centre and Inner Areas than Option One. It therefore has more flexibility and a reduced risk of failing to achieve development targets if sites are not built as anticipated. The effect of this on North Liverpool is likely to be the opportunity to build more family houses rather than flats. This would be more sympathetic to the housing needs for the part of south Sefton immediately adjoining North Liverpool.

6 Great Homer Street – district centre

6.1 Great Homer Street will 'be the primary focus for new investment and will 'support the main convenience needs of new residents on Liverpool Waters site'. The report goes on to say that, with regard to the Liverpool Waters site for residential development: 'small scale convenience shops [etc] will be supported to serve the needs of the new residents on the site.'

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- 6.2 With regard, to both these proposals, the former of which Sefton has already supported because of its perceived local regeneration benefits, it will be important that individually and cumulatively any retail development is predominantly convenience and of a scale which will meet local needs without detrimentally affecting retail centres in South Sefton.

7 i **Linking with Sefton's plans and strategies**

- 7.1 The report notes that it is important for the various plans and strategies of Liverpool and the other districts in the Liverpool City region to be compatible and, where possible, to be mutually supportive. It notes that Sefton may require assistance from Liverpool in meeting some housing needs to reduce pressure on the Green Belt. In Appendix 1, the report states that:

'Sefton estimate that its affordable housing development is required to be at 80% of new provision. The deliverability of this level of requirement has led to Sefton asking Liverpool for assistance with the delivery of both its general and affordable housing requirement..... It has also asked Liverpool if some of its employment needs can be met in North Liverpool'.

- 7.2 This is not quite accurate, as no formal requests of this kind have been made. It is also not accurate to say that Sefton's affordable housing provision is required to be at 80% of new provision. (The target is 30% subject to viability). These detailed points will be taken up direct with Liverpool officers, but some context is provided below.
- 7.3 The Government requires authorities to follow a 'sequential' approach to identifying land to meet its development needs. First, an authority should look within its own urban area, next it should investigate whether any adjoining authority can assist, and only finally should it identify land in the Green Belt.
- 7.4 All Merseyside authorities have either completed, or are in the process of completing, strategic housing and employment land studies to assess their ability to meet needs within their respective urban areas for the Core Strategy period up to 2027. In this regard, the final Sefton Strategic Housing Land Availability Assessment (SHLAA) has found that Sefton has an approximate 10 year supply of housing land covering the period 2008 to 2018 with no supply after that date. This potentially implies that Sefton, looking forward to say 2027, will be likely have a housing shortfall of the order of 4,500 dwellings (i.e. 9 years @ a notional 500 pa RSS housing requirement) which cannot be met from within its existing urban area.
- 7.5 As has been found from its separate SHMA (Strategic Housing Market Assessment), an important element of this overall requirement will be likely to be for affordable (principally social rented) housing. With regard to employment land needs, Sefton is likely to be able to meet its employment needs from the retention and recycling of existing employment sites, save for the need to identify a successor site in Green Belt for Southport Business Park to the east of Southport, to be identified by about 2016 and allowing for a lead in, come on stream at or about 2020.

- 7.6 A sub regional Overview Study (excluding Wirral) is soon to be commissioned which will bring together the results of these housing and employment studies. It will provide a common framework which will, in turn, be used to assess what scope, if any, there is for one authority to meet the unmet needs (where they arise) of an adjoining authority. The results of this important study should not be anticipated at this time. They will be considered together with the outcome of the Green Belt Study which is being jointly commissioned by Sefton and Knowsley Councils.

8 Conclusion

- 8.1 The preferred option (Option Two: 'Focused Regeneration') is likely to complement Sefton Council's ambitions for South Sefton, and is supported.

9 Recommendation

Planning Committee support the choice of Option Two ('Focused Regeneration') in Liverpool's Core Strategy Preferred Options report 2010.

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Agenda Item 8

Committee: Planning

Date of Meeting: 10th March 2010

Title of Report: **DCLG Consultation on Improving Engagement by Statutory and Non-Statutory Consultees**

Report of: **Andy Wallis**
Planning and Economic Development 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 is 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

None

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

DCLG Consultation on Improving engagement by statutory and non-statutory consultees

The Government have published a suite of consultation papers in response to recommendations made by the Killian Pretty Review of the planning application process. They are:

- 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

Full consultation documents can be accessed via the Department of Communities and Local Government website at

<http://www.communities.gov.uk/corporate/publications/consultations/>

This report deals with the latter - Improving engagement by statutory and non-statutory consultees.

Effective engagement is a key element of the Development Management approach from pre-application to implementation stages. Statements of Community Involvement will set out how communities can expect to be involved in wider decision making, in a way that avoids duplication and consultation fatigue and maximises the opportunities available to influence outcomes in an efficient and effective manner.

This consultation paper sets out the proposed changes to arrangements for statutory and non-statutory consultees on planning applications. The proposals seek to improve the process for consultation so that it is clearer which organisations need to be consulted and at what point in the process, to define what response is needed and how the local authority should take account of the response. There is no proposal to change the existing arrangements for neighbour notification.

Statutory consultees are organisations and bodies, defined by statute, who must be consulted on relevant planning applications. Key organisations include Environment Agency, Natural England, English Heritage and the Highways Agency.

Non statutory consultees are organisations and bodies, identified in national planning policy that should be consulted on relevant planning applications. These include some statutory consultees and others such as the Police Architectural Liaison Officers.

What's proposed?

It is proposed to establish a single source of information which clearly defines who needs to be consulted and when; to set up a new Government policy statement and voluntary code of practice for statutory and non statutory consultees that details the obligations and expectations for consultees and to set up a system to monitor performance. It is also proposed to change some of the types of application that some of them are consulted on, having regard to new criteria.

Local planning authorities (LPAs) will be required to:

- Use e-communications wherever possible;
- Send information promptly;
- Be explicit about why they are consulting on a particular application, for example, what aspect of the proposals or the site the LPA need views on;
- Provide all necessary information to the consultee to enable it to give a

Agenda Item 8

- substantive reply;
- Identify the timescale for a response;
- Appoint a compliance officer who will be responsible for embedding the code and practice within the authority and investigate any complaints about compliance of the authority; and
- Develop bespoke arrangements with consultees to provide a more tailored approach to consultation locally that is consistent with the code of practice.

Statutory consultees will be required to:

- Where possible, develop standing advice linked to thresholds for more minor proposals, ensuring they are carefully framed to avoid any unnecessary or unduly onerous advice;
- Develop guidance on their information requirements for different types of development
- Make all standing advice and guidance publicly available on the organisation's website to inform all relevant parties, including applicants and LPAs.
- Publish an annual report detailing performance, to be made available on their website

A substantive response to consultations should be provided within 21 days and resources should be made available to participate in pre-application discussions.

Statutory consultees should categorise their responses as when raising fundamental concern, substantive concern or raising a material consideration. Where a point of substantive concern is identified wherever possible a change or course of action should be suggested that would overcome their concern. If any fundamental concerns are raised the consultee should provide necessary support and advice at application and appeal stage.

It is proposed to review national policy recommendations for consultation when updating the relevant policy.

Proposed changes to GDPO

Table A of the consultation sets out 13 proposed changes viz:

1. The GDPO currently requires consultation to take place on applications where development is likely to affect land in a local authority other than the determining planning authority. The purpose of specifying a threshold of 250 metres is to provide a clearer basis for consultation based on a geographical threshold within which consultation should take place on a statutory basis.
2. This change updates the relevant body to be consulted in the case of developments outside national parks but potentially affecting them. The consultee is currently specified as the county planning authority, we are proposing to change this to the National Park Authority concerned who are now the planning authority in the case of national parks.
3. This change takes forward a government commitment to make the Greater London Authority statutory consultees on certain applications outside of London, as specified in paragraph 5.58 of GOL circular 01/2008.

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4. This change has been taken forward to provide greater clarity on what applications should be referred to the Environment Agency. It expands the definition of 'oils' to include bio-fuels.
5. This change has been taken forward to be more specific about which developments involving the use of land for storage or recovery of waste need to be referred to the Environment Agency. It should have the effect of removing very minor applications from consultation, and to allow the Agency to focus its resources and efforts on more strategic applications.
6. The purpose of changing 'trade waste' to 'trade effluent' is to be more specific about what applications get referred to the Environment Agency, and to avoid unnecessary consultation.
7. This change specifies a threshold in terms of the number of burial plots upon which applications for developments involving the use of land as a cemetery are referred to the Environment Agency. It should have the effect of removing very minor applications from consultation, and to allow the Agency to focus its resources and efforts on more strategic applications.
8. This updates the name of the body, from 'English Nature' to 'Natural England'.
9. This updates the body to be consulted - in the case of waste development or development involving mining operations or the use of land for mineral working deposits, to Natural England or, in any other case, the Secretary of State for Environment, Food and Rural Affairs.
10. This change tightens up the thresholds upon which consultation takes place on developments in proximity to former landfill sites, to allow the Environment Agency to focus resources and efforts on applications likely to have the greatest environmental impact.
11. This article is to be deleted as most applications for fish farming are referred to the Environment Agency as the result of the Environmental Impact Assessment Regulations.
12. This seeks to clarify when consultation is necessary by adopting the 150 metre consultation zone already recommended informally by British Waterways into statute.
13. This article seeks to close a loophole where the Highways Agency is currently consulted on all new access proposals to a trunk road, except where the speed limit is lower than 40mph.

Other Changes

The Killian Pretty Review proposed that the Government should clarify the situation over the award of costs against statutory consultees in the event of unreasonable behaviour. Circular 03/2009, Part D explains the circumstances where a statutory consultee may be treated as a separate party liable to an award of costs. This consultation seeks to test whether further clarification of the arrangements is needed.

The CLG propose improvements to the monitoring of performance of statutory consultees:

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- from July 2010, all statutory consultees required to publish an annual report, should publish that report on their website
- from July 2010 CLG will publish annually a list of all statutory consultees who have submitted an annual report that year and a list of those consultees that have not
- from July 2010 CLG will publish a summary table of performance of all organisations operating nationally similar to that set out in Annex A of this consultation paper
- a commitment on the part of statutory consultees, in signing up to the code of practice, to set and keep under review targets for performance in handling requests for comments at both pre-application and application stage of the process and to publish their annual report on their website and
- CLG will continue to monitor the performance of statutory consultees, and if necessary, will review what further steps could be taken to address poor performance.

Questions asked as part of the consultation

Q1 Do you agree with the policy principles guiding the statutory and non-statutory consultation process?

Response: Yes

Q2 Does the draft policy statement provide a suitable policy framework for statutory and non-statutory consultation?

Response: Yes

Q3 Are any of the proposed policies too prescriptive?

Response: No

Q4 Are there any important policy omissions?

Response: Non apparent

Q5a. Are the provisions of the Code in respect of statutory consultees workable and proportionate?

Response: They appear to be so from a local authority perspective.

5b. Are any requirements unreasonable, and if so, please explain why?

Response: No

5c. Are there any requirements missing, and if so, please explain why?

Response: No

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Q6 Point 17 of the Code for statutory consultees, seeks to ensure that there is a strong commitment to achieving and maintaining high levels of performance. How might this element of the Code be strengthened, whilst recognising that current levels of performance by statutory consultees varies considerably and we want to encourage all statutory consultees to sign up the Code without delay?

Response: Incentives could be offered for signing up to the Code

Q7a. Are the provisions of the Code in respect of local planning authorities workable and proportionate?

Response: Yes, although additional resources may be required to deal with performance information and compliance issues

7b. Are any requirements unreasonable, and if so, please explain why?

Response: No

7c. Are there any requirements missing, and if so, please explain why?

Response: No

Q8 Do you agree with the changes set out in Table A? If not, please specify what change is of concern and why?

Response: Yes

Q9 Are there further changes that could cut down unnecessary consultation?

Response: The use of standing advice and guidance will reduce response times and lead to fewer consultations being required.

Q10 Do you agree that we should review national policy recommendations for consultation when we are updating the relevant policy?

Response: Yes

Q11 Do you agree that there should be greater clarity and consistency in the way statutory consultees provide advice on applications? Do you agree with approach we propose and the categories of advice we have identified?

Response: Yes

Q12 Do you support the development of this consultation information resource on the Planning Portal? Do you find the format of the information useful? Is there any additional information that should be provided on this site which would be particularly useful?

Response: Yes, links to LPA validation checklists would be useful so that developers know what is required when submitting an application and can contact consultees at pre-application stage to discuss options

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Q13 Are there other ways, in addition to a new site on the Planning Portal, that we can encourage good practice? Are there other examples of good practice that should be included on the Planning Portal site?

Response: Yes, each LPA could receive a briefing from the consultee outlining their role in the application process, what factors they consider, common problems they come across.

Q14 What are the main blockages preventing greater use of e-consultation between local planning authorities and statutory consultees? Are there simple and cost effective ways that the greater use of e-consultation could be encouraged?

Response: Sefton Council has advocated the use of electronic communication for some years. The use of the Planning Portal's eConsultation portal could provide a useful tool for all involved in the process if funding was made available to integrate it with the consultor/consultees back office systems.

Q15 Should any changes be made to Circular 03/2009 to further clarify the award of costs regime in relation to statutory consultees? If so, what changes are necessary, and why?

Response: No

Q16 Do you agree with these measures to improve the monitoring of the performance of statutory consultees?

Response: Yes

Q17 Are there any further measures which would strengthen the monitoring of performance?

Response: No Comment

Q18 Local planning authorities, statutory consultees and applicants: do you agree with the assumptions used in the IA evidence base (Annex B) to calculate the costs and benefits of these new proposals?

Response: It should be taken into account that some local authorities already use electronic communication with statutory consultees. Costs relating to copying of applications should be amended to reflect this. Some statutory consultees have already published standing guidance on their websites which has led to a reduction in numbers.

Q19 Is there any evidence which you would like to submit to challenge the assumptions outlined in the impact assessment?

Response: No

Q20 Are there other options that can be suggested which would bring about the Government's objectives?

Response: The introduction of best practice guides and training courses

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may aid the process.

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Agenda Item 9

Committee: Planning

Date Of Meeting: 10th March 2010

Title of Report: **Response in respect of consultation report on Development Management**

Report of: **Andy Wallis**
Planning and Economic Development Director

Contact Officer: **Jim Alford** Telephone 0151 934 3544
Case Officer: **Sue Tyldesley** Telephone 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. (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 content of this consultation paper and draw attention to the implications for the planning service at Sefton .

Recommendation(s):

Members are recommended to note and agree the Planning and Economic Regeneration Director's responses to the consultation and to endorse the recommendations concerning development management in Sefton.

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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

| 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

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

Development Management :Proactive planning from pre-application to delivery DCLG

This consultation paper published in December 2009 is available for response until 19th March 2010. It seeks to develop a new planning policy on Development Management moving away from traditional development control to a new development management approach. The paper includes Part 2 which would become a new Planning Policy Statement (PPS) on development management, Part 3 which would become an annex to that PPS on pre-application discussions and Part 4 which would become an annex to that PPS on determination of applications. This will replace PPS1 in due course and is a key document for the planning process. The consultation paper includes an update on progress of policy annexes over a variety of development management issues

Development Management

The paper defines development management as follows

'Development management is a positive and proactive approach to shaping, considering, determining and delivering development proposals. It is led by the local planning authority (LPA), working closely with those proposing developments and other stakeholders. It is undertaken in the spirit of partnership and inclusiveness, and supports the delivery of key priorities and outcomes.'

Traditional development control has focussed on applying development plan policies and guidance, taking a reactive and precautionary approach. The shift to development management would require local planning authorities to facilitate and influence development to solve problems and deliver sustainable development proposals. This involves moving away from land use based plans and policies to embrace a strategic vision of the future of the area which is integrated with other local authority strategic functions and is more proactive and delivery focussed. This requires a culture change in local authorities.

