

MEETING: PLANNING COMMITTEE

DATE: 18th August 2010

TIME: 6.30 pm

VENUE: Town Hall, Bootle

Member

Councillor
Cllr Paul Tweed (Chair)
Cllr James Mahon (Vice-Chair)
Cllr James Byrne
Cllr Linda Cluskey
Cllr Gillian Cuthbertson
Cllr John Dodd
Cllr Sean Dorgan
Cllr Thomas Glover O.B.E.
(Spokesperson)
Cllr Barry Griffiths
Cllr Ms Carol Gustafson O.B.E.
Cllr Richard Hands
Cllr Peter Hough
Cllr John Kelly
Cllr Carmel Preston (Spokesperson)
Cllr David Sumner

Substitute

Councillor
Cllr Owen Brady
Cllr Gordon Friel
Cllr Geoff Howe
Cllr Ms Doreen Kerrigan
Cllr Alf Doran
Cllr Lord Ronnie Fearn of
Southport, O.B.E.
Cllr David Pearson
Cllr Anne Ibbs
Cllr Denise Dutton
Cllr Miss Veronica Webster
Cllr Andrew Tonkiss
Cllr Simon Shaw
Cllr Robert Brennan
Cllr Andrew Blackburn
Cllr David Rimmer

COMMITTEE OFFICER: Lyndzay Roberts, Committee Administrator or
Ruth Appleby, Committee Administrator
Telephone: 0151 934 2067 / 2033 / 2181
Fax: 0151 934 2034
E-mail: lyndzay.roberts@sefton.gov.uk or
ruth.appleby@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(s) 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 21 July 2010** (Pages 5 - 10)
- 4. Petitioned Applications** (Pages 11 - 14)
 - A Application No. S/2010/0350 - Sainsbury's, 1-3 Liverpool Road, Crosby** (Pages 15 - 100)
 - B Application No. S/2010/0801 - 61-63 Albert Road, Southport** (Pages 101 - 112)
 - C Application No. S/2010/0907 - Plot 3, Land to Rear of Oak Hey, Lambshear Lane, Lydiate** (Pages 113 - 120)
 - D Application No. S/2010/0908 - Plot 2, Land to Rear of Oak Hey, Lambshear Lane, Lydiate** (Pages 121 - 128)
- 5. Applications for Planning Permission - Approvals** (Pages 129 - 132)
 - A Application No. S/2010/0707 - 72 Sonning Avenue, Litherland** (Pages 133 - 142)
 - B Application No. S/2010/0862 - Bartlett house, Parkhaven Trust, Liverpool Road South, Maghull** (Pages 143 - 150)
 - C Application No. S/2010/1043 - Ingleside, 9 Sandy Lane, Hightown** (Pages 151 - 156)
- 6. Applications for Planning Permission - Refusals** (Pages 157 - 160)
 - A Application No. S/2010/0671 - 99 Marshside Road, Southport** (Pages 161 - 166)
 - B Application No. S/2010/0920 - 15 Galloway Road, Waterloo** (Pages 167 - 176)
 - C Application No. S/2010/0921 - 63 Handfield Road, Waterloo** (Pages 177 - 184)
 - D Application No. S/2010/0922 - 15 Galloway Road, Waterloo** (Pages 185 - 190)
 - E Application No. S/2010/0923 - 63 Handfield Road, Waterloo** (Pages 191 - 196)
 - F Application No. S/2010/0918 - 55-57 Merton Road, Bootle** (Pages 197 - 210)
- 7. Applications to be inspected by the Visiting Panel 16 August 2010** (Pages 211 - 214)
 - A Briefing and visits to sites arising from recent Core Strategy Workshops - Sefton East**
 - B S/2010/0907 & 0908 - Plot 3 & Plot 2 Land to Rear of Oak Hey, Lambshear Lane, Lydiate**

- C **Briefing and visits to sites arising from recent Core Strategy Workshops - Formby**
 - D **Application No. S/2010/22010/0853 - Maryland, 5-7 School Lane, Formby** (Pages 215 - 220)
 - E **Briefing and visits to sites arising from recent Core Strategy Workshops - Ainsdale**
 - F **S/2010/0801 - 61-63 Albert Road, Southport**
 - G **S/2010/0671 - 99 Marshside Road, Southport**
 - H **Briefing and visits to sites arising from recent Core Strategy Workshops - Southport**
 - I **S/2010/0707 - 72 Sonning Avenue, Litherland**
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- 8. **Town and Country Planning Act - Appeals** (Pages 221 - 234)
Report of the Planning and Economic Development Director
 - 9. **Informed Assessment of the Economic Viability of Affordable Housing in Sefton** (Pages 235 - 246)
Joint Report of the Planning and Economic Development Director and the Neighbourhoods and Investment Programmes Director
 - 10. **The Building (Local Authority Land Charges) Regulations 2010** (Pages 247 - 262)
Report of the Planning and Economic Development Director
 - 11. **Revenue Expenditure and performance - 2009/10 Portfolio Final Accounts** (Pages 263 - 270)
Joint report of the Planning and Economic Development Director and the Interim Head of Corporate Finance and ICT Strategy

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

PLANNING COMMITTEE

MEETING HELD AT THE TOWN HALL, SOUTHPORT ON 21 JULY 2010

PRESENT: Councillor Tweed (in the Chair)
Councillor Mahon (Vice-Chair)

Councillors Byrne, L. Cluskey, Cuthbertson, Dodd,
Dorgan, Glover, Griffiths, Hands, Hough, Kelly,
Preston and Sumner

ALSO PRESENT: Councillors Parry, Porter and Shaw

32. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Gustafson.

33. DECLARATIONS OF INTEREST

The following declarations of interest were received:

Member	Item	Interest	Action
Councillor Kelly	Application No. S/2010/0750 – 8 Litherland Park, Litherland	Prejudicial – Has been present at a discussion regarding the application	Left the room, took no part in the discussion and did not vote thereon
Councillor Griffiths	Application No. S/2010/0404 – Willowbank, Bills Lane, Formby	Personal – Has previously expressed a view on the application	Stayed in the room, but took no part in the discussion and did not vote thereon
Councillor Mahon	Application No. S/2010/0647 – Fire Station, Manchester Road, Southport	Personal – Is a member of the Merseyside Fire and Rescue Authority	Stayed in the room, took part in the discussion and voted thereon
Councillor Mahon	Application No. S/2010/0836 – Bootle and Netherton Fire Station, Buckley Hill Lane, Bootle	Personal – Is a member of the Merseyside Fire and Rescue Authority	Stayed in the room, took part in the discussion and voted thereon

Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 21ST JULY, 2010

Councillor Mahon	Application No. S/2010/0794 Site for Mast adjacent Allinson's Court, Church Road, Litherland	Prejudicial – Has previously expressed views regarding telecommunication masts	Left the room, took no part in the discussion and did not vote thereon
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34. MINUTES OF THE MEETING HELD ON 23 JUNE, 2010

RESOLVED:

That subject to the below amendment to Minute No.19, the Minutes of the meeting held on 23 June, 2010 be confirmed as a correct record.

Peter Cowley, Principal Solicitor	Application No. S/2010/0466 – 8 Sandringham Road, Southport	Personal knows applicant	– the	Stayed in the room but did not take part in the discussion of the item.
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35. REVISED PLANNING POLICY STATEMENT 3: HOUSING

The Committee considered the report of Planning and Economic Development Director that advised of the changes contained within revised Planning Policy Statement 3: Housing. The document's intention was to guide plan-making policies at the local level and was also a material consideration in determining planning applications for housing development in the Borough.