Whilst the government will expect development management to be built on strong partnership working and local engagement seeking to facilitate and co-ordinate public and private investment by adopting problem solving approach, the precise form of approach to development management will be left to individual Local Authorities. It will be expected to be based around 7 key elements as follows

- ❖ a positive and proactive approach to place shaping
- ❖ putting planning policy into action-the relationship between development management and local planning should be seamless
- ❖ front loading-encouraging pre-application engagement
- ❖ taking a proportionate approach
- ❖ effective engagement –fostering a culture of partnership
- ❖ proactive delivery-appropriate use of planning conditions
- ❖ monitoring and review of development management outcomes

Pre application process

The Killian Pretty review highlighted the importance of effective pre-application engagement. Planning Performance Agreements were introduced in 2008 and a recent discussion paper on development a new 'quality of planning service' suggests that the pre-application service could in future be used as a performance indicator. At the moment planning Authorities have the discretionary power to charge fees for this service and these vary from no charge (as presently in Sefton) to significant fees. One of the questions raised in the consultation paper is whether these fees should be prescribed nationally.

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The consultation paper places some emphasis on the need to set out clearly the pre-application service which is offered by the Authority including the range of guidance and opportunities for pre-application discussion which are available.

Determination of applications

This is the third major aspect of the consultation. It seeks to add to the existing well entrenched advice that

'Local Planning Authorities must determine planning applications in accordance with the statutory development plan, unless material considerations indicate otherwise.'

It considers the weight that can be attached to emerging Development Plan Documents (DPD) advising that any refusal on grounds of prematurity must clearly demonstrate how the proposal would prejudice the outcome of emerging DPD. Decision makers must have regard to National Policy statements and emerging national statements (ie draft PPS) can be regarded as material considerations. The range of material considerations is clarified to include the sustainable community strategy and other local authority strategies.

This section also clarifies arrangements for 'call in' of applications.

Implications for Sefton

1. The development control service in Sefton has sought to change approach in recent years from a strictly reactive application of policies and procedures to a more responsive problem solving approach. This is a step in the direction which the government is now promoting. Close working relationships have been developed with colleagues in the Highways team, Environmental Protection (including various specialist areas), Legal, Leisure Services, HMR, MEAS, Building Control and an informal development team approach is used especially for larger schemes eg Sainsbury's proposals for Crosby. These working practices have developed in recent years but fall short of the approach promoted by the government which places development management in a pivotal role in delivering the strategic aims and vision of the council as a whole. Such changes may have corporate significance.
2. The change in emphasis from development control to development management will also require a change in the use of staff resources in the planning team. The emphasis in development management is on front loading and putting more time and effort into pre-application discussions to try to provide a smoother and quicker process at application stage. Potentially this can assist in achieving a better development but it does not come without some cost. Officers presently spend a great deal of time on pre-applications and a time survey is currently being carried out to quantify this. However, at a time when resources are tight some pre-applications, which are currently non fee earning and not part of performance statistics, have taken a back seat to planning applications. This reflects Government commitment to performance management and associated targets but ultimately might not result in the best outcomes for developments. As the emphasis changes and staff resources are stretched, the provision of an improved pre-application service may bring difficult choices on priorities and could result in a fall in some performance figures for applications in the short run. In the longer term the provision of a robust development management approach should reduce the amount of staff time required at application stage.

3. Sefton does not charge for pre-application discussions. The Director has previously taken the view that we want to encourage such discussions and that charges might be off-putting. However these discussions can be very time consuming and sometimes eg Hugh Baird College do not result in any formal application at the end of the process. Indeed, sometimes pre-application inquiries can be valuation exercises with no real likelihood of realisation.

It is clear that the Government accepts that charging for pre-application discussions is reasonable provided that the charges are not for profit and income from such charges does not exceed the cost of such services.

There are many potential difficulties with charging particularly around the setting of appropriate levels of fees for different types of proposals and different requirements for officer involvement. In general terms however the Director feels that the levels of charging should be set by the local authority concerned and not prescribed nationally as is one of the options in the consultation.

If the committee endorse this general approach, a practice note on pre-application discussions setting out what the council can offer and setting appropriate levels of charges will be brought to a future meeting.

4. Another area of concern for Sefton is about the issue of effective engagement during the pre-application process particularly for the public and for Members. The consultation document indicates that members should be involved in the pre-application process. This raises potential conflict of interest for planning committee members and the Director feels that the existing practices should not be significantly changed.
5. The consultation argues that there will be a significant saving as a result of reduced time and cost of condition discharge. The Director would strongly disagree with this as it does not reflect our experience. The suggestion is that conditions should routinely be shared with applicants and that the number of conditions should be much reduced because issues have been resolved. This misses the point. A lot of conditions relate to matters which the applicant is simply not able to deal with at application stage because of the time taken, cost or simply the difficulty of procurement. Other conditions are applied at the request of developers. The Director does not believe that a move to development management will bring significant savings in respect of condition discharge as matters are already resolved before decision if at all possible. Validation checklists and improved information have assisted this.

Conclusions

- 1 In terms of the implications for Sefton members are asked to support the principle of the development management approach. Further reports including a practice note on pre-applications and suggested fees for pre-application discussions and other services will follow.
- 2 The following response to the present consultation is recommended.

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The consultation comes with a long list of questions which serve to obscure the main issues and a general response in respect of the relevant part of the document is suggested as follows

Part 1

Sefton Council whilst supporting the principle of development management, is not convinced that a PPS (which is normally a document setting out planning policy guidance) is appropriate to deal with issue which are essentially procedural. In this respect a good practice note would seem more appropriate.

The main area where a PPS would assist is in the determination section of the document which explains the weight that should be attached to different material considerations. The present draft document incorporates little change to the existing guidance and does not give emphasis where it might be useful ie in clearly stating the weight to be attached to the sustainable community strategy and other local authority strategies. The words that these 'may be relevant' does not give enough weight in the context of their importance in the development management approach.

Part 3

Sefton Council supports the general emphasis of the consultation document in encouraging pre-engagement and front loading. It is recognised that this will bring significant challenges both at a corporate level and for management of the process. It must also be recognised that pre-application discussions should also be used to weed out proposals which are unsuitable at an early stage.

This Council would also agree that there is a need for clear LPA guidance on pre-application advice and discussions. However, this should be left for the individual authority to prepare to suit their own needs, resources and pressure. Whilst some information of the scale of fees which might be appropriate would be helpful, these fees should not be nationally prescribed. A valuable housing development in SE England cannot for example fund the same level of pre-application cost as a marginal housing development in Bootle.

The involvement of members in the pre-application process brings tensions and needs to be carefully considered as it can be prejudicial and is not always appropriate.

Part 4

The determination policy annexe changes the existing emphasis less than might be expected and a clearer statement of the range of different material considerations which can be balanced would be helpful.

Part 8

Sefton Council strongly disagrees with this. This Council already seeks to resolve issues where possible but recognises that conditions are often helpful to both the authority and applicants. The evidence in the assessment to suggest significant savings in respect of condition discharge simply does not reflect our experience. Whilst supporting the principle of development management and front loading, this will not result in significant savings and could require increased staff resources.

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REPORT TO: PLANNING
CABINET MEMBER – REGENERATION
CABINET

DATE: 10th MARCH 2010 – PLANNING
17th MARCH 2010 – CABINET MEMBER - REGENERATION
15th APRIL 2010 – CABINET

SUBJECT: JOINT STRATEGIC HOUSING LAND AVAILABILITY
ASSESSMENT 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 Strategic Housing Land Availability Assessment Study 2008, 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 housing 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 Strategic Housing Land Availability Assessment Study for Sefton and recommend that Cabinet endorses them to inform the emerging Core Strategy process;
- (ii) Subject to (iii) below, Planning Committee adopts the key findings of the study to inform the emerging Core Strategy process and use them to inform advice and decisions in relation to individual pre application proposals and planning applications which raise housing issues;
- (iii) Cabinet endorses the key findings of the Strategic Housing Land Availability Assessment Study to inform the emerging Core Strategy process.

KEY DECISION: Yes

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FORWARD PLAN: Yes

IMPLEMENTATION DATE: Following expiry of call in period after Cabinet meeting on 15TH April 2010

ALTERNATIVE OPTIONS:

None

IMPLICATIONS: None

Budget/Policy Framework: None

Financial:

| <u>CAPITAL EXPENDITURE</u> | 2009 2010 £ | 2010/ 2011 £ | 2011/ 2012 £ | 2012/ 2013 £ |
|--|----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Gross Increase in Capital Expenditure | £39,500* | | | |
| Funded by: | | | | |
| Sefton Capital Resources | | | | |
| Specific Capital Resources | | | | |
| <u>REVENUE IMPLICATIONS</u> | | | | |
| Gross Increase in Revenue Expenditure | | | | |
| Funded by: | | | | |
| Sefton funded Resources | | | | |
| Funded from External Resources | | | | |
| Does the External Funding have an expiry date? Y/N | When? | | | |
| How will the service be funded post expiry? | | | | |

* This is Sefton's share of the joint study cost (total cost £90,000) 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

PPS3: Housing, CLG, November 2006
 Strategic Housing Land Availability Assessments: Practice Guidance, CLG, July 2007

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JOINT STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT 2008 – FINAL REPORT

1.0 Background

- 1.1 Following a competitive tender selection process, the Council commissioned specialist consultants, White Young Green (now WYG), to undertake a Joint Strategic Housing Land Availability Assessment (SHLAA) Study on 7th April 2008. The study is a joint study commissioned on behalf of Knowsley, Sefton and West Lancashire local authorities respectively. The study has been led and tendered for by Sefton and funded by the three local authorities on a split cost basis, priced on an agreed formula based, in part on the number of sites to be assessed. Its principal purposes are to inform the preparation of the Council's Local Development Framework Core Strategy in relation to housing land supply matters and to guide advice on pre application proposals and planning applications which raise housing issues. The study is to be issued in three separate volumes relating to the individual local authorities. Sefton's study has now been completed and Knowsley and West Lancashire studies are almost complete at the time this report has been drafted.
- 1.2 The SHLAA study is regarded as one of the key evidence gathering studies (possibly the key study based on Core Strategy Inspectors' reports) and should be considered in parallel with the Strategic Housing Market Assessment (SHMA) which was previously reported to Members (Planning Committee on 19th August 2009; Cabinet Member - Regeneration on 2nd September 2009 and Cabinet on 3rd September 2009). Specifically, in this regard, PPS3: Housing states at Annex C that:
- 'Strategic Housing Market Assessments and Strategic Land Availability Assessments are an important part of the policy process. They provide information on the level of need and demand for housing and the opportunities that exist to meet it.'*
- 1.3 In short the SHLAA study examines the supply of housing and the SHMA examines the need and demand for housing. Both studies are essential and complementary to each other.
- 1.4 The Joint SHLAA Study report follows the general advice contained in PPS3: Housing and the more specific advice contained in the subsequently published Strategic Housing Land Availability Assessments Practice Guidance which was published in July 2007. In this regard, Practice Guidance in its introduction states that:
- 'Strategic Housing Land Availability Assessments are a key component of the evidence base to support the delivery of sufficient land for housing to meet the community's need for more homes.'*
- 1.5 Planning Committee agreed to the undertaking of such a study on 13th February 2008 and that a further report should be received on the outcome of the study at a later date. This report addresses that commitment.
- 1.6 A copy of the Sefton's part of the Joint SHLAA Study (i.e. Sefton's volume) can be inspected on the Sefton website at www.sefton.gov.uk/shlaa
- 1.7 The study context and approach are set out in Section 2 of this report; 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. Section 5 highlights some key caveats associated with the study findings and Section 6 sets out the Director's comments on the study. Notwithstanding this, because the study report (and its Appendices) is a long and detailed document, for the avoidance of doubt, this report simply summarises some of the key elements/findings of the study 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 the Strategic Housing Land Availability Assessment: Final Report, February 2010.

1.8 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 summarised later in the committee report at Section 2, paragraphs 2.2 and 2.5 below.

1.9 The base date for the Sefton SHLAA is 1st April 2008.

2.0 Study Context and Approach

(i) Study Context

2.1 The general approach to undertaking SHLAAs is now well documented with a significant number of such studies having been completed by local authorities throughout the country. In Greater Merseyside all local authorities have or are undertaking a SHLAA study, albeit in slightly different ways and to different timescales. Sefton did explore, some three years ago, the possibility of a comprehensive sub-regional SHLAA being undertaken but for various reasons it was not possible, including the reason that different local authorities were at different stages in the Core Strategy process at the time. Apart from the current joint study, St Helens and Halton and Warrington have completed a Mid Mersey SHLAA and Liverpool and Wirral are currently co-operating on a producing a joint Cross Mersey SHLAA.

2.2 The SHLAA good practice guidance recommends the production of the assessment should be informed by engagement with key local stakeholders throughout via a Housing Market Partnership. Such a partnership should include house builders, social landlords and local property agents, amongst others. Whilst no formal Housing Market Partnership was organised as part of the SHLAA, extensive consultation has been undertaken with key stakeholders at various stages of the study. The programme of consultation has included two formal stakeholder workshops, a comprehensive 'call for sites' exercise (where developers/landowners and others are invited to submit possible housing sites), and a comprehensive public consultation at the draft stage of the SHLAA report, to which key stakeholders and the public were invited to comment. Importantly, in this regard WYG, who carried out the study, have commented that this effectively amounts to a Housing Market Partnership as advised by the Practice Guidance, namely:

'It is WYG's view that this level of consultation and involvement effectively constitutes a Housing Market Partnership, even though this title was never formally conferred.'

2.3 It is important to be clear that the SHLAA is distinctly different from previous urban housing capacity studies prepared in the context of the now cancelled PPG3, including the Merseyside Sub-Region Urban Housing Capacity Study (including Sefton) that was completed in 2004. The key differences are:

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- whereas urban housing capacity studies covered only existing urban areas, the SHLAA must cover all settlements with housing potential, both urban and rural, going beyond existing settlement boundaries;
- whereas urban housing capacity studies covered only previously developed sites, the SHLAA must cover both previously developed and greenfield land;
- whereas urban housing capacity studies were underpinned by a sequential approach to identifying supply, there is no such requirement in the SHLAA;
- whereas urban housing capacity studies were required to identify only sufficient land to meet any housing target, the SHLAA needs to identify enough land so that a Core Strategy can maintain a continuous delivery for at least 15 years from the adoption of such a plan. To achieve this it should investigate all potential sites and, if appropriate, broad locations with housing potential; and
- whereas urban housing capacity studies were required to include an allowance for windfall sites, the SHLAA is specifically precluded from including such an allowance, unless there is robust evidence of genuine local circumstances that prevent specific sites being identified through the SHLAA process.

(ii) Study Approach

- 2.4 The study approach closely follows the advice set out in the CLG Strategic Housing Land Availability Assessment: Practice Guidance published in July 2007. It draws on preparatory work undertaken in 2007 and early 2008 by the three local authorities, which respectively collated information and produced comprehensive lists of potential housing sites to be reviewed through the SHLAA process. Following on from this WYG were asked to review the work completed by the three local authorities and take the study forward to completion, ensuring compliance with Government good practice guidance.
- 2.5 To give added weight to this study, the draft SHLAA Study has gone significantly beyond the advice in the CLG Practice Guidance. In this respect, the Council undertook two publicised 'call for sites' exercises in order to encourage landowners, developers, and members of the public to submit additional potential sites for consideration. The initial formal 'call for sites' stage lasted from 25 October 2007 to 13 December 2007, and was followed by a second 'call for sites' stage from 27 May 2008 to 18 July 2008. In combination, these exercises generated a total of 212 site submissions. Furthermore, the draft SHLAA Study has 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. These comments and WYG's responses are set out in Appendix 2 – Summary and Responses to Representations Received at Draft Report Stage of the full report. Among other things, this has enabled the draft findings of the study to be substantiated and tested against the practical experience of landowners, property professionals, and local community members/ the wider public and regional stakeholders. In this regard, the draft SHLAA Study was made available for public consultation between 20th August and 1st October 2009 (6 weeks). Subsequently, this consultation period was informally extended by a week until 8th October 2009. The public consultation generated 72 representations in respect of Sefton and a further 17 additional sites were submitted for consideration.
- 2.6 The SHLAA has identified a total of some 1632 sites to be considered including sites identified by Sefton and 'call for sites' process. Due to the large number of sites identified, it was decided that it was not cost-effective or methodologically advantageous to visit all sites less than 0.1 ha in size. Instead a 10% statistically representative sample of the smaller sites was assessed and the findings grossed up to represent the total population size. In total this meant that 804 sites were subject to detailed appraisal and

visited by the WYG survey team. For the avoidance of doubt all 'call for sites' sites irrespective of size were all visited and assessed. WYG then applied a very detailed 25 criteria appraisal process to all sites visited. Importantly, in order to be considered deliverable for housing sites have to satisfy each of the following criteria:

Be Available – i.e. the site is available now or in the time frame to which they relate;

Be Suitable – i.e. the site offers a suitable location for housing development and would contribute to the creation of sustainable communities; and

Be Achievable – i.e. there is a reasonable prospect that housing will be delivered on the site in the time frame proposed.