The Committee raised a number of queries in relation to the revised policy, which were answered by Officers from the Planning Department.

RESOLVED:

That the Revised Planning Policy Statement 3:Housing report be noted.

36. APPLICATION NO.S/2010/0660 - LAND TO BE SEVERED FROM 8 SALFORD ROAD, AINSDALE

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the erection of one detached dormer bungalow on land to be severed from the rear garden and widening existing gates and vehicular access be approved for the reasons stated or referred to in the report.

Prior to consideration of the application, the Committee received a petition from Mr.Kearns on behalf of objectors to the application.

Councillor Porter, as Ward Councillor, made representations in objection to the development.

RESOLVED:

That the recommendation be not approved and the application be refused for the reason that the proposed development constitutes incremental development in a backland location which is strongly opposed by local residents. It would be out of character with the surrounding area and it would also detract from local amenity by reason of the position of the access and the potential loss of trees. The proposal is therefore contrary to UDP Policies CS3, DQ1 and H10.

37. APPLICATION NO.S/2010/0699 - 33 TALBOT STREET, SOUTHPORT

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the change of use from a former hotel to a house in multiple occupation after demolition of part of the existing rear outrigger be approved for the reasons stated or referred to in the report.

Prior to consideration of the application, the Committee received a petition from Mr.Mack on behalf of objectors to the application and a response from the applicant, Mr.Ennis.

RESOLVED:

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

38. APPLICATION NO.S/2010/0750 - 8 LITHERLAND PARK, LITHERLAND

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the conversion of the existing detached dwelling into a pair of semi-detached dwellings be approved for the reasons stated or referred to in the report.

RESOLVED:

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

Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 21ST JULY, 2010

39. 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 Development Director's report and/or Late Representations 1; and
- (2) the applicants entering into any legal agreements indicated in the report or Late Representations:

Application No.	Site
S/2010/0277	Land adjacent to 29 Ridge Close, Southport
S/2010/0404	Willowbank, Bills Lane, Formby
S/2010/0563	342 Liverpool Road, Birkdale, Southport
S/2010/0606	19 Far Moss Road, Crosby
S/2010/0647	Fire Station Manchester Road, Southport
S/2010/0741 and S/2010/0742	St.Johns C of E Church, 521 St Johns Road, Waterloo
S/2010/0803	Land to the Rear, 82 Alexandra Road, Crosby
S/2010/0808	110 Scarisbrick New Road, Southport

40. APPLICATION NO.S/2010/0563 - 342 LIVERPOOL ROAD, BIRKDALE, SOUTHPORT

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the erection of a part single storey part two storey extension at the side of the dwellinghouse be approved for the reasons stated or referred to in the report.

Councillor Shaw, as Ward Councillor, made representations in which he expressed his concern at the close proximity of the proposed development to adjoining premises.

RESOLVED:

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

**41. APPLICATION NO.S/2010/0707 - 72 SONNING AVENUE,
LITHERLAND**

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the change of use from retail (A1) to restaurants and cafés (A3) be approved for the reasons stated or referred to in the report.

RESOLVED:

That consideration of the application be deferred to enable the site to be inspected by the Visiting Panel.

**42. APPLICATION NO.S/2010/0836 - BOOTLE AND NETHERTON
FIRE STATION, BUCKLEY HILL LANE, NETHERTON**

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for approval of Reserved Matters for the demolition of the existing Fire Station and Drill Tower and construction of a new Community Fire Station incorporating Ambulance Station and Drill Tower (details pursuant to outline planning permission S/2007/0830 granted 18/10/07) be approved for the reasons stated or referred to in the report.

RESOLVED:

That determination of the application be delegated to the Planning and Economic Development Director.

**43. APPLICATION NO.S/2010/0794 - SITE FOR MAST ADJACENT
ALLINSON'S COURT CHURCH ROAD, LITHERLAND**

The Committee considered the report of the Planning and Economic Development Director recommending that prior Notification Procedure for the erection of a replacement 12.5m, high telecommunications mast and associated streetworks cabinet be approved for the reasons stated or referred to in the report.

RESOLVED:

That the recommendation be not approved and the application refused for the reason that the proposed replacement mast and associated equipment would detract from the outlook and visual amenity for residents of Allinson's Court by reason of its precise location in relation to these residential properties. The proposal is therefore contrary to UDP policies CS3,DQ1, H10 and MD8.

Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 21ST JULY, 2010

44. TOWN AND COUNTRY PLANNING ACT 1990 - APPEALS

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

Appellant	Proposal/Breach of Planning Control	Decision
Mr.J.P.Keegan	Land To Rear Of 2 To 14 Ibstock Road, Bootle -S/2009/0055 – appeal against a refusal of the Council to grant consent, agreement or approval to details required by a condition of a planning permission.	Allowed 23/06/10
Ms.L.Cope	1 Camberley Close, Southport - S/2010/0082 - appeal against a refusal of the Council to grant planning permission for the erection of a wooden fence along the boundary between the back garden of the property and Palace Road, constructed on top of the existing brick wall.	Allowed 24/06/10
Baker Properties Ltd.	Car Park Pendle View, Litherland - S/2009/0771 - appeal against a refusal of the Council to grant planning permission to construct 8No 3 bedroom houses to be in 1No terrace of 4No 3 bedroom houses and 2No terraces of 2No 3 bedroom houses, car parking, landscaping and all associated works.	Dismissed 24/06/10

RESOLVED:

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

Agenda Item 4

Committee: PLANNING

Date of Meeting: 18 AUGUST 2010

Title of Report: Petitioned Applications

Report of: Andy Wallis
Planning & Economic Regeneration 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		✓	

Agenda Item 4

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/2010/0350	Sainsbury's, 1-3 Liverpool Road, Crosby	Victoria Ward
B	S/2010/0801	61-63 Albert Road, Southport	Cambridge Ward
C	S/2010/0907	Plot 3, Land to Rear of Oak Hey Lamshear Lane, Lydiate	Park Ward
D	S/2010/0908	Plot 2, Land to Rear of Oak Hey Lamshear Lane, Lydiate	Park Ward

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- Committee: **PLANNING**
- Date of Meeting: **18 August 2010**
- Title of Report: **S/2010/0350**
Sainsbury's 1-3 Liverpool Road, Crosby
(Victoria Ward)
- Proposal: Redevelopment of land within Crosby district centre comprising the demolition of buildings and erection of retail food store with undercroft parking (Use Class A1) and:
- i) Full planning permission for erection of 7 small retail units comprising shops (A1); and/or financial and professional services (A2); and/or restaurants and cafes (A3); and/or drinking establishments (A4); and/or takeaway (A5)
 - ii) Full planning permission for erection of community use building comprising financial and professional services (A2); and/or business (B1); and/or community uses (D1) with parking to rear.
 - iii) Full planning permission for change of use and alteration of existing foodstore to shops (A1); and/or financial and professional services (A2); and/or restaurants and cafes (A3) and/or drinking establishments (A4); and/or takeaway (A5).
 - iv) Full planning permission for construction of multi-storey car park to Islington with bus interchange facility and decked car park over existing Allengate car park.
 - v) Full planning permission for new and altered vehicular and pedestrian accesses, including the re-routing of Moor Lane, landscaping of centre, construction of infrastructure and associated facilities together with associated temporary works and structures and associated utilities/services required by the development.
- Applicant: Sainsbury's Supermarket Limited

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Recommendations S/2010/0350: Approval subject to completion of Section 106 Agreement detailing provisions for trees, greenspace, public art, highway works and town centre security provisions

S/2010/1008: Approval

Justification

The proposals are fully compliant with the development plan and with national planning policy as set out in PPS1 and PPS4. The proposal is consistent with all local plan policies referred to within the report and the development will therefore accord with the aims of national and local planning policy in delivering mixed use development of a sustainable form in the heart of Crosby local centre.

It will provide a much needed injection of investment and a boost to the local employment sector, whilst offering townscape improvements and a high quality visual environment altering but maintaining key routes within the centre and improving links beyond the centre via an improved and safer environment for pedestrians and other road users which in turn will support linked trips.

The scheme will serve as a catalyst for further investment into the Crosby centre whilst making direct financial contributions towards improved tree provision and public realm beyond the area the applicant seeks to develop.

As such and having regard to all other material planning considerations, the granting of planning permission is justified.

Conditions

All planning conditions are attached at the rear of the report and remain subject to revision in advance of Planning Committee. Any changes will be reported in full where required.

Drawing Numbers

TO BE CONFIRMED IN FULL.

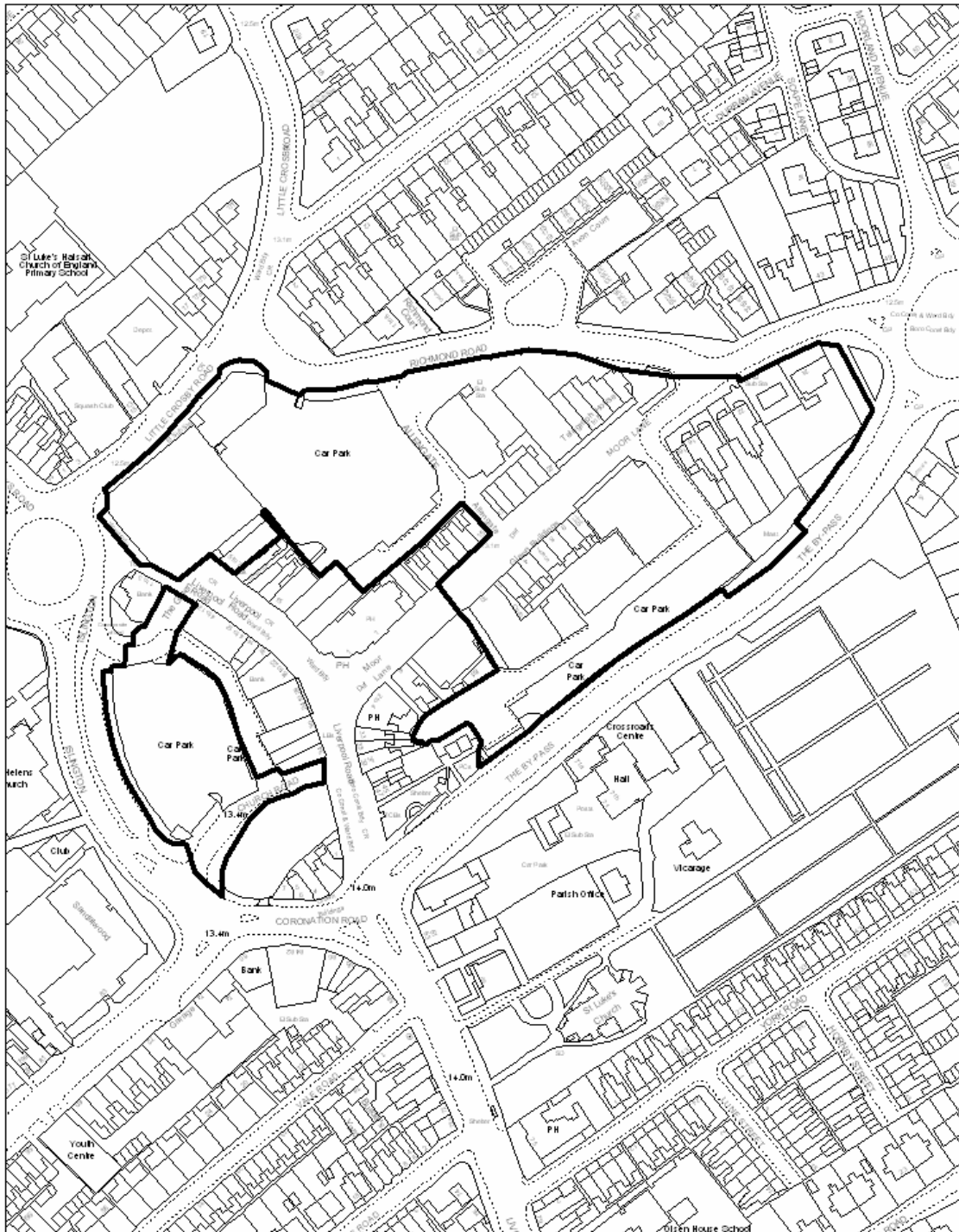
Financial Implications

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 4a



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/0350 Sainsbury's 1-3 Liverpool Road Crosby L23 2SA OSGR: 332106, 400011		Standard Site Plan Scale: 1:2000 Date: 3/8/2010 Drawn By: EBERT on	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921.</small>		Sheet(s): 128A, 147D, 127C, 148B		Area: 31100 sqm Ward(s): Blundellsands, Manor, Victoria Postcode Sector(s): L23 5, L23 2 Polling District(s): L3, M4, M2 Parish(es): None Found	

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	5.116-5.117	United Utilities
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10. Other Planning Considerations

10.1-10.88

- 10.1-10.7 Designing Out Crime
- 10.8-10.20 Parking/Highway Safety
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- 10.27-10.38 Landscaping/Public Realm
- 10.39-10.48 Accessibility/Inclusive Design
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11. Conclusion

11.1-11.2

12. Reasoned Justification

12.1-12.4

1. Executive Summary

- 1.1 The proposal seeks full planning permission for a major regeneration scheme in Crosby District Centre; including a new foodstore with associated car parking, a new multi-storey car park and public transport interchange, new retail units, conversion of the existing Sainsbury's store into new retail units and erection of a building for community uses. The proposal also involves the rerouting of Moor Lane to accommodate the foodstore.
- 1.2 The scheme has been subject to widespread publicity and discussion between a range of interested parties. It has in various forms being public knowledge for the best part of 18 months that the applicants have been looking to undertake major investment in the centre. The proposals presented are the result of input from a host of parties but are inevitably driven by the applicants aim to increase their retailing offer.
- 1.3 The applicants involvement in Crosby dates back to 1982 and more recently, they have acquired a substantial portfolio of commercial property from another property developer, who sought to promote a comprehensive improvement scheme and began the preparation of a master plan. This was completed by Taylor Young Planning Consultants.
- 1.4 Whilst there were encouraging preliminary discussions, and a degree of local consultation on behalf of the developer, giving rise to discussion at Area Committee level, the draft plan did not advance sufficiently far enough for it to be considered either by Planning Committee Members or Cabinet Member Regeneration.
- 1.5 Improvement of Crosby District Centre and the range and quality of its retail offer is clearly necessary and new and enhanced retail development of an appropriate nature and scale is firmly supported by our retained retail consultants, White Young Green. Trading conditions have been challenging for some while, and vacancy rates are a cause of concern. The need for investment is longstanding as has been the appraisal of how to best tackle the problems.
- 1.6 As such, Crosby as a centre can only be regarded as having been in sharp decline in recent times. Such decline cannot be put down to more difficult recent economic conditions. The lack of recent investment has caused uncertainty and has with little doubt made matters worse.
- 1.7 There have been serious concerns over the vitality and viability of the main pedestrianised parts of Moor Lane and Liverpool Road over a long period and the perception of Crosby may easily be viewed as one of ample open car parking to key frontages and the facility to visit the main anchor food store without any particular diversion or need to visit other stores.