3.0 Key Elements of the Study

3.1 As part of the study WYG made an early decision to exclude three categories of site for the following reasons:

Allocated Employment Sites (including Primarily Industrial Areas)

Consistent with the emerging advice in the draft Employment Land and Premises Study, these were considered likely to remain in their existing use and were therefore excluded from the identified housing supply, except where there was a very strong presumption otherwise. In practice only one site in a Primarily Industrial Area has been included in the identified housing supply; that at Foul Lane, south of the railway line, in Southport. This vacant site was specifically identified as being unsuited to continuing employment use by the recently completed Employment Land and Premises Study report, which was reported to Members in the last committee cycle.

Green Belt Sites

Whilst the SHLAA Practice Guidance does not permit Green Belt sites to be automatically excluded from any study, WYG have taken the view that Green Belt sites should be excluded from the overall amount of land with potential for residential development as these sites will be assessed through a separate Study which will consider broad locations for future housing development. In this regard, WYG point out that such a Study is outside the scope of the current commission and, accordingly, the SHLAA simply provides an indication of the total amount of Green Belt land that has been assessed, but deliberately does not ascribe any dwelling yield (i.e. housing delivery numbers) to these sites. To reinforce this stance, WYG further point out that it would be premature to consider these sites at this time, as the suitability of releasing any land from Green Belt has not yet been determined. Only one Green Belt site, the Powerhouse Site in Formby, is recommended, in principle, for housing use. However, this site is identified in the UDP as a 'major developed site in the Green Belt' and therefore has a different status to the other sites submitted. This confirms the view of the recently published Employment Land and Premises Study.

Flood Zone 3 sites

WYG have taken the view that sites located wholly within Flood Zone 3 are not likely to be considered suitable for housing and should not contribute towards the identified housing supply. Where, however, a site is partially located in Flood Zone 3, this part of the site has been removed from its net developable area.

3.2 Furthermore, as part of the study process WYG have adopted the following approach in

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terms of urban greenspaces and non allocated sites in existing employment use:

Urban Greenspace sites

As part of the study WYG made an early decision to take a very cautious view about sites that are designated as Urban Greenspace and other areas of open space that have policy protection. In this regard, a view was taken from Council Officers as to the quality and importance of urban green space prior to a site assessment being undertaken. Arising from this, Urban Greenspace sites have generally been considered to have very limited housing potential and therefore removed from potential supply where the Council has indicated that housing development would be likely to be resisted.

One exception to this is the Coffee House Bridge site in Bootle, subject of a Supplementary Planning Document, which clearly supports the principle of housing development on part of the site. A limited number of other sites have been considered partially suitable, with redevelopment potentially being acceptable on the footprint of existing buildings.

As a result of the Building Schools for the Future programme, it is probable that a number of school sites that are allocated as Urban Greenspace will become available for residential development in the future after public consultation on possible school amalgamations have taken place. These may add modestly to housing supply at a later date but the SHLAA study, because of prematurity, makes no assumption about any housing contribution from this source. Any contribution from this source would be picked up via subsequent monitoring or study updates.

Non allocated sites in existing employment use

In assessing 'non allocated sites in existing employment use' WYG have again taken a cautious approach, both in terms of the likelihood of such sites coming forward for redevelopment and with regard to whether the use for housing would be likely to be judged acceptable by the Council. In this regard, WYG's site specific assessments have been undertaken on the basis that the redevelopment for housing of sites currently used for employment purposes will generally only be permitted if the development of the site would not lead to an unacceptable loss of employment land supply in the locality. This is consistent with advice presented in the recent Employment Land & Premises Study.

4.0 A Summary of the Key Findings of the Study

4.1 Table 4.1, below, sets out a summary Sefton's housing supply position arising from the final SHLAA study.

Table 4.1 Risk Assessed Housing Supply at 1 April 2008

| Source | 1-5 Year | 6-10 Year | 11-15 Year | Total |
|------------------------------------|------------|-------------|---------------|---------------|
| SHLAA large sites | 1,017 | 1,384 | 231 | 2,632 |
| SHLAA small site allowance | 216 | 152 | 40 | 408 |
| Commitments | 2,014 | 341 | 0 | 2,355 |
| TOTAL | 3,247 | 1,877 | 271 | 5,395 |
| RSS Requirements ¹ | 2,660 | 2,660 | 2,596 | 7,916 |
| Potential over/under supply | 587 | -783 | -2,325 | -2,521 |

¹RSS requirement includes a shortfall of 415 dwellings between 2003 and 2008, in addition to annual requirement of 500 dwellings. The requirement has been apportioned equally (i.e. 32 dwellings per annum) over the RSS period to

2021.

4.2 The key findings from table 4.1 and the full study (from a 1st April 2008 study base date) may be summarised below:

- In total the assessment indicates that Sefton has a 'risk assessed' housing land supply of 9.6 years from the study base date of 1st April 2008, against the RSS target of 500 per annum (plus the notional 32 dwellings per annum shortfall – see the footnote to Table 4.1 above). The 'risk assessment' that has been used applies a 20% discount for potential non-delivery of sites based on such factors as currently unknown constraints, changing landowner and developer intentions etc, and is based on best practice elsewhere where these studies have been undertaken.
- Of this headline supply, the majority is considered appropriate to come forward within the first 5 years. As can be seen in the above table, 3,247 units are considered suitable in the 1-5 year period; when compared to a RSS requirement of 2,660 units, this gives a five-year over-supply of 587 units.
- In the 6 to 10 year period there is an identified supply of a further 1,877 units, which compared to a RSS requirement of 2,660 units, presents a shortfall of 783 units. Taken in total with the five-year over supply of 587 units however, there is a ten-year shortfall of 196 units, equating to an overall 9.6 years supply.
- Looking ahead to the 11 to 15 year period there is a modest additional supply of 271 units. When measured against the 11-15 year requirement of 2,596 units, this gives an 11 to 15 year shortfall of 2,325 units.
- Taking the 15-year period 2008 to 2023 as a whole, there is a housing shortfall of 2,521 units (i.e. 196 plus 2,325)
- Accordingly, the study identifies a just less than 10 year 'risk assessed' housing supply covering the period 2008 to 2018 and a modest additional post 10 year supply (arising principally from land at Town Lane, Southport) of 271 units. There is no supply identified for the post 15-year period.
- The study, consistent with PPS3 advice, notes that there is a requirement for local planning authorities to identify, specific, developable sites to provide a 10-year supply of housing and, where possible, a 15-year supply. Where it is not possible to identify specific sites for the 11 to 15 year period, broad locations for future growth should be identified. Given that the study has demonstrated that there is insufficient housing land in Sefton to provide a 15 year supply of housing, WYG advise that there is a clear need for a separate study to be undertaken by the Council:

'...in order to consider the existing Green Belt boundary and identify broad locations where future housing growth could be accommodated. Such broad locations will often adjoin existing settlements, but could theoretically be located wholly outside the existing urban area. Any such assessment is outside the agreed scope of this commission, but it will need to consider Green Belt sites which have been excluded from the quantification of housing supply in the SHLAA broad. WYG is aware that Sefton and Knowsley Councils are currently in the process of appointing consultants to assist in the preparation of such a study.....'

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- Whilst not specifically addressed in the SHLAA report, it should be noted that the Core Strategy needs to cover the period 15 years from adoption in 2012. This further four year period (to 2027) would suggest the provision of an additional 2000 extra homes, based on an assumed rolling forward of the current RSS housing requirement of 500 dwellings each year to from 2023 to 2027. In total the housing shortfall to 2027 could therefore be of the order of 4,521 units (i.e. 2,521 units to 2023 and 2,000 units 2023-2027).

5.0 Key Caveats to be Attached to the Findings of this Study

5.1 The SHLAA Study at paragraph 1.04 is clear that it:

*'.... does not itself represent a statement of Council policy. Whilst it will inform the LDF process, it is for the LDF Core Strategy and Land Allocations documents to decide which sites should come forward for residential development and by what timescale. **The inclusion of sites within the study should not therefore be taken to imply that they will be allocated for development or that the Council will necessarily consider planning applications favourably.**'*

[NB, WYG's emphasis]

5.2 Furthermore, in support of the above the Council has received advice from Counsel that they should specifically add the following caveats to any approval of a SHLAA Study, namely:

(i) the study does not necessary cover all potential housing sites and others may emerge through the planning application or monitoring process;

(ii) in confirmation of WYG's cautionary comment above, the study is not meant to imply that that planning permission for housing development will be granted or is necessarily even likely to be granted for any particular site identified in the study; and

(iii) the study is a construct of broadly based evidence to support the development plan process and not a checklist of individual sites for s.78 planning appeals.

5.3 Given that above, whilst the SHLAA Study is intended to provide a robust and cautious view of overall future housing capacity in Sefton, it is not intended to imply that it is exhaustive in its assessment of supply (i.e. other sites may and are likely to emerge over time), nor that every site identified will necessarily be developed for housing. In this regard, it confirms that it is the best view of overall likely housing capacity at the base date of the study but it will need to be regularly monitored and updated.

6.0 Director's Comments

6.1 The Strategic Housing Land Availability Assessment 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 proposed for housing use. However, bearing in mind the advice of Counsel at paragraph 5.2 above it is important to note that it will be used to provide general advice about the adequacy of housing supply vis-à-vis housing need and most definitely not as a site specific checklist of what is acceptable for housing development in planning terms.

- 6.2 It is generally accepted that the SHLAA Study is the pivotal evidence gathering study which underpins key elements of the Core Strategy process. In this regard its importance is reinforced by PPS3 which makes it clear that the Government attaches great weight to the Strategic Housing Land Availability Assessment Study process and its findings. Any local authority attempting to take forward a Development Plan Document without complying with the core requirements set out in the SHLAA Guidance would be at high risk of its plan being found unsound for a lack of robust evidence. In support of this it is apparent that Core Strategy Planning Inspectors very closely scrutinise the findings of such studies at the public examination stage of Core Strategies. It therefore must be robust and realistic.
- 6.3 The key message contained in the Study is that when measured against Sefton's RSS housing requirement of 500 dwellings per annum, the borough has an almost 10 year (actually 9.6 years) supply of housing land from a 2008 base date (i.e. 2008 to 2018), but little supply exists after this period. We also have robust 5 years supply base dated at 2008 (i.e. 2008-2013). Given that the Council has to look forward to at least 2027 as part of its Core Strategy (i.e. 15 years from a notional adoption date), we are likely to have a housing shortfall of about 4,600 units (i.e. slightly more than 9 years at 500 dwellings per annum). In this regard, under the heading 'Stage 9 – Housing Potential of Broad Locations' WYG make three key points at paras 3.69 to 3.71 of their report, namely:
- 3.69 The capacity identified by the study is compared with current RSS targets in order to quantify the number of years housing land supply that Sefton has. Should any SHLAA identify a future shortfall in housing land, this would be a matter for the emerging Core Strategy to consider, which provides an opportunity for local people, key stakeholders and the development industry to make detailed comments about the direction of future growth.*
- 3.70 Additional urban capacity may be found in the future through, for example, sites which are currently in active use becoming unexpectedly available, such as the closure of large employment sites which are not required for future business use. Capacity which comes forward from previously unidentified development sites will be recognised in future revisions of this study. Any additional capacity provided in this manner would ultimately reduce the need for, or delay the phasing of, extensions to the urban area.*
- 3.71 More substantial shortfalls in supply may require planned urban expansion. The form of any urban extension is for the LDF to consider, in the context provided by the findings of the forthcoming Green Belt study and taking into account factors such as sustainability, environmental impact on the surrounding area and existing infrastructure.*
- 6.4 In the context of the above, Members may be aware that the Council has already anticipated the medium to longer-term housing land shortfall suggested by the SHLAA Study and is in the process of commissioning the Green Belt study. This study will be critical to identifying 'broad locations' or 'areas of search' in the Green Belt, both of which are necessary to take forward our Core Strategy. And in this regard a report to Planning Committee on 16th December 2009 addressed the matter in detail. In particular, Members will be aware that this study is categorically not a review of Green Belt.
- 6.5 As a final point it is worth noting that the SHLAA Study and Employment Land and Premises Study (reported in the last Committee cycle) have been undertaken in tandem because they allow land availability to be assessed in terms of competing possible end uses. This is in compliance with best practice elsewhere and the advice in the SHLAA

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Practice Guidance. In this regard, Members will be aware that one of the key findings of the Employment Land and Premises Study was the need, with very limited exceptional circumstances, to protect our existing employment land supply across the Borough. Given this, we do not expect it to be a future significant source of housing land supply. The final SHLAA acknowledges this sensitivity and makes only very modest assumptions about the potential transferability of land in employment use to future housing use.

6.6 To conclude, the completion of the SHLAA Study is timely and has confirmed much of what we were already knew, albeit anecdotally, about housing land supply in Sefton and especially the very tight medium to longer term housing land supply position that exists across the Borough. It does, however, now provide us with a robust evidence base to address the issues arising from these pressures; both in terms of informing advice on pre applications and planning applications and the further work that we have now embarked upon with regard to a Green Belt Study. It will also need to be closely monitored and updated as we move forward with the Core Strategy process.

7.0 Recommendations

7.1 That:

(i) Planning Committee and Cabinet Member – Regeneration note the key findings of the Joint Strategic Housing Land Availability Assessment Study for Sefton and recommend that Cabinet endorses them to inform the emerging Core Strategy process;

(ii) Subject to (iii) below, Planning Committee adopts the key findings of the study to inform the emerging Core Strategy process and use them to inform advice and decisions in relation to individual pre application proposals and planning applications which raise housing issues;

(iii) Cabinet endorses the key findings of the Strategic Housing Land Availability Assessment Study to inform the emerging Core Strategy process.

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REPORT TO: PLANNING
CABINET MEMBER – REGENERATION

DATE: 10TH MARCH 2010
17TH MARCH 2010

SUBJECT: INFORMED ASSESSMENT OF THE ECONOMIC
VIABILITY OF AFFORDABLE HOUSING IN SEFTON
STUDY - CONSULTATION DRAFT

**WARDS
AFFECTED:** ALL

REPORT OF: ANDY WALLIS – PLANNING AND ECONOMIC
DEVELOPMENT DIRECTOR
ALAN LUNT – NEIGHBOURHOODS AND INVESTMENT
PROGRAMMES DIRECTOR

**CONTACT
OFFICER:** Alan Young – Strategic Planning and Information Manager
Tel: 0151 934 3551

Jim Ohren – Principal Manager
Tel: 0151 934 3619

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

The purpose of this report is to inform Planning Committee and Cabinet Member – Regeneration of the findings of the draft Informed Assessment of the Economic Viability of Affordable Housing in Sefton Study and the intention to carry out a formal public and stakeholder consultation on this study.

REASON WHY DECISION REQUIRED:

No decision required. Report for information only.

RECOMMENDATION(S):

That Planning Committee and Cabinet Member – Regeneration note this report

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: N/a

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ALTERNATIVE OPTIONS: None

IMPLICATIONS:

Budget/Policy Framework: None

Financial: The cost of the study (£25,000) is being met from the Regional Housing Pot Capital Grant in 2009/10

| <u>CAPITAL EXPENDITURE</u> | 2009 2010 £ | 2010/ 2011 £ | 2011/ 2012 £ | 2012/ 2013 £ |
|--|----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Gross Increase in Capital Expenditure | | | | |
| Funded by: | | | | |
| Sefton Capital Resources | | | | |
| Specific Capital Resources | £25,000 | | | |
| <u>REVENUE IMPLICATIONS</u> | | | | |
| Gross Increase in Revenue Expenditure | | | | |
| Funded by: | | | | |
| Sefton funded Resources | | | | |
| Funded from External Resources | | | | |
| Does the External Funding have an expiry date? Y/N | When? | | | |
| How will the service be funded post expiry? | | | | |

Legal: 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

PPS3: Housing, CLG, November 2006

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INFORMED ASSESSMENT OF THE ECONOMIC VIABILITY OF AFFORDABLE HOUSING IN SEFTON STUDY - CONSULTATION DRAFT

1.0 Background

- 1.1 Members may recall last year (i.e. at Planning Committee on 6th May 2009, Cabinet Member – Regeneration on 6th May 2009 and Cabinet on 14th May 2009) that a decision was taken to commission a study on the economic viability of affordable housing in Sefton. Subsequently our retained specialist consultants on affordable housing viability, Three Dragons, were commissioned to undertake this study.
- 1.2 In accordance with best practice in this area of work, Three Dragons are independent of the Strategic Housing Market Assessment process (which assesses housing needs, including affordable housing) that was undertaken by Fordham Research for the Council and previously reported to Members last year (i.e. at Planning Committee on 19th August 2009, Cabinet Member – Regeneration on 2nd September 2009 and Cabinet on 3rd September 2009).
- 1.3 The need to carry out an economic viability study on affordable housing is set out in Planning Policy Statement 3. This requirement was reinforced by the landmark Blythe Valley Legal Decision, which essentially concluded that a Core Strategy could be found unsound if its affordable housing policies were not supported by such a study.
- 1.4 Notwithstanding the above, based on legal advice, we are currently applying affordable housing policies to specific qualifying sites, as set out on the Council's website at www.sefton.gov.uk/planningstudies
- 1.4 Importantly, the approach adopted by the Council in negotiating affordable housing fully recognises, consistent with PPS3 advice, that individual sites may need to be subject to an economic viability assessment and this is built into the overall affordable housing appraisal process.

2.0 Draft Informed Economic Assessment of Affordable Housing Study

- 2.1 Three Dragons were formally appointed to undertake the study in early August 2009. As part of the evidence gathering and engagement programme a workshop was held on 19th August 2009 at Bootle Cricket Club. At this meeting representatives from a range of organisations involved in the provision of affordable housing were present, including developers, registered social landlords, private sector landlords, neighbouring authorities and government housing and development agencies.
- 2.2 The workshop was useful in that it helped clarify some of the issues specific to Sefton that determine the viability of affordable housing. The information gathered at this event was important to ensure that the draft study would be relevant to Sefton, would help in understanding local affordable housing issues

and would be robust enough to help shape future affordable housing policy in the Borough.

- 2.3 Using the information gathered at the workshop and a range of other evidence (such as data on past affordable housing projects, land values and house prices) a draft of the study has been completed by Three Dragons and is now ready for public and stakeholder consultation. A copy of the draft study can be viewed at www.sefton.gov.uk/planningstudies

3.0 Key Findings of the Draft Informed Assessment Study

- 3.1 Some of the key findings of the draft study are:

(i) Identification of housing sub-markets in Sefton

- 3.2 It is apparent that the local variation in house prices has a significant impact on the viability of affordable housing in a particular scheme. A broad analysis of house prices in Sefton using HM Land Registry data was undertaken and identified seven viability sub markets -

- Prime Sefton (broadly Birkdale, Ainsdale and Blundellsands)
- Formby
- Crosby, Hightown and Rural Hinterland
- Maghull and Aintree
- Southport
- Litherland, Orrell and Netherton
- Bootle and Seaforth

- 3.3 These different sub-markets have significant differences in the residual value able to cross subsidise affordable housing. For example, a housing scheme in Prime Sefton with 30% affordable housing, at 40 dwellings per hectare (dph), will generate nearly £3 million residual value per hectare. The same scheme in Bootle will have costs of almost £0.5 million per hectare greater than its revenue (i.e. will have a negative residual value). On this basis, a single affordable housing target for the Borough would be a very difficult policy position to defend.

(ii) Testing the viability of a range of housing developments to deliver affordable housing

- 3.4 A number of development models were tested, using a range of size, house types and densities. These examples were chosen to reflect the range of sites that have been and are currently or likely to be available for development in Sefton. This testing showed that higher density development (over 80dph) looks marginal even without an affordable housing element in locations such as Bootle, Seaforth, Litherland and Orrell. However, in higher value areas, affordable housing contributions on higher density schemes should be viable.
- 3.5 The introduction of external grant makes a significant difference in the mid to lower sub markets, although in the weakest sub-market areas grants may not be enough to 'rescue' schemes seeking an affordable housing element.

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- 3.6 The analysis also shows that residual values are very sensitive to changes in house prices, both in the short and long term, and that additional costs, such as remediation works or the Code for Sustainable Homes can have significant impacts on scheme viability, most clearly in the lower value sub-markets. Viability is also highly sensitive to the relationship between existing (or, where relevant, alternative) use value. In this regard, affordable housing will often be viable on sites, for example, in back or garden use. However, small-scale redevelopment and conversion schemes (typically under 5 units) 'will be significantly challenging on viability grounds'.
- 3.7 The analysis of Sefton's supply of sites (based on extant unimplemented planning consents and the five year land supply) suggest that smaller sites (less than 15 units) makes a significant contribution (i.e. about 30%) to housing supply. Given this, Sefton's current policy approach (i.e. applying affordable housing requirements to sites 15 dwellings or more) is likely to 'miss' a significant opportunity to provide affordable housing in some parts of the Borough. From a housing management perspective the study did not find any, in principle, objections to the on-site provision of affordable housing on small sites, although a financial payment for off-site approach could be considered in certain circumstances.

(iii) Conclusions and Policy Recommendations

- 3.8 The report recommends that Sefton adopt the following key affordable housing policy positions through its Local Development Framework:
- Based on strict viability approach apply a dual target broadly splitting the main urban area of Sefton, including Bootle and Seaforth and Litherland, Orrell and Urban Sefton (called 'lower value Sefton') versus the remaining higher value sub-markets. On this basis, Three Dragons propose a 30% target for the higher value areas and a 15% target for the lower value areas. Alternatively, a more location specific based approach may be considered, including a three-way policy target, to the level of affordable homes required in housing schemes. This would set a target of 30% for Prime Sefton (Ainsdale, Birkdale and Blundellsands) and Formby; 25% for Crosby, Maghull and Southport; and, 10% for Litherland, Orrell, Bootle and Seaforth.
 - That the Council should adopt a dual threshold approach for when the affordable housing target is implement, with a size threshold of 15 dwellings in the Pathfinder area and a size threshold of 5 dwellings elsewhere. Three Dragons think a size threshold below 5 dwellings would be difficult to justify in viability terms anywhere in the Borough.
 - If there is any doubt about viability on a particular site, Three Dragons note that it will be the responsibility of the developer to make a case that applying the Council's affordable housing requirement for their scheme makes the scheme not viable. (This is currently the approach that Sefton

applies where the viability of a proposal to deliver affordable housing is in question).

- In cases where it may not be feasible or appropriate to provide affordable housing on-site, Three Dragons consider that a commuted sum payment (based on the equivalent amount which would be contributed by the developer/landowner were the affordable housing provided on site) could be sought. This would require the Council to have a clear strategy to ensure the money is spent effectively on delivering affordable housing elsewhere and in a timely manner.

4.0 Next Stages

- 4.1 In accordance with best practice it seek wider public and stakeholder comment, the draft study will be made available for formal public and stakeholder consultation for a six-week period during late March and April/May 2010. This will include a further workshop aimed at developers/housebuilders, landowners, and registered social housing providers to discuss the study recommendations in detail.
- 4.2 It is anticipated that the comments received during consultation will inform the final study for which will be drafted by Three Dragons in late May or early June 2010. This, in turn, will inform the Core Strategy preferred strategy later this year. The final Informed Assessment of the Economic Viability of Affordable Housing will be reported to Planning Committee, Cabinet Member – Regeneration and Cabinet for approval in the July cycle.

RECOMMENDATION(S):

That Planning Committee and Cabinet Member – Regeneration note this report

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Committee: Planning Committee

Date Of Meeting: 10TH March 2010

Title of Report: Planning Policy Statement 4: Planning for Sustainable Economic Growth

Report of: Andy Wallis
Planning and Economic Development Director

Contact Officers: Alan Young Telephone 0151 934 3551

| 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 key elements of the recently published Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS 4) which is intended to guide plan making policies at the regional and local level and is now a material consideration in determining planning applications for 'economic development' in the Borough.

Recommendation(s):

It is recommended that Planning Committee:

- (i) note the key elements of the new Planning Policy Statement 4: Planning for Sustainable Economic Growth.

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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 | | ✓ | |

Financial Implications

There are no direct financial implications arising from this report.

Departments consulted in the preparation of this Report

None.

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

'Planning Policy statement 4: Planning for Sustainable Economic Growth', December 2009

'Consultation paper on a new Planning Policy Statement 4: Planning for Prosperous Economies', May 2009.

Planning Policy Statement 4: Planning for Sustainable Economic Growth

1. Background & Introduction

- 1.1 Planning Policy Statement 4 (PPS4) was published on 29th December 2009 by the Department for Communities and Local Government (DCLG). The new guidance sets out the national planning policy for all 'economic development', and supersedes the town centre policies contained within PPS6, the policies on economic development in urban and rural areas in PPG4 PPG5, and PPS7, and the sections of PPG13: Transport relating to parking standards. The new PPS also incorporates elements of both the earlier draft PPS 4 (published for consultation in June 2009), and the proposed changes to PPS 6 (published for consultation in July 2008).
- 1.2 In addition to PPS4, there is a lengthy good practice guide that focuses on key retail policy tests. The good practice guide should be read in conjunction with the relevant sections of PPS4 that deal with retail planning matters and town centres.
- 1.3 The new PPS aims to bring together policies relating to the economy in an attempt to simplify planning policy, and focus on encouraging economic growth in a sustainable manner. To help achieve sustainable economic growth, the Government's objectives for planning are to:
 - build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural
 - reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation
 - deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change
 - promote the vitality and viability of town and other centres as important places for communities. To do this, the Government wants:
 - new economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities
 - competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups)
 - the historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity
 - raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural communities whilst continuing to protect the open countryside for the benefit of all

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- 1.4 PPS4 and the accompanying Good Practice Guide are relatively detailed documents, and this report seeks to highlight what are considered to be the key points. Should Members wish to view the full document, copies the document can be emailed to members on request, or accessed via the DCLG website at the following address:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>

2. The Main Elements of PPS4

- 2.1 The new PPS relates to all policy and development proposals for 'economic development'. For the purposes of the PPS, the definition of 'economic development' extends to:

- Main town centre uses, including retail, leisure & entertainment facilities, offices, arts, culture and tourism development
- Other development which achieves at least one of the following objectives:
 - provides employment opportunities
 - generates wealth, or
 - produces or generates an economic output or product

- 2.2 Housing is specifically excluded from the definition of 'economic development'.

- 2.3 The key elements of the new PPS are outlined below.

(i) Plan Making Policies

- 2.4 The Plan Making sections of the PPS outline the considerations that policy makers at both a local and regional level will need to take into account when preparing planning policies.

Evidence Base

- 2.5 The PPS places a significant evidential burden on local authorities, which goes significantly beyond what was required under previous planning guidance. This has the potential to generate significant additional work as well as presenting additional cost implications to the authority.
- 2.6 As part of the expanded evidence base, the guidance places an onus on local authorities to commission frequent Town Centre Health Checks. Good practice previously indicated that these should be undertaken about every 3 years; however, the implication is that these will now need to be carried out on a more regular basis in order to maintain up-to-date information. Members should note that these studies, which require specialist consultancy input, typically cost in the region of £8,000 to £10,000.
- 2.7 Additionally, the new guidance requires local authorities to incorporate a series of additional measures into their monitoring. A proportion of this information may

already be readily available, however there are requirements for original data, such as new local surveys to identify "economic and property challenges to be considered in plan making". These surveys may include the collection of; floorspace availability by rent and size, rents by grade, office land values, construction rates, etc. A full list of these additional measures is included at Annex C of the PPS. It should be noted by Members that these additional data collection and monitoring requirements will place an additional resource burden on the Council.

- 2.8 Furthermore, a number of the requirements of the PPS, as outlined below, are likely to necessitate additional evidential support.

Town Centres

- 2.9 The new PSS requires Local Authorities to be proactive in formulating strategies for centres in their areas. This should involve choices about which centres will accommodate any identified need for growth, considering their expansion where necessary. Where deficiencies in provision are identified, priority should be given to deprived areas where there is a need for better access to services, facilities and employment by socially excluded groups.
- 2.10 The new PPS also creates a requirement for local authorities to give equal weight to both quantitative and qualitative need for additional retail and leisure floorspace. This is in contrast to the previous PPS6 which placed much greater weight on quantitative need. As outlined above, determining qualitative need may have significant additional resource and cost implications.
- 2.11 The new PPS also places a requirement on local authorities to promote competitive town centres and consumer choice.

Economic Development

- 2.12 The new guidance requires local authorities to set out a clear economic vision and strategy for their area, which positively and proactively encourages economic growth. This should include identifying areas with high levels of deprivation that should be prioritised for regeneration investment.
- 2.13 Local Development Frameworks should support existing business sectors, taking account of where they are expanding or contracting, and where possible, identifying new or emerging sectors likely to locate in their area.
- 2.14 Additionally, the new PPS encourages the use of planning tools, such as Simplified Planning Zones, Compulsory Purchase Orders, Area Action Plans, and s106 agreements, to simplify the planning process where appropriate.
- 2.15 The new PPS states that local authorities should also:
- prioritise development on previously developed land
 - encourage new uses for vacant or derelict buildings (including historic buildings)
 - facilitate new working practices such as live/work and home working
 - set out evidence based policies for the delivery of the sustainable transport and other infrastructure needed to support planned economic development
 - Identify local rural service centre where development should be focused

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Car Parking

- 2.16 The new PPS advises that national parking standards should be removed. Instead, local authorities will be responsible for setting their own maximum parking standards for non-residential development in their areas. The draft guidance states that there should be no minimum standards except for disabled spaces.