Agenda Item 4a

- 1.8 The thrust of PPS4 and local planning policy is fully supportive of retailing in town centres. Significantly, the proposals also put forward opportunities for a range of other complementary uses and with the building of other new units, and an upgrade of the existing store, refresh the retail offer for independent traders whilst framing the centre with vibrant retail hubs at both the west and east end. This brings major openings for ease of movement and linkage between the two, with the new units between directly benefiting from the substantially increased footfall this will generate and promoting an attractive offer from which existing retailers on the pedestrianised Liverpool Road will also benefit.
- 1.9 The applicant has undertaken consultation of the proposals with the CABA-endorsed design group 'PlacesMatter!'; it must be said that the discussions held have not entirely endorsed the proposals but the group have been cognisant of the wider regeneration requirements and the position of Crosby within Sefton's wider retail hierarchy. The discussions have resulted in a series of changes to the original proposals, as the report explains, and the group's serious concerns have been moderated considerably.
- 1.10 A major challenge in assessing these proposals has been to balance the wider long-term needs of the centre with the impacts this could bring on those living adjacent, those within the centre who may be displaced, and the views of those with wider interests.
- 1.11 To this end, the scheme has received a range of responses, some in support, some commenting, and many raising objection. It is impossible to expect that a scheme of this nature can be progressed without such significant levels of public interest. Equally, it is impossible to deliver a proposal of such scale that will satisfy everybody with objection and/or general interest in the future of Crosby as a centre. It is also beyond realism to expect that the scheme will be delivered without disruption or interference with ongoing activity in the centre, but significant resources have been centred on producing a framework that minimises this prospect.
- 1.12 The applicant in conjunction with officers in discussion of the scheme both prior to and during the application process have undertaken significant liaison extending to attendance at public meetings and reports to both Scrutiny and Overview Committee, and Area Committee. These meetings and discussions have furthered the opportunity for reflection and comment on the proposals submitted, and offer little credence to theories that the wider public have had no voice, which is picked up further in Section 8 of this report.
- 1.13 The scheme cannot be said to tick every conceivable box. Much has been made over the scale and massing of buildings, parking implications, and the changes in townscape that will result. However, I consider that however Crosby is developed, these criticisms are likely to remain relevant in some way, shape or form, and where one disadvantage is overcome, there remains real likelihood of other offsetting concerns resulting.

- 1.14 There has been much public discussion of a range of alternative options for investment in the centre. Realistically, the regeneration of the town centre cannot in itself be achieved merely through a repackaging of existing retail offer, or through the good will and ability of those committed and valued existing traders.
- 1.15 The proposals do pay regard to the historic core of the centre and leave this untouched with minor rerouting of an existing pedestrianised route. It is fully anticipated that the investment described will contribute to enhancing vitality and viability across the centre and there is a strong emphasis on delivering vibrant, lively public routes and improved linkages beyond the town centre for those who currently feel isolated by the predominance of traffic and highly visible parking provisions.
- 1.16 The proposals represent a rare opportunity for investment which I consider should be embraced without hesitation and I fully endorse this report recommending approval. The report sets out in full detail the various components of the scheme and comments on the individual planning issues that when combined provide ample policy reason to support these proposals with other material considerations fully reviewed and given appropriate weight.
- 1.17 The proposed development whilst bringing major change to Crosby would represent a major investment in the centre's future. It would bring significant employment benefits and lead to the regeneration of the centre. The scheme has been discussed in detail with the applicants who in turn have consulted widely with other interest groups.
- 1.18 All efforts have been made to ensure that existing businesses would have an opportunity to remain in Crosby. Taken as a whole, the Planning and Economic Development Director feels that the development would be a much needed positive regeneration for Crosby.

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2. Site Description/Analysis

- 2.1 The application site is approximately 2.5 hectares in size and comprises properties on Liverpool Road, Moor Lane, Islington and The By-pass. The Application site itself comprises two principal parcels of land with Crosby District Centre. The first of these is the eastern part, which is bound by Richmond Road to the north, Moor Lane to the west and by the Bypass (A565) to the east and south. This area of the application site represents the eastern end of the primary retail frontage. The second parcel is the car park fronting Islington to the western side of the centre.
- 2.2 There are part two/part three storey retail units on the Moor Lane frontage are occupied by a range of retail and other town centre uses.
- 2.3 The existing foodstore is a two storey pitched roof building situated at the junction of Little Crosby Road and Islington and also forms part of the eastern portion of the site. The existing service yard lies on Little Crosby Road to the immediate north of the store building. Also within the site are five vacant residential properties on Richmond Road and two council operated public car parks. The site also includes the current open car park at Islington.
- 2.4 Residential properties are located directly to the north including Avon Court and a mix of detached and semi-detached residential properties. There are also residential properties located beyond the Richmond Road / Bypass (A565) roundabout which abuts the eastern boundary of the site. To the west is St Helens Church and a variety of residential properties including the Sandalwood apartment building.
- 2.5 Beyond the Bypass (A565) to the south of the application site lies Crosby Methodist Church, the Crossroads Centre and the grounds of St Luke's Church.

3. Proposal

- 3.1 S/2010/0350 - Redevelopment of land within Crosby district centre comprising the demolition of buildings and erection of retail food store with undercroft parking (Use Class A1) and:
- i) Full planning permission for erection of 7 small retail units comprising shops (A1); and/or financial and professional services (A2); and/or restaurants and cafes (A3); and/or drinking establishments (A4); and/or takeaway (A5)
 - ii) Full planning permission for erection of community use building comprising financial and professional services (A2); and/or business (B1); and/or community uses (D1) with parking to rear.
 - iii) Full planning permission for change of use and alteration of existing foodstore to shops (A1); and/or financial and professional services (A2); and/or restaurants and cafes (A3) and/or drinking establishments (A4); and/or takeaway (A5).
 - iv) Full planning permission for construction of multi-storey car park to Islington with bus interchange facility and decked car park over existing Allengate car park.
 - v) Full planning permission for new and altered vehicular and pedestrian accesses, including the re-routing of Moor Lane, landscaping of centre, construction of infrastructure and associated facilities together with associated temporary works and structures and associated utilities/services required by the development.
- 3.2 S/2010/1008 – Use of the land for the siting of 7 temporary shop units with use classes A1 to A5 and associated temporary ground works at Central Buildings Site, Church Road.

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4. History

- 4.1 There have been scores of applications over the years relating to new shop fronts, advertisements, and other minor proposals, for example, trolley shelters. The main significant applications are as follows:
- 4.2 S/2004/0762 - Erection of a new four storey building comprising retail and car park at ground floor with three stories of office accommodation above – withdrawn 28 October 2004.
- 4.3 S/1991/0129 - Demolition of 6 houses and the erection of 4 new retail units, together with the refurbishment and alteration of the existing shop units to Moor Lane, with associated car parking and servicing – refused 18 July 1991.
- 4.4 S/23345 – Extensions and alterations to shop premises for use as an off-licence – approved 26 September 1984.
- 4.5 S/10660 - Erection of a two-storey retail trading store with ancillary storage, preparation and staff facilities, together with the provision of facilities for the loading and unloading of service vehicles – approved 23 May 1980.
- 4.6 The following application is also of relevance:

S/2005/0821 – Proposed four storey building comprising retail space, offices and residential apartments after demolition of existing buildings – approved 16 February 2006.