(ii) Development Management Policies

- 2.17 The key change with regards to town centres is the removal of the 'need' test – the requirement for applicants proposing retail (or other town centre) development to demonstrate the need for their proposals. Instead, 'need' is to be subsumed within a wider 'impact' test which assesses need alongside other factors such as accessibility, design, impact on deprived areas and employment, and town centre vitality and viability. A new measure within the impact test would also assess whether a proposal has been planned to limit carbon emissions and minimise the effect on climate change (amongst others). The new PPS states that where "there is clear evidence that the proposal is likely to lead to significant adverse impacts" against any one of these "impact" measures, then the application should be refused. The key point to note here is that for a number of these measures, the "clear evidence" described in the section above will be required for us to demonstrate that "significant adverse impacts" apply. In this respect, we will not be able to rely on out-of-date evidence or information. The impact test will also need to be applied by local authorities when allocating sites through the Local Development Framework.
- 2.18 The new impact test is only applicable to town centre schemes with a gross floorspace above 2,500 sq m (26,910 sq ft), which are on the edge or outside of an existing centre. Consequently, retail and leisure proposals below 2,500 sq m (which includes some fairly sizable schemes) would only be required to meet the sequential test. For these applications, the Council would not be able to take into account factors such as the vitality and viability of town centres, need, scale or any other adverse impacts outlined in the impact test. Should we decide that this threshold is too high, the PPS allows for local authorities to specify their own floorspace thresholds. The guidance also allows for local authorities to define any additional local impacts to be considered as part of the 'impact test'.
- 2.19 In practice, the dilution of the 'need' test within the wider impact test could mean local authorities are no longer able to refuse applications on need alone. This may harm Sefton's ability to resist some edge-of-centre and out-of-centre development. Local authorities however will still be required to demonstrate need in preparing development plans.
- 2.20 The 'sequential' test, which requires town centre uses (such as retail) to be prioritised on sites in town centre locations, will be retained alongside the new impact test. However, this test will only enable us to resist out-of-centre development where 'sequentially preferable' sites are clearly identified.

3. Director's Comments

- 3.1 Whilst we have always doubted the wisdom of the amalgamation of retail and employment policy advice into one PPS (since in our view it would lose clarity) and have commented to this effect in the consultation response to draft PPS4, it is now a *fait accompli* and we will have to work with the new arrangements as best we can, both in respect of the plan making process and with regard to making development

management decisions.

- 3.2 More significantly, PPS4 implies a significant change in the planning policy context, particularly with regard to retail planning matters and how we assess retail proposals. Members will be aware that, inter alia, we have previously raised concerns, as part of the draft PPS4 consultation about the replacement of the needs test with a wider impact test and the implications that this would have for the potential reduced protection of existing centres. Given that the impact test has now been confirmed in the final PPS4, these concerns remain.
- 3.3 Furthermore, the new retail information monitoring requirements and the information required to be assembled as part of the wider impact test are very onerous and over and above that which we have previously collected. This will place a considerable additional and ongoing evidence gathering and monitoring responsibility on the Council and it will undoubtedly have financial and staffing resource implications. These matters will need to be subject to a further report or reports to Members at a later date, once the implications of this advice have been fully digested and discussed in detail with our new retained retail consultants, whom we expect to have on board from April onwards (we are currently going through the selection process and the outcome of which will be reported to Members for their endorsement shortly).

Recommendation(s):

It is recommended that Planning Committee:

- (i) note the key elements of the new PPS4: Planning for Sustainable Economic Growth

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Committee: PLANNING

Date Of Meeting: 10th March 2010

Title of Report: SECTION 106 MONITORING

Report of: Andy Wallis
Planning and Economic Development Director

Contact Officer: Jim Alford Telephone 0151 934 3544
Mandy Biagetti Telephone 0151 934 4313

| 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 inform the Committee of progress on the preparation and implementation of Agreements under S106 of the Town and Country Planning Act 1990.

Recommendation(s):

- Members note the recommendations and agree that the items should be reported to the relevant area committee shown in Annex B.

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 and Young People | ✓ | | |

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Financial Implications

Members are recommended to support the recommendations as set out in Annex B.

Departments consulted in the preparation of this Report

Leisure Services

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

None

Introduction

Members will be aware that Planning Committee normally receives a twice yearly update on progress in respect of Agreements made under Section 106 of the Town and Country Planning Act 1990. The last report was considered by the Planning Committee in September 2009. The S106 monies which have been received and the location of spend, which is supported by Planning Committee is then reported to the relevant Area Committee. The Area Committees receive a report twice a year and this will normally be in April/May or October/November subject to committee dates.

This report normally contains 3 annexes titled A, B and C, the content of each is described below. Annex A and C will now be presented on the intranet when the agenda is issued.

Annex A S106's that have been agreed by Planning Committee and Area Committee and where spend is underway, programmed or awaiting the development of a £50,000 pot.

Annex B S106's where money has been received since your last report in September 2009 and which need to be reported to Area Committee. Planning Committee is asked to approve the recommendation about location of spend.

Annex C A list of planning applications, which have outstanding S106 agreements.

Members, particularly at Area Committee, have queries about the scope of S106 contributions. The Council's statutory UDP lays down standards for the provision of tree planting and public greenspace required for new development. If this cannot be provided on site, a financial contribution is made in line with the charges set out in the recently approved SPD Greenspace trees and Development.

Progressing the implementation and management of S106 legal agreements is the responsibility of Planning Committee; the role of the Area Committee is to endorse the siting for tree planting monies, and to respond to recommendations for utilising public greenspace contributions. Projects can go beyond investing in parks and currently range from public realm improvements to allotments and a cemetery; other projects to improve accessibility or use of greenspace can be considered.

The whole S106 process is attracting scrutiny from the Government, developers and auditors; Considerable staff time is devoted to ensure the arrangements are clear and transparent and that progress is maintained in receiving agreed contributions and ensuring received contributions are available for spend. As Members will appreciate the impact of the current recession on the construction industry can make S106 progress both slow and uncertain.

In light of the level of local interest it is suggested that the order in which S106's are reported to Planning and Area Committee's is reversed. A report would firstly be submitted to Area Committees for members to comment on the recommendations of where to spend S106 monies, rather than just to note an approved area of spend. This would allow Planning Committee to consider the view of the Area Committee whilst still retaining the responsibility for the decision of where the S106 money should be spent.

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Summary of changes since last report in September 2009

Following the September 2009 Planning Committee meeting reports were taken to Southport and Linacre and Derby Area Committees. A report was prepared for the Litherland and Ford Area Committee but was taken off the agenda by the Chairman. This committee has not considered a S106 update report since October 2008. The Southport and Linacre and Derby Committees agreed all recommendations as set out.

Below is a table showing the number of outstanding applications subject to agreements and the number of agreements under which payment has been received in the last 6 months for each area committee. Members previously noted that the number of cases in Annex C seemed to be increasing. There are presently 25 sites which are paying their commuted sums in instalments. This is the highest number of installed payments ever managed due to the current economic climate. There are also 20 cases where work has commenced and officers are negotiating with the developer. A total of 101 sites have planning permission with a S106 condition attached but no works have commenced. These three elements create a substantial annex C.

| Area Committee | Number of sites with Schemes outstanding | Number of sites where money received in the last 6 months |
|----------------------------------|--|---|
| Crosby | 36 | 3 |
| Formby | 7 | 0 |
| Linacre/Derby | 21 | 4 |
| Litherland/Ford | 4 | 1 |
| St Oswald/Netherton | 8 | 0 |
| Sefton East | 8 | 0 |
| Southport | 62 | 7 |
| Total September 09 to March 2010 | 146 | 15 |
| Total March 09 to September 09 | 131 | 16 |

Public Greenspace

With regard to green space the intention is still to achieve "site pots" in the region of £50,000 before project development in order to allow meaningful improvement to take place and make best use of economies of scale. In some cases these monies will then be used as match funding for external bids and so may take longer to deliver.

Agenda Item 13

| Area/ site | Amount of Section S106 | Have the funds reached £50,000 level | An update from Leisure Services |
|--|--------------------------------------|--------------------------------------|---|
| Crosby | | | |
| Chaffers Playing Field (inc Brook Vale Playing Fields) | £84,465.00 | Yes | Approximately £8000 spent to date on screen planting, Remainder now programmed for play area at Brook Vale due 2010. |
| Victoria Park | £116,000.00 | Yes | First phase of work to start on site spring 2010: on the area around the Pavilion and the children's play area (natural style play area on site Feb 10, funded via Playbuilder programme) |
| Alexandra Park | £20,484.56 | No | Annex to new park complete. |
| Moorside Park | £17,485 | No | Vision plan for the future of the site being developed with the new Friends Group. |
| Potters Barn | £17,715.00 | No | Monies will be used to carry out works following repair of the barn (awaiting resolution of lease) |
| Crosby Coastal Park | £26,879.00 | No | Coastal path works now complete. Remaining £9000 to contribute to Coastal Park Masterplan |
| Church Ward | £5,000 | No | Shrub management works complete at Marine Gardens Spring 2009. |
| Blundelsands Ward | £5,000 | No | Leisure services awaiting view of members |
| Manor Ward | £5,000 | No | Leisure Services awaiting view of members |
| Victoria Ward | £5,000 | No | Leisure Services awaiting view of members |
| Priority 1* sites (excluding Victoria Park) | £21,888 | No | Leisure services will consult with Crosby Area Committee when a priority 1* site requires work |
| Formby | | | |
| Duke Street Park | £7,510.00 | Yes | Maintenance for play area funded by S106. |
| Deansgate Lane, Duke Street Park & Smithy Green | £14,292.00 £4,764.00 Per park. | Yes | Waiting for £50,000.00 level to be reached. |

Agenda Item 13

| Linacre & Derby | | | |
|------------------------------|--|-----|---|
| South Park | £293,591.72 (increase of £165,765.00 since 09/2009) | Yes | Vision Plan development to commence early 2010. |
| Bowersdale Park | £31,309.30 (increase of £14,292.00 since 09/2009) | No | Waiting for the £50,000 level to be reached |
| North Park | £122,398.00 (increase of £71,463.00 since 09/2009) | Yes | £50,000.00 level only recently achieved. Vision plan development (in line with Green Flag Management Plan) and decisions on next priorities in 2010 |
| Derby Park | £46,562.00 | No | Phase 5 of Derby Park Vision plan to be delivered during 2010. |
| Litherland & Ford | | | |
| Hornby Flats | £33,776.16 | No | Waiting further instruction from Litherland and Ford Area Committee |
| Hatton Hill Park | £68,068.00 | Yes | Phase 2 consultation complete. Works to create terraced garden area to commence Spring 2010. |
| Mellenear Park | £58,170.00 | Yes | Part of contribution for greenspace in HMRI area. |
| Southport | | | |
| Southport Action Plan Area | £52,816.13 (increase of £7,816.13 since 09/2009) | N/A | Lord Street phase 2 completed October 2008. Next phase could include Kings gardens/Market Hall public realm/Scarisbrick Avenue |
| Bedford Park | £39,583.00 (increase of £10,710.00 since 09/2009) | No | Phase II works with Friends of Bedford Park currently on site: monies used in conjunction with other funding for: natural style play area, outdoor gym, amphitheatre, furniture, youth and community gardens, and planting of approx 50 trees |
| Meols Park | £89,507.96 (increase of £10,141.44 since 09/2009) | No | £39,000.00 to provide match to Portland Street changing facility – due for completion on site summer 2010 |

Agenda Item 13

| | | | |
|--|---|-----|---|
| Devonshire Rd & Canning Rd | £6,425.00 | No | £42,000.00 recently spent on play facility |
| Portland Street Playing Fields | £350,000.00 | Yes | New changing facility to be completed on site Summer 2010 |
| Hesketh Park | £142,858.30 (increase of £33,858.30 since 09/2009) | Yes | To be added to major HLF works/ further phases of improvements |
| Queens Jubilee Trail | £10,984.00 | No | Waiting for the £50,000 level to be reached |
| Rotten Row | £11,776.80 | N/A | Vision plan developed with Birkdale Civic Society and Heritage Lottery Fund application submitted |
| St Oswald, Netherton And Orrell | | | |
| Abbeyfield Park | £107,461.84 | Yes | Anticipate preparatory works to begin 2010. |
| Aspinalls Fields (Menai Park) | £52,630.00 | Yes | Part of Klondyke HMRI project; retained to layout area to be taken into park |
| Browns Lane Allotments | £50,000.00 | Yes | Consultation and scheme development works complete. Clearance works commenced 2009. Allotments to be made available spring/ summer 2010 (dependant on adoption of Allotment Strategy) |
| Killen Green Park | £26,315.00 | .No | Waiting for £50,000 level to be reached |
| Sefton East Parishes | | | |
| Harrow Drive | £19,137.00 | No | Waiting for £50,000 level to be reached |
| Rainbow Drive | £14,720.80 | No | Waiting for £50,000 level to be reached |
| Old Hall | £8,584.00 | No | Waiting for £50,000 level to be reached |
| Maghull Town Square | £20,000.00 | N/A | Ongoing discussions with centre owner on opportunities for potential works |

Tree Planting 2009/10

With regard to the expenditure of S106 monies, proposals for tree planting will usually be identified as close to the application site as reasonably possible and in line with the strategic need for tree planting identified by the Leisure Director.

Details are now available for tree planting in all parts of the Borough. This information will be provided to Area Committees.

The table below sets out the tree planting and money available for 2009/10.

Agenda Item 13

| Area Committee | Total £ available | Tree Planting Sites | Arboreal Officer Comments |
|----------------------------------|-------------------|---|---|
| Crosby | £22,700 | Warren Rd, Hall Rd East, Spinney Cres, St Michaels Rd, Dowhills Rd, Sussex St, Crosby Rd North, Esplen Ave, Newborough Ave, Liverpool Rd, Everest Rd | |
| Formby | £300 | Monks Dr | |
| Linacre & Derby | £122,000 | Seaforth Rd, Marsh Lane, Bank Rd, Derby Rd, Rimrose Rd, Strand Rd, Merton Rd/Irlam Rd, Peter Mahon Way, Knowsley Rd, Hawthorne Rd, Aintree Rd, Linacre Lane | Intention to plant larger trees on Rimrose Rd and Derby Rd to make an impact on main route from Sefton to Liverpool |
| Litherland & Ford | £7,800 | Knowsley Rd, Linacre Lane, Gorsey Lane | |
| Sefton East | £11,300 | Liverpool Rd North, Robbins Bridge, Southport Rd, Sandy Lane, Northway (A59), Liverpool Rd, Dodds Lane, and Bleasdale Ave | |
| Southport | £71,900 | Guildford Rd, Aughton Rd, Carr Lane, Liverpool Rd, Manchester Rd, Cambridge Rd, Rufford Rd, Bankfield Lane, Cambridge Rd, Beresford Dr, Norwood Ave, Welwyn Ave, Cornwall Way | |
| St Oswalds, Netherton and Orrell | £21,300 | Bridle Rd, Manor Dr Linacre Lane, and Park Lane | |
| Total | £257,300 | | |

Successes to date in 2009 to 2010

Tree Planting

During the last planting season (November 2008 to March 2009), 239 standard trees were planted in Sefton's streets, at key locations in the Borough. These sites included Liverpool Rd North, Maghull, Crosby Rd North/South, Waterloo and Stanley Road Bootle.

In addition, more than 1400 smaller woodland trees were planted in Buckley Hill

Playing Fields.

S106 funding paid for 62% of this tree planting. The S106 funding was also used as match funding to draw down grants from Mersey Forest, thereby obtaining additional benefit from the planning money.

Greenspace Improvements

A conglomerate project has been undertaken to Bedford Park, Birkdale (funded from a variety of sources incl PCT, Playbuilder, area committee, Tesco's and revenue budgets). Improvements have included a new natural style play area, an outdoor gym, an amphitheatre, a youth and community garden, furniture and tree planting.

The Future

The Council continues to be adversely affected by a downturn in number of schemes coming forward for planning permission. Those sites which have already have got planning permission are not commencing work, many of the sites are being 'mothballed' as landowners and developers wait for an upturn in the market. This will have a direct impact on the income from S106 agreements in the following years. Alongside this impact those developers which owe commuted sums are asking to pay reduced sums, delay payment by introducing clauses in new agreements or pay in instalments. A number of Breach of Condition Notices have been served and cases passed to the legal debt recovery team. A greater amount of time and effort by monitoring staff is being taken to pursue payment.

This is highly likely to be the position for some time to come.

Conclusion

Annex B is attached for members to approve the recommended location of spend. Annex A and C are available on the intranet for members to view. Any specific concerns prior to the meeting can be raised by contacting mandy.biagetti@planning.sefton.gov.uk.