5. Consultations

5.1 HIGHWAYS DEVELOPMENT CONTROL

5.2 Existing Vehicle Access

- 5.3 The site currently has a number of existing vehicular access points.
- 5.4 The Allengate car park currently accessed from Richmond Road with separate ingress and egress points. The necessary alterations regarding vehicular access into the Allengate car park are mentioned in the Accessibility section of this report.
- 5.5 Telegraph House can be currently accessed by two separated controlled access junctions, which are also situated along Richmond Road. The first access is located 45 metres east of the Allengate car park ingress and the secondary access is situated approximately 20 further north.
- 5.6 The 'Cookslands' car park is accessed from Moor Lane, which also provides an area for the servicing to a number of existing small retail units that are outside of the application site.
- 5.7 There is also a three-arm, priority-controlled junction formed between Moor Lane and Richmond Road. Moor Lane forms two arms of the junction, with lane markings designating the southwestern section of Moor Lane as the minor arm, which gives way to traffic travelling between Richmond Road and the north –eastern section of Moor Lane.
- 5.8 Potentially the most significant junction in the vicinity of the site is the Islington/Cooks Road/Alexander Road/Little Crosby Road/ The Green roundabout. The ingress to the multi-storey car park is proposed to be from The Green, while egress is proposed onto Church Road.
- 5.9 Traffic Generation and Impact
- 5.10 As the location of the site is within Crosby Town Centre, links to the local and strategic highway network are within close proximity and are accessible.
- 5.11 Traffic Surveys were carried out at the following junctions:
- Islington/Coronation Road/Church Road mini roundabouts
 - Islington/ Alexandra Road/Cooks Road/Little Crosby Road/ The Green Roundabout,
 - Little Crosby Road/Richmond Road junction,
 - Richmond Road/Moorland Road Avenue/Moor Lane/The Northern Road/The By-Pass roundabout and

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- Liverpool Road/Coronation Road/The By-Pass signal junction
- 5.12 The applicant also studied the A565 corridor and concluded that it is currently experiencing no material traffic growth trends and that the 2009 year flows should be taken as being indicative of 2011 opening year traffic conditions. The traffic impact assessment has demonstrated that the redevelopment proposals would not 'materially' alter the operation of any of the junctions within the study period.
- 5.13 The proposed development in its entirety will have an impact on the surrounding highway network and as a result a contribution will be required by the applicant towards the A565 corridor improvement strategy.
- 5.14 As the proposed development incorporates land currently occupied by the Cookslands car park, it is the intention of the applicant to increase the intensity of car parking at The Green in order to replace the existing number of car park spaces that will be lost due to the eradication of the Cookslands car park. Traffic surveys identified the arrivals and departures at the Cookslands car park and these levels of trips have been re-assigned to the MSCP.
- 5.15 Moor Lane also currently provides access for vehicles that service a number of the existing commercial and retail units within the town centre. Although a proportion of these units will be removed due to the relocation of the foodstore, the applicant has made provision for the remaining units to be serviced from the By-Pass through the creation of a new priority controlled access, which will provide access to the existing service yard situated to the rear of these units. Traffic surveys also identified the number of service vehicles that accessed the service yard and the re-distribution of these trips has been taken into account in relation to the re-assignment of this traffic from the existing Richmond Road/Moor Lane junction to the proposed service access.
- 5.16 The traffic surveys identified the existing split in traffic at the Richmond Road/Moor Lane junction to the proposed service access along the By-Pass as well as the reassignment of this traffic from the existing Richmond Road/Moor Lane junction to the MSCP.
- 5.17 The re-assignment of traffic due to the closure of the Allengate car park and its associated access points has also been taken into consideration and despite the alteration in traffic flows this will create, it will not have a detrimental impact on the existing highway network.
- 5.18 It is important to highlight that research indicates that traffic generation associated with the expansion of established supermarket sites, does not increase in direct proportion to the increase in floorspace. None the less there will be an overall increase in vehicular traffic to the surrounding highway

network that justifies a contribution by the applicant towards the A565 corridor improvement strategy.

5.19 Servicing

5.20 As mentioned previously the service arrangements within Crosby town centre require amendments, with exception to the commercial and retail units to the west of Liverpool Road which are accessed from Islington.

5.21 A new priority controlled junction access junction is to be created along the By-pass, which will provide direct access to the existing service yard, for the units located south of Moor Lane.

5.22 The store is to be serviced through the introduction of a priority-controlled junction on the By-pass. There are concerns regarding service vehicles turning right into this ramp access, due to the existing traffic flows that have been surveyed heading north along the By-pass and the potential of services vehicles restricting the flow of traffic heading south along the By-pass as they attempt to enter the site.

5.23 However, taking into account the respective low frequency of deliveries that the applicant indicates the store will generate, there are no alterations to the service arrangements required at this access. However, as the vehicular access is significantly wide, a designated pedestrian route will need to be demarcated across the vehicular access, to reinforce that there is still a pedestrian route along the north side of the By-Pass.

5.24 A new service access is proposed on Little Crosby Road for the commercial and retail units located to the north of the site. According to the proposed site plan, there is however a pedestrian route designated through the service area. This is far from ideal and may be particularly hazardous for pedestrians using this route. As a result the entire service area should be constructed as a shared surface. This is in order to improve pedestrian safety, as there is the potential for conflict between service vehicles and pedestrians.

5.25 It is for this reason that the applicant also needs to illustrate through the use of auto-track that there is sufficient space within each of these areas to enable vehicle to enter, manoeuvre, turn around and exit the site safely. Details are also required as to how these areas are to be controlled/managed.

5.26 Parking

5.27 Residents Only Parking Scheme

5.28 A Residents Privileged Parking scheme will be necessary to safeguard against any exacerbation of the on street parking which takes place in the surrounding residential area. The extent of the area is yet to be determined, but consideration should be given to all roads within the 800m isochrones as detailed on SBA drawing no. N81418/06. This will most likely be introduced in

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2 phases.

- 5.29 The first phase will include surrounding residential roads, which have been identified as roads that potentially will be immediately affected by the proposed development. The second phase will be identified around 12 months after the store is opened and will deal with any further displaced parking problems.
- 5.30 The applicant will be required to fund the implementation of this scheme through a Section 106 Agreement (including legal procedures, advertising, traffic signs and carriageway markings.) Enforcement for at least 10 years should be covered through the s106 agreement.
- 5.31 On-site Parking
- 5.32 The proposed foodstore will afford a car parking provision of 419 customer car parking spaces. The applicant proposes to divided the customer car parking spaces, with 298 car parking spaces on the ground level underneath the foodstore and 121 car park spaces situated on a deck to the west of the store building. This allocation of parking is appropriate and in accordance with Sefton Borough Councils SPD 'Ensuring Choice of Travel.'
- 5.33 The number of proposed small commercial units total 6, with a combined floorspace of 1,115 sq metres. A new community facility is also proposed with a floorspace of 636 sq metres to the east of the site.
- 5.34 The '(MSCP) site' is to provide 209 car park spaces in order to provide replacement parking for car park spaces that would be lost as a result of the removal of the existing car park. As a result the maximum total of car parking spaces that the applicant proposes for within Crosby town centre is 628 which is also in accordance with Sefton Borough Councils SPD 'Ensuring Choice of Travel.'
- 5.35 A systematic approach will be required through the entire development site in relation to on site car parking. A car park management plan will be required setting out charging, enforcement and a demand management regime, to be agreed in writing and can not be varied without the agreement of the LPA.
- 5.36 Accessibility
- 5.37 In accordance with the submitted drawing No. N81418-SK18, a new traffic signal controlled junction at Islington/Coronation Road/Church Road (exit only)/Bus interchange (exit only), will be required to replace the existing double mini roundabout.
- 5.38 The proposed layout will need to incorporate full controlled (green man) pedestrian facilities across all arms of the junction and across the middle of the junction as these would be the recognised pedestrian desire lines. Advanced Stop Lines (ASL's) will need to be included and where possible

feeder approach lanes for cyclists.