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Report to Planning Committee

Area Committee: *Crosby*

Annex B

Ward: *Blundellsands*

| | | | | |
|-------------|------------------------------------|---------------------------------|----------------------------------|--|
| S/2006/0500 | North Yard College Road, Crosby | Agreed Sum: £27,565.40 | Tree Provision and greenspace | Alexandra Park and tree planting in the vicinity of the development. |
| | | Sum Received: £27,565.40 | | |
| | | Trees: £8,985.41 | | |
| | | Greenspace: £18,579.99 | | |

Ward: *Church*

| | | | | |
|-------------|---------------------------------|--------------------------------|-------|-------------------------------|
| S/2007/0672 | 17 Marine Crescent, Waterloo | Agreed Sum: £1,200.00 | Trees | Tree planting in the vicinity |
| | | Sum Received: £1,200.00 | | |
| | | Trees: £1,200.00 | | |
| | | Greenspace: £0.00 | | |

Ward: *Victoria*

| | | | | |
|-------------|--|---------------------------------|----------------|---|
| S/2009/0041 | Former Welsh Presbyterian Church 5 Crosby Road South, Waterloo | Agreed Sum: £29,685.60 | | Victoria Park and tree planting in the vicinity |
| | | Sum Received: £32,932.00 | | |
| | | Trees: £14,505.67 | | |
| | | Greenspace: £15,179.93 | | |
| S/2005/1250 | 149 & 151 St Johns Road, Waterloo | Agreed Sum: £5,715.00 | Tree Provision | Tree planting in the vicinity |
| | | Sum Received: £5,715.00 | | |
| | | Trees: £5,715.00 | | |
| | | Greenspace: £0.00 | | |

Agenda Item 13

Area Committee: *Linacre & Derby*

Ward: *Derby*

| | | | | |
|-----------------------------|---|---------------------------------|---------------------------------|---|
| S/2009/0426 | 34 Balliol Road Liverpool, Bootle | Agreed Sum: £24,163.44 | Greenspace and Tree Planting | Derby Park and tree planting in the vicinity |
| | | Sum Received: £27,183.00 | | |
| | | Trees: £8,626.94 | | |
| | | Greenspace: £15,536.50 | | |
| S/2006/0004 | Scout Hut Roxburgh Street, Bootle | Agreed Sum: £14,292.30 | Greenspace | Derby Park |
| | | Sum Received: £14,292.30 | | |
| | | Trees: £0.00 | | |
| | | Greenspace: £14,292.30 | | |
| Ward: <i>Linacre</i> | | | | |
| S/2007/1162 | Kerries Bar 74 Regent Road, Bootle | Agreed Sum: £3,045.00 | Tree Provision | Tree planting in the vicinity of the development |
| | | Sum Received: £3,045.00 | | |
| | | Trees: £2,870.00 | | |
| | | Greenspace: £0.00 | | |
| S/2009/0118 | Former Town Hall Garage 48 Oriel Road, Bootle | Agreed Sum: £57,911.43 | Trees and green space | South Park and tree planting in the vicinity of the development |
| | | Sum Received: £65,001.00 | | |
| | | Trees: £21,903.55 | | |
| | | Greenspace: £36,007.88 | | |
| S/2006/0151 (PHASE 1D) | 50-64 Stanley Road, Bootle | Agreed Sum: £34,512.00 | trees and green space | South Park and tree planting in the vicinity of the development |
| | | Sum Received: £34,512.00 | | |
| | | Trees: £14,304.00 | | |
| | | Greenspace: £20,208.00 | | |

Area Committee: *Litherland & Ford*

Ward: *Ford*

| | | | |
|---|--|---|--|
| S/2008/0038/A Sefton Works Field (2ND AGGRMIT) | <p>Agreed Sum: £35,000.00</p> <p>Sum Received: £35,000.00</p> <p>Trees: £0.00</p> <p>Greenspace: £0.00</p> | In lieu of affordable housing | Awaiting recommendation of Litherland and Ford Area Committee |
| S/2007/0520 | <p>Agreed Sum: £13,395.00</p> <p>Sum Received: £13,395.00</p> <p>Trees: £5,220.00</p> <p>Greenspace: £8,175.00</p> | Tree Provision & Green space | Hatton Hill Park and tree planting in the vicinity |
| S/2003/1184 | <p>Agreed Sum: £24,728.00</p> <p>Sum Received: £24,728.00</p> <p>Trees: £10,329.00</p> <p>Greenspace: £14,399.00</p> | Open space £14399. Trees £10329. Footpath enhancement to north of site | Rimrose Valley rec ground and footpath connecting Site to recreation ground. FIVE YEAR CLAUSE - MONIES MUST BE SPENT BY 01/09/2013. |
| S/2003/1259 | <p>Agreed Sum: £102,555.0</p> <p>Sum Received: £102,555.0</p> <p>Trees: £33,178.00</p> <p>Greenspace: £69,377.00</p> | Open space £69377; Trees £33178 & Footpath enhancement to north of site | Rimrose Valley rec ground and footpath connecting Site to recreation ground. FIVE YEAR CLAUSE - MONEY MUST BE SPENT BY 23/01/2012 |

Agenda Item 13

Ward: Litherland

| | | | | |
|-------------|---|--|-------------------------------------|--|
| S/2006/0110 | 61 Hornby Boulevard, Bootle | Agreed Sum: £35,970.00 Sum Received: £35,970.00 Trees: £0.00 Greenspace: £35,970.00 | Tree Provision and Greenspace | Within HMRI area |
| S/2004/1237 | Former Toprain Site Hawthorne Road, Bootle | Agreed Sum: £122,449.0 Sum Received: £122,449.0 Trees: £0.00 Greenspace: £58,170.00 | Tree Provision and Highway works | Canal edge and treatment of new pennington Lane Bridge Approach |
| S/2005/0832 | Land at Junction of Bridge Road/Wellington Road, Litherland | Agreed Sum: £28,336.00 Sum Received: £28,336.00 Trees: £27,861.00 Greenspace: £0.00 | Tree Provision | Awaiting recommendation Litherland & Ford |
| S/2005/1255 | Former Linacre Grange St Andrews Road, Bootle | Agreed Sum: £43,970.96 Sum Received: £43,970.96 Trees: £0.00 Greenspace: £43,970.96 | Tree planting and greenspace | Mellaneer Park |
| S/2008/0821 | 18-32 Linacre Road, Litherland | Agreed Sum: £10,757.04 Sum Received: £12,581.33 Trees: £0.00 Greenspace: £10,757.04 | Greenspace | Hatton Hill Park |

S/2006/0969 4 Chelsea Road,
Litherland

Agreed Sum: £3,915.00 trees
Sum Received: £3,915.00
Trees: £3,915.00
Greenspace: £0.00

Tree planting in the vicinity

S/2005/1148 Land at Ash
Road/Beach Road,
Litherland

Agreed Sum: £42,545.72 Greenspace
Sum Received: £42,545.72
Trees: £0.00
Greenspace: £42,545.72

Hatton Hill Park

Area Committee: *Southport*

Ward: *Birkdale*

N/2009/0122 6 Liverpool Road,
Birkdale

Agreed Sum: £2,479.50
Sum Received: £2,610.00
Trees: £2,479.50
Greenspace: £0.00

Bedford Park

Ward: *Cambridge*

N/2008/0211 27 Cambridge Road,
Southport

Agreed Sum: £11,183.40 greenspace
Sum Received: £13,080.00
Trees: £0.00
Greenspace: £11,183.40

Hesketh Park

N/2008/0119 47 Cambridge Road,
Southport

Agreed Sum: £13,979.25 GREEN SPACE ONLY
Sum Received: £16,350.00
Trees: £0.00
Greenspace: £13,979.25

Hesketh Park

Agenda Item 13

N/2008/0707 Crimond Hotel 28-30 Knowsley Road, Southport
Agreed Sum: £33,330.00 Trees & Greenspace Southport Action Plan
Sum Received: £33,330.00
Trees: £10,440.00
Greenspace: £22,890.00

Ward: Dukes

N/2003/0220 36 Westcliffe Road, Southport
Agreed Sum: £23,856.00 Greenspace and tree provision Bedford Park and Tree Planting in vicinity of development.
Sum Received: £23,856.00
Trees: £13,146.00
Greenspace: £10,710.00

Ward: Norwood

N/2008/0037 161 Sussex Road, Southport
Agreed Sum: £7,778.11 greenspace Southport Action Plan
Sum Received: £9,097.20
Greenspace: £7,778.11

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Agenda Item 14

Committee: Planning

Date of Meeting: 10 March 2010

Title of Report: Works in default within Seaforth/Waterloo HMRI area.
Report of: Andy Wallis
Planning and Economic Development Director

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

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

Purpose of Report: To seek authority to carry out works in default in respect of non compliance with a notice under the terms of Section 215 of the Town & Country Planning Act 1990 to the following property within the Seaforth/Waterloo HMRI area – 72 Seaforth Road, Seaforth.

Recommendation(s): That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 notices in respect of the property at 72 Seaforth Road, Seaforth pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by Step Clever.

Agenda Item 14

Corporate Objective Monitoring

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

Financial Implications

Officer Time

Departments consulted in the preparation of this Report

None

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

The notice referred to.

Introduction.

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

Current situation.

72 Seaforth Road is a former public house known as 'The Seaforth Castle' that is located within a primarily residential area and also within the Seaforth/Waterloo HMRI area. The property has remained long term vacant and semi-derelict and the appearance and condition have deteriorated following internal fire damage to the first and second floors which is having an adverse and detrimental impact on visual amenities of nearby residents.

Letters have been sent to the owning company at their last known address requesting work be carried out to improve the appearance of the property by carrying out remedial works. The correspondence has been answered stating the owning company is close to going into administration with no funds available to carry out the requested remedial works. As a result Section 215 Notices was issued and served on the property on 29th January 2010. The compliance period ends on 27th March 2010.

The requirements of Section 215 Notice are: Remove all vegetation growing at elevations to Seaforth Road and Rossini Street. Paint metal sheeting fitted to doors and windows to ground floor level facing on Seaforth Road and Rossini Street with two coats of exterior grade dark blue paint. Secure first floor windows on the elevations facing onto Seaforth Road and Rossini Street with fitted polymer sheeting with net curtain behind. All second floor windows to elevations facing onto Seaforth Road and Rossini Street that are not covered with timber boarding to be boarded with exterior grade timber sheeting. Paint boarding to all second floor windows on elevations facing onto Seaforth Road and Rossini Street with two coats of exterior grade dark blue paint. Windows to rear elevation facing onto yard area in Rossini Street to be secured with fitted 4mm galvanised steel sheeting and painted dark blue. Repair/replace and clean gutters and downspouts to front and rear elevations. Remove all waste materials to include general litter, waste building materials etc. from the rear yard facing onto Rossini Street. Paint double doors to yard in Rossini Street with two coats of exterior grade dark brown paint. Graffiti and paint daubed on external walls to all elevations to be removed or painted over. Leave the land and buildings in a clean and tidy condition

A site inspection will take place after 27th March 2010 that is expected to reveal that no remedial works have been undertaken to comply with the requirements of the Section 215 Notice by the owner of the property, namely, 72 Seaforth Road, Seaforth. The property continues to deteriorate.

Comments.

In light of the genuine possibility of the owning company going into administration it is reasonable to conclude that it is not possible to undertake any legal proceedings that would bring about a satisfactory conclusion to the matter. None the less, the HMRI includes a commitment to ensuring that improvements are carried out to buildings and land within the Seaforth/Waterloo HMRI area.

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

Agenda Item 14

Financial funding to carry out remedial works is available and can be provided by Step Clever. Estimates taken from authorised contractors give an overall cost for the remedial works in the region of £3,500. This cost will be recovered by placing a charge against the properties on Land Registry.

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

The funding, which I understand is only available for the current financial year, has been set aside by Step Clever for such matters. There will be no financial costs to the council.

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

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

Recommendation.

That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 Notices in respect of the property at 72 Seaforth Road, Seaforth pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by Step Clever.

Agenda Item 15

Committee: Planning

Date of Meeting: 10 March 2010

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

Report of: Andy Wallis
Planning and Economic Development Director

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

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

Purpose of Report: To seek authority to carry out works in default in respect of non compliance with a notice under the terms of Section 215 of the Town & Country Planning Act 1990 to the following property within the Queens Road/Bedford Road HMRI area : 39 Ursula Street, Bootle.

Recommendation(s): That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 notices in respect of the property at 39 Ursula Street, Bootle, pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by Housing Market Renewal Initiative Funding.

Agenda Item 15

Corporate Objective Monitoring

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

Financial Implications

Officer Time

Departments consulted in the preparation of this Report

None

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

The notice referred to.

Introduction.

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

Current situation.

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

Letters have been sent to the owner at his address in Ireland, requesting work be carried out to improve the appearance of the property by carrying out remedial works. There has been no response from the owner and further correspondence has been unanswered and the owner has not made any contact with the council. Further requests in writing for remedial works to be carried out have been ignored. As a result Section 215 Notices was issued on 14th January 2010 and served on the property on 13th January 2010. The compliance period ends on 11th March 2010.

The requirements of Section 215 Notice are: Remove metal sheeting from door and ground floor bay window at the front elevation. Secure all windows at front elevation with polymer sheeting, with net curtains fitted behind. Secure front door to front elevation and board over with exterior grade plywood. Paint boarding to door at the front elevation with dark green exterior grade gloss paint, two coats. Remove all vegetation growing to the front elevation of the building. Secure all windows and door to rear elevation with 4mm stainless steel permascreen sheeting. Repair/replace and clean gutters and downspouts to front and rear elevations. Remove all waste materials from the front and rear of the dwelling house to include, timber, household waste items, metal, children's toys, general litter and waste overgrowth. Leave the land in a clean and tidy condition. Leave the property and land secure.

A site inspection is due to take place on 12th March 2010 when it is expected to reveal that no remedial works have been undertaken to comply with the requirements of the Section 215 Notice by the owner of the property, namely, 39 Ursula Street, Bootle. The property continues to deteriorate.

Comments.

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

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

Financial funding to carry out remedial works is available and can be provided by the HMRI. Estimates are being sought from authorised contractors and the cost for the remedial works will be in the region of £1,600 to £1,800.

Agenda Item 15

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

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

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

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

Recommendation.

That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 Notices in respect of the property at 39 Ursula Street, Bootle pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by the HMRI Fund.

Agenda Item 16

Committee: Planning

Date of Meeting: 10 March 2010

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

Report of: Andy Wallis
Planning and Economic Development Director

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

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

Purpose of Report: To seek authority to carry out works in default in respect of non compliance with a notice under the terms of Section 215 of the Town & Country Planning Act 1990 to the following property within the Queens Road/Bedford Road HMRI area : 41 Ursula Street, Bootle.

Recommendation(s): That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 notices in respect of the property at 41 Ursula Street, Bootle, pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by Housing Market Renewal Initiative Funding.

Agenda Item 16

Corporate Objective Monitoring

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

Financial Implications

Officer Time

Departments consulted in the preparation of this Report

None

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

The notice referred to.

Introduction.

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

Current situation.

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

Letters have been sent to the owner at his address in Ireland, requesting work be carried out to improve the appearance of the property by carrying out remedial works. There has been no response from the owner and further correspondence has been unanswered and the owner has not made any contact with the council. Further requests in writing for remedial works to be carried out have been ignored. As a result Section 215 Notices was issued on 14th January 2010 and served on the property on 13th January 2010. The compliance period ends on 11th March 2010.

The requirements of Section 215 Notice are: Remove boarding from the ground floor bay window at the front elevation. Secure windows at front elevation with polymer sheeting, with net curtains fitted behind. Paint boarding to door at the front elevation with dark brown exterior grade gloss paint, two coats. Remove all vegetation growing to the front elevation of the building. Secure all windows and door to rear elevation with 4mm stainless steel permascreen sheeting. Repair/replace and clean gutters and downspouts to front and rear elevations. Remove all waste materials from the front and rear of the dwelling house to include, timber, household waste items, metal, general litter and waste overgrowth. Leave the land in a clean and tidy condition. Leave the property and land secure.