- 5.39 The junction should also be configured to give priority to buses exiting from the interchange to reduce delay and help ensure more reliable journey times. This new signalised junction will need to be linked to the nearby Liverpool Road/Coronation Road/The By-Pass signal junction through the highway signal system Scoot, in order to improve the flow of traffic through the surrounding highway network.
- 5.40 Although not shown on the proposed drawings, a new signalised junction with pedestrian facilities, will be required at the proposed vehicular access to the proposed car park off Richmond Road. The anticipated demand of vehicles accessing and exiting the site at this access requires a traffic signal control junction to control and limit the rate of egress onto the highway network and thereby minimise congestion and delay.
- 5.41 A scheme of works will be required for this signalised junction to be introduced, as Richmond Road will need to be altered, realigned and widened to allow the introduction of a designated right turn lane into the proposed vehicular access.
- 5.42 These pedestrian routes adjoining the blocks of houses are considered to be public highway. If these areas are to be permanently closed off, the applicant will need to make an application for a 'Stopping up' Order to the Highway Authority and give an undertaking to pay all costs involved.
- 5.43 In addition as the applicant has proposed an uncontrolled vehicular egress onto the By-Pass, in order to control the impact that vehicles exiting the site from this vehicular access point may have on the surrounding highway network. The introduction of crash bollards under the control of the UTC will be required.

5.44 Accessibility for Non-Car Modes of Travel

5.45 Pedestrian Access

- 5.46 The development site requires a scheme of highway improvements in the form of pedestrian facilities (i.e. flush kerbs and tactile paving) up to a maximum of 200 metres from the development site, to ensure safe pedestrian access is achievable from all the pedestrian links.
- 5.47 These links in question would be: Richmond Road, Islington, Coronation Road, The Bypass, Liverpool Road North, Moor Lane, The Northern Road, Moorland Avenue, Cooks Road and Alexandra Road.
- 5.48 As part of this scheme of highway improvements, the introduction of tactile paving will be required at all arms of the roundabout junction of the By-pass/Richmond Road/Moorland Avenue/The Northern Road/Moor lane.

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- 5.49 All new and existing vehicular accesses within the development site will also require flush kerbs and tactile paving to ensure safe pedestrian access within the site, while the redundant vehicular access into the existing Allengate car park is closed off and footway is reinstated.
- 5.50 As part of this scheme the construction of pedestrian crossing facilities and improvements to the pedestrian refuge at the junction of Richmond Road and Little Crosby Road will be required.
- 5.51 A traffic signal controlled pedestrian crossing (Puffin) will also need to be introduced north of the existing service vehicular access on The By-pass. This pedestrian crossing would be situated adjacent to a pedestrian link within the site that would extend to a new proposed pedestrian square at the centre of the development site. The introduction of this link does improve accessibility between the site and the residential areas to the east of Crosby.
- 5.52 As the foodstore is to be constructed on stilts, access to the store is to be achieved either by travelator or lifts located at the front of the store. This is recognised as a sufficient level of accessibility for pedestrians and is DDA compliant.
- 5.53 The proposed pedestrian facilities at the new traffic signal controlled junction of Islington/Coronation Road/Church Road (exit only)/Bus interchange (exit only) and the proposed vehicular access off Richmond Road will enhance the accessibility for pedestrians to the site further, highlighting the importance of their introduction.
- 5.54 The proposed development will also require some of the existing pedestrian links which are public highway, such as sections of the Allengate car park, the access road to The Green car park as well as The Green car park itself and sections of Moor Lane to be permanently closed off. The applicant will need to make an application for a 'Stopping up' Order to the Highway Authority and give an undertaking to pay all costs involved. In this regard, the applicant should be advised to contact the Highways Development Control Team on 0151 934 4175.
- 5.55 Public Transport (Bus)
- 5.56 It is acknowledged by the applicant that the existing bus stop facilities within the vicinity of the site will require significant improvements. These improvements include the introduction of two layover spaces along Islington, adjacent to the three existing bus stops. The introduction of these layovers will result in buses no longer having to wait along Richmond Road as is the current situation. In order to accommodate bus lay-bys either side, the bus interchange will need to be widened to allow buses to pass each other.
- 5.57 The improvements also include the introduction of two new bus stops on the A565 By-pass carriageway within close proximity to the principal walking routes to Crosby Town Centre. The bus stop on the southern side of the

carriageway would be linked to the town centre via a Puffin crossing as mentioned earlier.

- 5.58 The submitted drawing (No. N81418-SK21) illustrates that the proposed bus lay-by on the northern side of the by-pass will partially be positioned off the existing by-pass, in order to reduce the possible restriction of the flow of traffic travelling north along the By-Pass. These measures will also be required for the proposed bus stop on the southern side of the By-Pass.
- 5.59 All of these improvements should include the provision of shelters, access kerbs and enhanced carriageway markings.
- 5.60 The new traffic signal controlled junction of Islington/Coronation Road/Church Road (exit only)/Bus interchange (exit only) will also improve the ability of buses to exit the site more efficiently and join the surrounding highway network with greater ease.
- 5.61 Cycling
- 5.62 The TA suggests there is good cycle access to the site based upon a number of “suggested cycle routes within the area on the Sefton Cycle Map. These are only shown as without them there would be no routes to Crosby Village or permeability across the area and do not imply good cycle access. They merely show the only routes that can be used to access the village.
- 5.63 The proposals as shown fail to provide any improvement to this. As a minimum they should provide safe access to Moor Lane, The Northern Road, Coronation Road, Manor Road, Little Crosby Road so the those people living in the surrounding area can have safe access to the site. To do this will require improved crossing facilities together with the shared use or segregated path's linking to these routes serving the wider area.
- 5.64 All the cycle parking provision appears to be in one location, with no obvious access by cyclists and there is no reference to separate more secure parking for employees. The new controlled crossing facilities to be provided appear to link directly to the main pedestrian accesses to the site and do not provide access for cyclists and do not link to the cycle parking.
- 5.65 In order to encourage cycling to the development, there is a need to provide direct linkages between the town centre and surrounding side roads, which do not require cyclists to cycle round the ring road surrounding the town centre. The most appropriate way to improve cycle access to the new development would be to allow cycling within the existing pedestrianised area. This would allow cyclists approaching from the North, West & South to access the development without travelling round the ring road.
- 5.66 To provide access to the pedestrianised area the following should be implemented.