A site inspection is due to take place on 12th March 2010 when it is expected to reveal that no remedial works have been undertaken to comply with the requirements of the Section 215 Notice by the owner of the property, namely, 41 Ursula Street, Bootle. The property continues to deteriorate.

Comments.

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

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

Financial funding to carry out remedial works is available and can be provided by the HMRI. Estimates are being sought from authorised contractors and the cost for the remedial works will be in the region of £1,600 to £1,800.

Agenda Item 16

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

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

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

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

Recommendation.

That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 Notices in respect of the property at 41 Ursula Street, Bootle pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by the HMRI Fund.

Agenda Item 17

Committee: Planning

Date Of Meeting: 10th March 2010

Title of Report: Urgent Works Notice – International Hotel, Crosby Road South, Seaforth

Report of: Andy Wallis
Planning and Economic Development Director

Contact Officer: Andrew Hall Telephone 0151 934
Case Officer: Daniel Byron Telephone 0151 934

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

Purpose of Report: request authority for the Planning and Economic regeneration Director to serve a further Urgent Works Notice on the International Hotel, Crosby Road South, Seaforth.

Recommendation(s):

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

- (i) Serve an Urgent Works Notice in respect of the International Hotel, Crosby Road South, Seaforth to secure the building from further decline
- (ii) Carry out the works in default if the owners do not comply with the Urgent Works notice

Agenda Item 17

Corporate Objective Monitoring

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

Financial Implications

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

Departments consulted in the preparation of this Report

Nil

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

Agenda Item 17

Planning Committee authorised the service of an Urgent Works Notice on these premises in January 2010; a schedule of works were agreed which focussed on making the building wind and watertight; these works are underway. A further detailed inspection of the building has revealed that potentially inflammable material has accumulated in the building which has previously suffered some fire damage. This needs to be removed to reduce the risk of further damage from fires.

The contractor doing the agreed works has estimated that the clearance work can be done at a cost not exceeding £1500.

A detailed schedule will be available at the meeting to specify the required works.

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Agenda Item 18

APPENDIX

Committee: PLANNING

Date Of Meeting: 10th March 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 18

90 Stephenson Way, Formby

S/2009/0505 - 2111915

Retention of 2 no. non-illuminated hoarding signs either side of the entrance gates to the front of the premises

Appeal Type: Written

Lodged Date: 11 September 2009

Decision: Dismissed

Decision Date: 29 January 2010

23-27 Segars Lane, Southport

N/2009/0173 - 2112473

Advertisement Consent for the retention of a non-illuminated sign mounted on the boundary wall at the junction of Segars Lane and Mill Road

Appeal Type: Written

Lodged Date: 01 October 2009

Decision: Dismissed

Decision Date: 28 January 2010

Lidl 4 Virginia Street, Southport

N/2009/0174 - 2112682

Advertisement Consent for the erection of 2 free standing non-illuminated 48 page billboards, one to the front of the store and one on the access road

Appeal Type: Written

Lodged Date: 01 October 2009

Decision: Dismissed

Decision Date: 09 February 2010

412 Hawthorne Road, Bootle

S/2009/0607 - APP/M4320/A/09/2116938

Change of Use from (A1) Retail to (A5) Hot Food Takeaway and installation of an external flue to the front roof elevation

Appeal Type: Written

Lodged Date: 23 November 2009

Decision: Dismissed

Decision Date: 23 February 2010

33 Pilkington Road, Southport

N/2005/0832 - APP/M4320/C/09/2117110

Erection of a dormer extension and a first floor roof garden with balcony and an external staircase to the rear of the dwellinghouse (alternative to N/2005/0007 withdrawn 09/02/2005)

Appeal Type: Written

Lodged Date: 26 November 2009

Decision: Dismissed

Decision Date: 17 February 2010

New Appeals

18 York Gardens, Birkdale

S/2009/0804 - APP/TPO/M3420/980

Tree Preservation Order Consent to fell one oak tree at the front of the dwellinghouse (lies within TPO No. 142, 35-39 York Road, Southport)

Appeal Type: Informal

Lodged Date: 28 January 2010

Decision:

Decision Date:

Agenda Item 18

erection of a two storey extension to the rear and a porch to the front of the dwellinghouse together with a detached outbuilding to the side after demolition of the existing barn (Re-submission of S/2009/0446, refused 05/08/2009)

Lodged Date: 05 February 2010
Decision:
Decision Date:

86a Moss Lane, Lydiate

S/2009/0971 - 2121293/WF

erection of a two storey extension to the rear and a porch to the front of the dwellinghouse together with a detached outbuilding to the side after demolition of the existing barn (Re-submission of S/2009/0446, refused 05/08/2009)

Appeal Type: Written
Lodged Date: 17 February 2010
Decision:
Decision Date:

38A Hall Street, Southport

S/2009/0892 - 2122648

erection of a galvanised steel mesh security fence with razor wire above to boundary at 38A Hall Street

Appeal Type: Written
Lodged Date: 22 February 2010
Decision:
Decision Date:

Enforcement Appeal Decision

Lady Green Fisheries Orrell Hill Lane, Ince Blundell

S/2009/0169 – APP/M4320/C/09/2115474/COMN/2008/00521

Retension of decking area on the existing caravan, retension of a detached central heating LPG gas tank and retention of a detached mobile satellite dish and detached TV aerial for a temporary period of two years

Appeal Type: Written
Lodged Date: 10 November 2009
Decision: Dismissed
Decision Date: 8 February 2010

New Enforcement Appeal

Land to rear of 2-14 Ibstock Road, Bootle

DOCS/2009/0055

Discharge of conditions 12 on Planning Application S/2006/1031

Appeal Type: Written
Lodged Date: 16 February 2010
Decision:
Decision Date:



Appeal Decision

Site visit made on 1 February 2010

by **J D Westbrook BSc(hons) MSc MRTPI**

an Inspector appointed by the Secretary of State
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Decision date:
23 February 2010

Appeal Ref: **APP/M4320/A/09/2115616**

Kenton Wood Stables, Little Brewery Lane, Formby, L37 7DY

- 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 Roger Rimmer against the decision of Sefton Metropolitan Borough Council.
- The application Ref S/2009/0538, dated 23 June 2009, was refused by notice dated 24 August 2009.
- The development proposed is the retention of 6 free standing floodlights at a height of 4.3 metres.

Decision

1. I allow the appeal, and grant planning permission for the retention of 6 free standing floodlights at a height of 4.3 metres at Kenton Wood Stables, Little Brewery Lane, Formby, L37 7DY, in accordance with the terms of the application, Ref S/2009/0538, dated 23 June 2009, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby approved shall be implemented in full in accordance with Drawing No 07-134-10 (revision F) within 2 months of the date of this permission, and shall not thereafter be varied other than by prior agreement in writing by the Local Planning Authority.
 - 2) The proposed lighting shall not be illuminated outside the hours of 0800 to 2000 hours.

Main issues

2. I consider the main issues in this case to be:
 - Whether the floodlights maintain the openness of the Green Belt or conflict with the purposes of the Green Belt , and
 - Whether the floodlights are harmful to the living conditions of nearby residents by way of light pollution.

Reasons

3. There are 6 floodlights in place within the manège at the appeal site. All are 4.3 metres high. Planning permission already exists for the floodlighting columns referred to as columns 1-4 to remain at 4.3 metres. The permission requires columns 5 and 6 to be limited to a height of 3 metres. The proposal is to retain columns 5 and 6 at 4.3 metres and to move column 4 to the western side of the manège.

Green Belt issues

4. The manège has low rise stable blocks to the north and west sides, and also along part of the south side. To the east and south east are paddocks. Beyond the stable block to the north is a large, taller, agricultural-type building with a corrugated roof. Lighting columns Nos 4, 5 and 6 are along the northern side of the manège, and are seen from the south and south-east against this building. To the west of the stables complex are two-storey residential properties off Little Brewery Lane. When viewed from the east, the lighting columns are seen against a background of these dwellings.
5. In view of the screening effects of the surrounding buildings, both within the stables complex and outside, most of which are taller than the lighting columns, I consider that to reduce the height of columns Nos 5 and 6 to 3 metres would have no significant benefit to the openness of the Green Belt. The existing columns are currently well contained within the stables complex and are barely visible from the surrounding areas to the east and south east. In my opinion, they do not harm the openness of the Green Belt. Furthermore, they do not contribute to sprawl neither do they cause encroachment on the countryside. In these respects they do not conflict with the purposes of the Green Belt, nor with policy GBC2 of the Sefton MBC Unitary Development Plan.

Effect on living conditions

6. Residents of a number of adjacent dwellings have complained that light from the floodlights causes disturbance. I note that the removal of lighting column No 4 to the western side of the manège would minimise any light pollution from this source. Columns 5 and 6 are further from residential properties. Whilst they point in the general direction of houses in Paradise Lane and Brackenway, they would appear to be over 100 metres distant and there are a significant number of mature trees to the rear of these properties. In my opinion, at this distance the trees would largely shield these houses from the effects of the floodlights. Furthermore, I note that the lights are to be angled down to an angle of deflection of 45 degrees and that they will incorporate baffles and hoods to eliminate light glare. The Council's Lighting Engineer and Environmental Protection Director have no objections to the lighting columns on the basis of the designs proposed and I concur with their views.
7. On this issue, therefore, I conclude that the floodlights, at a height of 4.3 metres and a 45 degree angle of deflection, would not significantly harm the living conditions of the occupiers of nearby residential properties by way of light pollution, and that the lights would not conflict with advice in the Council's Supplementary Planning Guidance: *Development in the Green Belt*.
8. I have attached a condition relating to the design of the lights in order to minimise light pollution in the vicinity. I have also added a condition restricting the hours of use of the floodlights, in order to minimise any possible effects of disturbance to the living conditions of the occupiers of nearby dwellings by way of light pollution.

J D Westbrook

INSPECTOR



Appeal Decision

Site visit made on 15th January 2010

by **Alison Roland BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State
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Decision date:
29 January 2010

Appeal Ref: APP/M4320/H/09/2111915

Total Timber, 90 Stephenson Way, Formby, Merseyside, L37 8EG.

- 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 Total Timber against the decision of Sefton Council.
- The application Ref: S/2009/0505, dated 13 June 2009, was refused by notice dated 28 July 2009.
- The advertisements under appeal are 2 No advertising signs each side of entrance gates each 2.27m wide x 2.15m high; 100mm above ground level.

Decision

1. I dismiss the appeal.

Main Issue

2. The effect of the advertisements on the character and appearance of the area.

Reasons

3. The signs are already in place, mounted onto palisade fencing to either side of the site entrance. Because of their size and prominent siting, I consider they dominate the entrance to the site and amount to an excess of adverts at this location which is unduly assertive when viewed from Stephenson Way. In addition, the sign to the left side of the entrance on egress is positioned close to other signs mounted above the fencing and a further sign serving the adjacent premises. This lends a clumsy and cluttered appearance to this particular part of the street.
4. I recognise there is a miscellany of signs on the estate and at the nearby Tesco store. However, the Council say that many of them are unlawful and under investigation in an attempt to improve the appearance of the estate. It is therefore difficult to make a meaningful comparison with the appeal proposal, which I must consider on its merits. The appellant stresses that there is a commercial need for the sign, particularly given the economic downturn. However, the Regulations require decisions to be made only in the interests of amenity and where applicable, public safety. The latter issue is not raised in this appeal and thus it is the issue of visual amenity that must be decisive in my decision.
5. Overall, for the reasons given above and having regard to all other matters raised, I conclude that the signs are harmful to the amenity of the area. The Council refer to Policy MD7 of the UDP, but it has not been supplied. Either way, for the reasons given, I consider the signs are unacceptable.

ALISON ROLAND

INSPECTOR



Appeal Decision

Site visit made on 15th January 2010

by **Alison Roland BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State
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Decision date:
28 January 2010

Appeal Ref: APP/M4320/H/09/2112473

Total Gas Safety Ltd, 23-27 Segar's Lane, Southport, Merseyside, PR8 3JA.

- 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 Total Gas Safety Ltd against the decision of Sefton Council.
- The application Ref: N/2009/0173, dated 12 February 2009, was refused by notice dated 2 July 2009.
- The advertisement under appeal is a single sided white board 1.5m high x 6m wide with coloured logo and lettering.

Decision

1. I dismiss the appeal.

Main Issue

2. The effect of the advertisement on the character and appearance of the area and the visual outlook of local residents.

Reasons

3. The sign is already in place and mounted on a concrete wall to the side of the premises. Because of its size, bold colours and prominent position at the junction of Mill Road with Segar's Lane, I consider it appears as an unduly assertive feature in the streetscene and is out of scale with the generally domestic scale of surrounding buildings. It will also appear somewhat garish in the outlook from No 46 Segar's Lane opposite, although as views from other nearby houses are at a more oblique angle, I do not consider the outlook therefrom is seriously affected. I accept that some form of advertisement is to be expected on commercial premises of this nature and there are various displays related to other commercial premises nearby. However, I consider that this particular sign is excessive and intrusive in its surroundings.
4. There is a large hoarding on the gable of the appeal premises and the Council state that this is likely to be removed in the near future. It is unclear whether this benefits from consent, but even if it were removed, I do not consider that would render the appeal proposal acceptable. I also have no reason to doubt that graffiti is easier to clean from the sign than the wall behind it, but any benefit in this regard does not outweigh the harm I have identified. The appellant also refers to previous signage on the building now removed, but I must consider the proposal on its own merits.
5. Overall, I conclude that the sign detracts from the character and appearance of the area and intrudes unacceptably into the outlook from the house opposite. The Council refer to Policy MD7 of the UDP which has not been supplied. Either way, for the reasons given, I consider the proposal is unacceptable.

ALISON ROLAND

INSPECTOR



Appeal Decision

Site visit made on 15th January 2010

by Alison Roland BSc DipTP MRTPI

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**Decision date:
9 February 2010**

Appeal Ref: APP/M4320/H/09/2112682

Lidl Uk GMBH, Virginia Street, Southport, Merseyside, PR8 6RZ.

- 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 Lidl Uk GMBH against the decision of Sefton Council.
- The application Ref: N/2009/0174, dated 2 April 2009, was refused by notice dated 3 July 2009.
- The advertisements under appeal are 2 No 48 sheet colour billboards.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The siting of the easternmost hoarding was not entirely clear, as the position depicted on a site layout plan appeared to differ to that marked on a colour photograph. The appellant clarified that the position marked on the plan was the correct position at the time of the application, but that in response to a third party objection, a revised siting was submitted with the appeal documents. The revised siting would be immediately alongside the gable end of a red brick building abutting the car park, some several metres to the North of the original position. Whilst the appellant states that he has notified the particular third party concerned, I cannot be certain that all parties are aware of the revised position and have had the opportunity to comment. Because of this and as the siting is significantly different to that indicated on the original application, I intend to determine the appeal on the basis of the plan submitted with the application.
3. The postcode on the application form differs to that on the appeal form. The former appears to be in error and I have therefore adopted the latter. In any case, this matter is not material to the substance of my decision.

Main Issues

4. The effect of the hoardings on the character and appearance of the area and the outlook from neighbouring property.

Reasons

5. One of the hoardings would be sited at the end of the building fronting Virginia Street. Although sizeable in its own right, I do not consider it would appear out of scale with the backdrop of the substantial building against which it would be viewed. However, as a freestanding structure immediately in front of the building, it would have a somewhat clumsy "bolted on" appearance, which would appear ungainly. The photograph submitted with the application also suggests it would rise above the eaves of the building and the bottom edge of the cladding which

strongly defines the gable of this façade. This would heighten its ungainly appearance. Moreover, as it would be viewed in close association with a further hoarding close by in the car park, I consider the 2 hoardings together would be overly assertive and amount to an excess of advertising in this location.

6. The second hoarding would be sited at the eastern site perimeter facing the car park. It would partially back onto a red brick building, but also the rear garden wall to No 20 Virginia Street. In this position and given its substantial size, I consider it would dominate the outlook from the rear of the house and appear highly intrusive when viewed from the rear garden.
7. The Council refer to the amenities of other dwellings on the opposite side of Virginia Street. However, these are sited some distance away from both hoardings and views of them would be at an angle. Accordingly, I do not consider the outlook therefrom would be unduly affected. Reference is made to flats to the rear of Eastbank Street, but it is unclear which properties are being referred to. The nearest windows to the West of the hoarding on the building frontage appeared boarded up and/or had railings in front of the windows. Either way, that hoarding would be seen in the context of and against the backdrop of the existing building, where it would not to my mind, dominate the outlook from neighbouring properties.
8. Whilst I have found partially in favour of the appeal, this is outweighed by my concerns in relation to visual impact of the hoarding to the building frontage and the dominance of the hoarding to the East of the car park in relation to the occupiers of No 20 Virginia Street.
9. The appellant refers to a consent issued for a 48 sheet hoarding in 2008 (N/2008/0684) which was apparently closer to the highway than those proposed in this appeal. This may be the existing hoarding, to which I refer in paragraph 5 above, although it is not entirely clear. Nonetheless, whatever the circumstances surrounding that approval, I have assessed the proposal on its merits, including its relationship to the building, cumulative impact with the existing hoarding and effect on the outlook of nearby occupiers. There is no evidence to suggest that these same issues applied to the earlier approval.
10. The Council cite Policy MD7, but I am unable to assess the proposal in relation to it as it has not been supplied. Either way, for the reasons given I have found the proposal is unacceptable.

ALISON ROLAND

INSPECTOR



Appeal Decision

Site visit made on 1 February 2009

by **J D Westbrook BSc(hons) MSc MRTPI**

an Inspector appointed by the Secretary of State
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Decision date:
23 February 2010

Appeal Ref: **APP/M4320/A/09/2116938**

412a Hawthorne Road, Bootle, L20 9AY

- 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 John Baines against the decision of Sefton Metropolitan Borough Council.
- The application Ref S/2009/0607, dated 31 July 2009, was refused by notice dated 17 September 2009.
- The development proposed is a change of use from (A1) retail to (A5) hot food takeaway, including installation of an external flue to the front roof elevation.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues in this case to be the effect of the proposed change of use on:
 - The living conditions of the occupiers of neighbouring residential properties by way of noise and general disturbance,
 - Highway safety, and
 - The regeneration of the surrounding Pathfinder Area.

Reasons

3. The appeal site comprises a retail unit with a residential apartment above. At the time of my site visit the retail unit was in use as a discount carpet shop. It forms part of a small row of Class A uses on the eastern side of Hawthorne Road. Adjoining it to the south is a public house and to the north is an A5 take-away unit. Other units in the row include a betting shop, a pie and sandwich shop, and two general stores.
4. Hawthorne Road is a busy highway and bus route with limited on-street parking in the vicinity. There are 3 – 4 parking spaces outside of the dwellings Nos 424 – 430 Hawthorne Road and some limited parking on Earl Road. There is a bus stop outside the appeal site. The area around the appeal site comprises largely terraced housing, with older properties to the east and more recent housing to the west. There would not appear to be any other retail properties serving the surrounding housing area, whilst other small rows of shops further north along Hawthorne Road are now closed and boarded up.

Living Conditions

5. If the proposed change of use were to take place, there would be a contiguous group of properties including a public house and two A5 uses. At this point there is very little on-street parking and apparently no off-street parking to serve the row of shops or the public house. In my opinion, this arrangement would result in an increase in random parking in the nearby streets to the detriment of the residential amenities of the occupiers of houses in the area, by way of noise and general disturbance. In addition, the greater concentration of A5 and public house uses would, I consider, result in more activity on the pavement outside of these premises and this would add to the general disturbance to residents in nearby dwellings, particularly during the evenings when traffic noise would be lighter.
6. I conclude on this point, therefore, that the proposed change of use would be detrimental to the living conditions of the occupiers of nearby dwellings by way of increased noise and disturbance from customers travelling by car, and also from increased general activity outside of the appeal premises. In this respect it would conflict with saved policies H10, EP6 and MD6 of the Sefton MBC Unitary Development Plan (UDP).

Highway Safety

7. Hawthorne Road is a busy highway with waiting and loading restrictions. There is no on-site car parking at the site and only very limited on-street car parking in the vicinity of the appeal premises. There is a bus stop immediately outside of the premises and a pedestrian crossing approximately 50 metres to the south. The Council's Highways Team contend that the proposal would result in motorists who intend to use the take-away parking their cars in the bus stop or along areas of the road where parking is restricted and loading prohibited. This would cause an obstruction to free flow of traffic with the possibility of congestion and potential highway safety. I concur with this view and find that the proposal would conflict with saved policy AD2 of the UDP.
8. The appellant contends that planning conditions or legal agreements may be used to overcome deficiencies in meeting the criteria laid out in policy AD2. However, the appellant suggests no examples of such methods and, in my opinion, the parking and access problems associated with the proposed use could not be effectively dealt with in either of these ways. I therefore find that the proposed change of use would be harmful to highway safety.

Regeneration of the Pathfinder Area

9. The site lies within a Housing Market Renewal Pathfinder Area. The appellant contends that the proposal would generate some local employment and that this would comply with one element of saved policy UP1 of the UDP, which relates to this area. I agree with this viewpoint. However, this row of shops would appear to be the only such facility in the vicinity, and it is also important for regeneration purposes that a range of retail outlets is available to provide choice to residents of the area. The proposal would alter the balance between A1 and other Class A uses in the row, and I have concerns that this would hinder the effective regeneration of the area by reducing choice with regard to convenience shopping. In this respect, it would conflict with policy UP1.

10. The appellant has indicated that a range of different retail uses have occupied the appeal premises over the past 3 years, and that all have failed. I have some sympathy with the appellant's situation, but I have no details of the nature of the terms under which these uses were trading, and it would seem to me that many of them had little time to build up a client base. I am not convinced that an appropriate A1 use would, of necessity, be unsuccessful here – particularly as housing improvements and/or new housing developments take place within the Pathfinder Area.
11. There is an existing retail use in the appeal premises and the proposal would not be bringing a vacant unit back into use. Furthermore, for my reasons given above, I consider that the proposed change of use would have an adverse effect on the overall range of uses in this small shopping parade. On balance, therefore, I conclude that it would conflict with saved policy R7 and elements of policy UP1 of the UDP, and would be detrimental to the regeneration of the Housing Market Renewal Pathfinder Area.

J D Westbrook

INSPECTOR



Appeal Decision

Site visit made on 1 February 2010

by **P N Jarratt BA (Hons) DipTP MRTPI**

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

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Decision date:
17 February 2010

Appeal Ref: APP/M4320/C/09/2117110

Land and Buildings at 33 Pilkington Road, Southport, PR8 6PD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by T R P Edwards against an enforcement notice issued by Sefton Metropolitan Borough Council.
- The Council's reference is CLB/ENF0330/N/2005/0832.
- The notice was issued on 22 October 2009.
- The breach of planning control as alleged in the notice is without planning permission, within the last four years, the erection of timber stairs on the southern side of the single storey rear extension and a timber decking area with surrounding timber balustrade on the roof of the single storey extension at the rear of the property.
- The requirements of the notice are:
 - Remove the timber decking and the surrounding timber balustrade from the roof of the rear of the extension and the timber staircase, or
 - Carry out the development in accordance with the details approved on planning application reference number N/2005/0832 approved on 20th October 2005.
- The period for compliance with the requirements is 30 days.
- The appeal is proceeding on the grounds set out in section 174(2) (f) of the Town and Country Planning Act 1990 as amended.

Summary of the Decision: the appeal is dismissed and the enforcement notice upheld

Reasons

The deemed planning application

1. The main issue in this appeal is the effect of the unauthorised development on the living conditions of the occupiers of neighbouring property at 31 Pilkington Road.
 2. Planning permission was granted in 2005 for the erection of a dormer extension and a first floor roof garden with balcony and an external staircase to the rear of the dwelling house (Council's Ref, N/2005/0832). The appellant did not construct the roof garden, balcony and external staircase in accordance with the approved plans as the roof garden had been extended across the whole width of the flat roof and the staircase built adjacent to No. 31. At the time of my site inspection, the timber balustrades and staircase had been removed but the timber decking remained on the flat roof of the rear extension.
 3. The gardens of neighbouring dwellings are visible from the upper floor rear windows of the appeal property. However, in the case of balconies, their use has a greater effect on the privacy of neighbours as a result the activities taking place on a balcony. The Council, when considering the planning
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application that was subsequently approved, had particular regard to the impact of the proposal on the privacy of nearby occupiers. They considered that the approved scheme provided satisfactory levels of privacy.

4. The appellant argues that the decking was extended to protect the roof and to maintain the rear of the property. He also argues that the unauthorised development is necessary as an emergency escape route and that the emergency platform is not used for recreational purposes. However I fail to see why his safety concerns cannot be met by the approved scheme.
5. The fact that the occupants at No 31 have changed since the unauthorised development took place does not preclude the current occupants from expressing their concern over the impact that the development has had on their privacy.
6. Although the appellant has suggested he could overcome the harm by extending the privacy fencing or extending it in brick, such details are not before me and although this might mitigate the impact on privacy, I do not consider that high walling or fencing on a first floor decked area would necessarily be compatible with the character or appearance of either the house or the area.
7. The unauthorised development brings a greater area of the first floor roof garden into active use by the appellant which, with the staircase, would be closer to No 31 than the approved scheme. I consider that this would significantly harm the living conditions and privacy of the occupants of No. 3 and be contrary to Policy MD1 of the Sefton Unitary Development Plan. The deemed application is therefore refused.

The appeal under ground (f)

8. An appeal under this ground is that the steps to comply with the notice are excessive and lesser steps would overcome the objection. The appellant states that he would be prepared to take the steps down and erect them on the east side as indicated on the original planning permission.
9. The purpose of the requirements of a notice is to remedy the breach by restoring the land to its condition before the breach took place or to remedy an injury to amenity which has been caused by the breach. It is necessary for the requirements to match the matters alleged and therefore I consider that the requirements of the notice in this case do not exceed what is necessary to remedy the breach. The requirements do not preclude the appellants doing what they are lawfully entitled to do in the future once the notice has been complied with. The appeal under ground (f) therefore fails.

Formal Decision

10. I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

P N Jarratt
Inspector



Appeal Decision

Site visit made on 1 February 2010

by **P N Jarratt BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State
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Decision date:
8 February 2010

Appeal Ref: APP/M4320/C/09/2115474

Land at Lady Green Fisheries, Orrell Hill Lane, Ince Blundell, Liverpool, L38 5DA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Donald Tracey against an enforcement notice issued by Sefton Metropolitan Borough Council.
- The Council's reference is comn/2008/00521 clb/enf0326.
- The notice was issued on 17 September 2009.
- The breach of planning control as alleged in the notice is, without planning permission, within the last 4 years, erection of decked area with concrete base.
- The requirements of the notice are:
 - A. Remove the decked area and associated materials
 - B. Remove the concrete base.
 - C. Restore the land to its former condition
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Decision: The appeal is dismissed.

Reasons

1. The main issues in this appeal are:
 - i) Whether the development is inappropriate development in the Green Belt for the purposes of PPG2¹ and development plan policy;
 - ii) Its effects on the openness of the Green Belt and on the character and appearance of the area;
 - iii) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
2. The appeal site is located in open countryside in the Green Belt on land where the appellant is currently implementing a planning permission for the creation of recreational fishing ponds. There is a single-storey, pitched roof, log cabin style structure on the land which is described by the appellant as a construction workers caravan and this has been accepted as permitted development by the Council.

¹ PPG2 - Planning Policy Guidance: Green Belts

3. A timber deck with a balustrade and constructed on a concrete base adjoins the 'caravan' on three sides. The decking and concrete base is unauthorised operational development and the subject of the enforcement notice. At the time of my site visit there was a rotary clothes drier together with refuse bins situated on the decking. The appellant has at some time removed play equipment, a satellite dish and an aerial. He has also revised the decking so that the 'caravan' is freestanding of it.
4. The decking appears to have a degree of permanence and amenity that would not normally be associated with a temporary construction workers caravan.
5. The appellant contends that the decking is appropriate development in the Green Belt because it is ancillary to the 'caravan' which is connected exclusively with agricultural and recreational development. However, the timber decking and concrete base do not fall within any of the categories of development considered to be permissible in the Green Belt as set out in paragraphs 3.4-3.12 of PPG2. Paragraph 3.12 indicates that the making of a material change in the use of land is inappropriate development unless it maintains openness and does not conflict with the purposes of including land in the Green Belt. The use of the land as a caravan site does not in my view maintain openness and it follows therefore that the 'caravan' is inappropriate development, notwithstanding the fact that the Council regard it as being permitted development under Schedule 2, Part 5 of the Town and Country (General Permitted Development) Order 1995. I conclude therefore that the decked area and the concrete base is inappropriate development, contrary to the advice of PPG2, and that the resultant harm should be given substantial weight in determining this appeal. It is also contrary to Policy GBC2 of the Sefton Unitary Development Plan.
6. Openness is the most important attribute of Green Belts. The scale of the decking is significant. It extends some 6.5m at one end of the 'caravan' and it is over 11m wide. It also extends around two other sides of the 'caravan' and the decking is elevated above the adjoining ground level. As the decking increases the amount of development on the land it reduces the openness of the Green Belt, causing additional harm, contrary to the advice of PPG2.
7. The decking is in open countryside which is relatively flat but having no exceptional character. The overall impression of the land is one of change largely because of the engineering operations associated with the recreational fishing pools that are currently in progress. There are what appear to be relatively new domestic style concrete and timber fences alongside the fishing ponds and the three large storage sheds, and also along the vehicular access to the site. Notwithstanding these changes, the unauthorised decking imparts a domestic appearance and this increases the overall visual impact of the 'caravan' and the fencing, which I consider to be harmful to the character and appearance of the countryside contrary to Policy GBC6 of the Unitary Development Plan.
8. I now turn to other considerations. The appellant states that the decking is required because of the boggy nature of the ground. I am not convinced by this as dealing with such a problem does not require an extensive deck that is clearly used as an amenity for the 'caravan'. The appellant also refers to

supportive policies in PPS7² (which have now in part been superceded by PPS4³). However, the decking serves no economic purpose in terms of the recreational fishing enterprise; it serves as an amenity for the construction workers caravan which is permitted for a temporary period only.

9. The Council is concerned over the time being taken to implement the fishery which the appellant considers will take a further 4 years. He has offered to provide a Section 106 unilateral undertaking to complete the works by 2013. However this undertaking has not been completed and I place little weight on it. I have considered whether a temporary permission would be appropriate but I see no reason why the harm presently caused by the decking should be permitted to continue, even for a temporary period. The appellant has also offered to reduce the area of the decking and concrete base. Whilst this could be controlled by condition, I consider that the remaining decking would still have an impact on openness and on the character and appearance of the countryside, albeit slightly reduced.
10. The appellant states that it is his intention to seek planning permission to use the 'caravan' as an agricultural worker's temporary dwelling. However, that is not a matter before me and I attach little weight to this intention.
11. The harm caused by the inappropriateness of the development and its effect on openness and on the character and appearance of the area carry substantial weight. In contrast the other considerations carry little weight. For the reasons given above, and having regard to all other matters raised, I conclude that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. There are, therefore, no very special circumstances to justify the decked area and concrete base. It conflicts with Policies GBC2 and GBC6 of the Unitary Development Plan and with the advice in PPG2. The appeal is dismissed.

Decision

12. I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

P N Jarratt

Inspector

² Planning Policy Statement 7: Sustainable Development in Rural Areas

³ Planning Policy Statement 4: Planning for Sustainable Economic Growth