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- 5.67 Improved crossing facilities and links between Cooks Road and Alexandra Road and the pedestrianised Liverpool Road. A Contra flow cycle facility on Alexandra Road should also be considered.
- 5.68 Crossing facilities at the junctions of Coronation Road/ Islington/ Church road, possibly included within a new signal controlled junction, linking Coronation Road to Church Road, with contra flow cycle facility linking along Church Road, towards the pedestrianised area.
- 5.69 Provision to access/egress the pedestrianised portion of Liverpool Road directly from its junction with Coronation Road/The Bypass.
- 5.70 Provision of shared use cycle route along the development side of The Bypass from the A565 Moor Lane Roundabout from the roundabout to at least the new controlled pedestrian crossing on the bypass and preferably linking to the pedestrianised area of Liverpool Road.
- 5.71 Additional Cycle Parking should be provided adjacent to the pedestrian entrance off Richmond Road, together with the provision of more secure cycle parking for staff.
- 5.72 Taxi
- 5.73 Proper provision for taxis needs to be made across the whole of the site. A token 'Taxi/Drop-off' lay-by for two or three taxis is shown on the south side of Richmond Road, which is insufficient. A dedicated 'Taxi Rank' for at least 8-10 hackney carriages should be provided on or near Richmond Road as well as a similar sized facility on the upper storey of the decked car park, close to the store entrance. Separate provision for 'Private Hire Vehicle' to pick-up and drop-off also needs to be accommodated at convenient locations.
- 5.74 Traffic Regulation Orders (TRO's)
- 5.75 With the introduction of a residents parking only scheme (as mentioned above), all relevant traffic signs and carriageway markings will need to be installed before the development is occupied.
- 5.76 The introduction of 'No Right-Turn' TRO will also be required on the By-Pass between the traffic signal junction and the existing roundabout junction, in order to prohibit motorists who have exited the undercroft car park from making such a manoeuvre.
- 5.77 Traffic Accident History
- 5.78 Over a 5 year period 24 accidents have occurred on the highway network surrounding the development site. 7 of the accidents occurred at the Little Crosby Road/The Green/Alexandra Road/ Cooks Road roundabout.
- 5.79 The analysis of the information would suggest that all of the accidents that

occurred on the local highway network are as a result of human error and the proposed development is unlikely to increase the level of accidents within the surrounding highway network.

5.80 Travel Plan

5.81 The travel plan will need to encompass other users within the Crosby town centre as well as the applicant in order to ensure a robust and efficient Travel Plan.

5.82 Further comments will be provided on receipt from the Strategic Transportation Team.

5.83 Conclusion and Conditions

In view of the above, there are no objections to the proposal subject to a comprehensive scheme of off-site highway improvements being funded by the developer. The improvements will be secured by conditions and a Section 106 Agreement to secure the following:

- A car park management plan through a Section 106 Agreement, which will require setting out charging, enforcement and a demand management regime, to be agreed in writing and can not be varied without the agreement of the LPA.
- The applicant will also be required to fund a contribution towards the A565 corridor improvement strategy through a Section 106 Agreement.
- A Residents Privileged Parking scheme will be necessary to safeguard against any exacerbation of the on-street parking which takes place in the surrounding residential area. The extent of the area should correspond with designated roads within the 800m isochrones as detailed on SBA drawing no. N81418/06. The applicant will be required to fund the implementation of both phases of this scheme through a Section 106 Agreement (including legal procedures, advertising, traffic signs and carriageway markings). Enforcement for at least 10 years should be covered through the S106 agreement.

5.84 ENVIRONMENTAL PROTECTION DIRECTOR

5.85 Noise and General Matters

5.86 Condition required for suppressing noise and dust during construction.

5.87 Condition required restricting demolition to certain times; 0800-1800 Monday to Friday, 0800-1300 on Saturday, no time on Sundays/Bank Holidays.

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- 5.88 Construction management plan to be submitted for consideration.
- 5.89 On the basis that the effective height of the building will be 15.8 metres, the proposed flue should be no less than 1.8 metres above the building ridge height. This has since been submitted and subject to a minimum 1.8 clearance above store roof will be acceptable in avoiding unwanted emissions.
- 5.90 All luminaries shall be cowled to avoid overspill onto residential dwellings.
- 5.91 All ancillary plant, equipment and servicing to be acoustically treated to avoid impacts on residential property; at a noise level of 5dB below the existing 'Background Noise Level'.
- 5.92 Schemes of noise and odour control required.
- 5.93 Concern over impacts of A4 (drinking establishments) in units 1-7. Prior to occupation for such purposes, full PPG24 Noise Assessments to be submitted.
- 5.94 Management strategy required for service yard operation.
- 5.95 Gap in acoustic screen originally identified but screen now been extended to prevent noise breakout from service delivery vehicles.
- 5.96 Conditions suggested restricting opening hours on A3, A4 and A5 uses (A3 to a lesser extent).
- 5.97 It would be prudent for applicant's opening hours to be restricted.
- 5.98. Air Quality**
- 5.99 Confirms that the proposals will have no adverse impacts on air quality, in terms of PM10 and NO2 calculations, however, conditions suggested to provide for range of air quality improvements and testing of biomass boiler. These would contribute towards the lowering of emissions.
- 5.100 Contamination**
- 5.101 The site is understood to have had previously potentially contaminative land users and the applicants have themselves recommended that a Phase II site investigation be carried out. This will need to be submitted to the Local Planning Authority prior to the commencement of ground investigation works and it is considered appropriate that this be conditioned.
- 5.102 Recycling**

5.103 Proposals should give rise to no net loss of recycling facilities within centre. Suggestion to remove and relocate facility outside centre unacceptable. Revised plan since produced to clarify location.

5.104 MERSEYSIDE FIRE SERVICE

5.105 No objection to the proposals.

5.106 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE

5.107 Risks not quantified in respect of Flood Risk and suggest views of Environment Agency sought.

5.108 Scheme for SUDS welcomed and suggested that porous paving/soakaways, or swales and ponds be used to enhance biodiversity.

5.109 Bat survey report required. Following receipt of report, bat survey acceptable and correctly quantifies minimal potential for bat roosting.

5.110 Ecology Report acceptably addresses impacts on breeding birds.

5.111 Site within Red Squirrel buffer zone; suggests planting species of small seeding to encourage red squirrels and dissuade greys.

5.112 Positive comment on aspirations of applicant to achieve a BREAAAM standard.

5.113 Biomass boiler capable of achieving minimum 10% requirement; likely that approaching 20% of store's requirements would be achieved but further information of the boiler performance should be sought by condition.

5.114 Site Waste Management Plan adequate in content; condition not required to ensure submission of further detail.

5.115 ENVIRONMENT AGENCY

No objection following submission of revised Flood Risk Assessment. Condition required on surface water drainage.

5.116 UNITED UTILITIES

5.117 No objection to the proposal provided that the following conditions are met:

1) Surface water should not be allowed to discharge to the foul/combined sewer. This prevents foul flooding and pollution of the environment. The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/water course/surface water sewer and may require the consent of the Environment Agency.

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2) Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes. It is the developer's responsibility to provide adequate land drainage without recourse to the use of the public sewer system.

5.118 POLICE ARCHITECTURAL LIAISON OFFICER

5.119 A full Designing Out Crime Advice Note has been produced. In summary, the following points should be addressed:

- Suitable perimeter treatments to the electricity sub-stations,
- Securing of perimeter of under store and adjoining decked car parks (including vehicular/pedestrian exits) outside operational hours,
- Redesign of the pedestrian link/service route between the rear of the George Public House/Bank/existing retail and decked car park,
- The undercroft car park should be of enhanced structure to withstand a 100kg explosive device, and
- Physical security measures including doors, windows, curtain walling, glazing, roller shutters, gates, bollards, lighting, CCTV and intruder alarms to the appropriate standards.

5.120 SP ENERGY

5.121 No comments.

5.122 TECHNICAL SERVICES (LIGHTING)

5.123 No objections to the proposal following review of External Lighting Assessment.

5.124 SEFTON EQUALITIES PARTNERSHIP

5.125 The consultation has taken the form of two presentations at the Sefton Access Forum, held every month. The views of the forum and responses from the applicant are presented in the section entitled "Accessibility and Inclusive Design".

5.126 MERSEYTRAVEL

5.127 Request that Sefton Council ensure that sufficient provision is made within the development for the necessary level of parking.

5.128 Note and welcome significant new bus infrastructure will be achieved, including:

- 1) The provision of a new dedicated bus facility between the Islington carriageway and proposed new multi-storey car park,
- 2) A new bus stop at Richmond Road, and
- 3) The provision of two new bus stops on the Crosby by-pass.

5.129 Welcomes the provision within the scheme for a framework Draft Travel Plan for the main foodstore.

5.130 Would request that Sefton Council ensure appropriate provision for Merseylink Dial-a-Ride facilities to gain close access to all building entrance/exits within the development.

5.131 SOUTH SEFTON HACKNEY DRIVERS ASC/NORTH SEFTON HACKNEY CARRIAGE ASSOCIATION

OBJECT on grounds of no/insufficient provision for formal ranks. Rank facilities required at all entrances and exits. Access required to each licensed premises. Scheme unattractive and lacking in amenity. Service entrance to main store inappropriate as it has egress onto major road.

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6. Representations/Petitions

- 6.1 A total of 696 individual properties were notified of the application.

Last date for replies: 6 May 2010 (expiry of Press Notice).

Representations received from the following addresses (number of property stated in each case, Crosby unless otherwise stated). Some have commented on multiple occasions.

Abbotsford Avenue: 3a; Alexandra Road: 16 Pinfold Court, 70, 108; Ashbourne Avenue: 14; Boundary Drive: 30; Broad Lane, Thornton: 2 Orchard House; College Road North: 31; Coronation Road: 51, 68; Crosby Road South, Waterloo: 23; De Villiers Avenue: 13, 17, 24, 44; Dewlands Road, Seaforth: 25; Durban Avenue: 5; Ennismore Road, 2; Eshe Road North, Blundellsands: 2; Ince Avenue: 36; Kingswood Drive: 17; Little Crosby Road: Brookside Cottage, 17b, 17c; Manor Avenue: 22; Manor Road: 10, 13, 35, 49; Marine Terrace, Waterloo: 2; Mayfair Avenue: 6; Moor Close: 8; Moor Lane: 34a, 41; Moorland Avenue: 1, 9; Oaklands Avenue: 55; Princes Avenue: 33; Richmond Road: 16, 45 Avon Court; Rossett Road: 22, 52; Rothesay Drive: 1; Second Avenue: 10; Sefton Road, Litherland: 60; Selsdon Road, Brighton-le-Sands: 28; Southview Court, Waterloo: 10; The By-Pass: 3, 5; The Northern Road: 2, 12; Vermont Avenue: 27; Victoria Avenue: 11; Vogan Avenue: 2; Walmer Road, Waterloo: 24; Windmill Avenue: 1; York Road: 6; York Avenue: 26.

- 6.2 The above letters break down broadly as follows:

Objections/concern:	48
Support:	11
Both object/support:	7
General comment:	8
Clarification/suggestion:	4

- 6.3 Representations continue to be received at the time of writing but the above list is correct up to and including July 25 2010.

- 6.4 A **petition** has been received from the residents of 'Sandalwood', Coronation Road that is endorsed by Councillor Peter Papworth. This raises concern over the presence of the multi-storey car park to Islington and increased traffic and difficulty of crossing the road.

- 6.5 It is known that a further petition containing in the order of 6,000 signatures is being circulated throughout the Crosby area but at the time of writing, it is unconfirmed as to whether this will be put forward as a petition to address the Planning Committee.

- 6.6 All representations received as explained above express a range of

comments, objection and support. These are summarised as follows:

6.7 MATTERS RELATING TO CENTRE OVERALL

- Concern over need for and future occupation of the Community Facility.
- Development for commercial ends at the expense of the village.
- Marginalising of existing village traders and concern over reprovision.
- Reference on plans to non-food retail for some new units – reducing range of potential users
- Insufficient infrastructure and village too small to support scheme of this size and scale.
- No need for further superstore of this size in South Sefton.
- No reference made to jobs being reserved for locals.
- Community centre wrongly positioned.
- Lack of community engagement and residents' opinions ignored.
- Concern over disruption during building period.
- * Would like to see Petrol Station provided.
- * Area Action Plan should be initiated working with commercial partners for long term future for village.
- * Reference made in representations to online Facebook Group 'Save Crosby Village from Sainsburys'
- * Centre should be located in docklands.
- + Additional employment to be welcomed.
- + Will modernise tired, messy look of village.
- + Development should potentially benefit all parties...an example to other small, traditional centres of commerce facing similar problems.
- + Will attract further local investment.
- + Will create sustainable future for area.
- + Recycling facility served from by-pass would be big improvement.

6.8 PEDESTRIAN FACILITIES

- Lack of crossing provisions for residents on opposite sides to the scheme.
- * Need for integration between new square and existing pedestrian areas.

6.9 DESIGN

- Building looks like a distribution warehouse.
- Unsympathetic choice of materials.
- Size and scale out of proportion with existing.
- Multi-storey car park too high.
- Scheme disconnects from Liverpool Road/Cooks Road in design terms.
- Location of store at first floor level decreases accessibility.
- * Store could be repositioned to preserve historic routes.
- * Rooftop parking could have been used to save space.
- * Partial underground accommodation of multi-storey car park would have

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reduced impact.

- * Former store would become a backwater and should be remodelled to open up and connect to existing townscape.

6.10 AMENITY

- Concerns over routing, timing and noise from deliveries.
- No further bars or drinking establishments.
- Important trees will be lost.

6.11 CRIME/DISORDER

- Rerouting of Moor Lane may be quiet and unsafe at night, going nowhere.
- Issue of security for cycle parking in undercroft.
- Concern over anti-social behaviour to rear of George Public House.
- Building on stilts may be subject to terrorist attack.
- ? What security/management will be in place for the car park?

6.12 TRAFFIC/HIGHWAY CONCERNS

- Additional multi-storey will encourage unwanted car use.
- Further problems of parking in residential areas outside immediate centre.
- Traffic congestion all around Crosby and too much priority for cars over pedestrians
- Shoppers vehicular exit to by pass a cause of concern.
- Servicing should not take place onto major road.
- Insufficient provision for taxi facilities.
- ? Will provision be made for staff parking?
- ? Will provision be made for residents permit parking?
- ? Will slip road be available for servicing once multi-storey car park built?
- * Suggested that parking refunds might be provided in store.
- * Parking refund should be available for other traders to offer.

6.13 The comments received inevitably focus on the future of the centre as a result of the proposals, and the perception that the applicant is concentrating on their own requirements as opposed to those of the centre as a whole. A response is offered to many of the points put forward, and many concerns are answered in fuller detail throughout the report.

6.14 DEVELOPMENT FOR COMMERCIAL ENDS OF APPLICANT

It is clearly obvious that the applicant will gain considerably from any permission but the report champions the proposals for the correct planning reasons and fully evaluates the benefits that will also be realised by others. The applicant is making a considerable investment that should entitle them to the commercial gain appropriate to their business.

6.15 EXISTING TRADERS MARGINALISED

This is a clear concern and one which the proposals accommodate as far as can legitimately be expected. The proposals have generally been welcomed by existing traders who believe the applicant will deliver benefits that will filter down to the level of independent retailers.

6.16 REFERENCE TO NON-FOOD RETAIL REDUCES RANGE OF POTENTIAL USERS

This is generally a matter for the applicant in their negotiations. The planning conditions will afford maximum flexibility for any form of retail to be accommodated in new units.

6.17 INSUFFICIENT INFRASTRUCTURE AND VILLAGE TOO SMALL TO SUPPORT SCHEME

The infrastructure is available and no utility provider has raised concerns over greater needs. The existing store is known overtrades significantly and though the store is clearly bigger, the scale will resolve the overtrading concern and appropriate parking and pedestrian requirements are clearly met.

6.18 NO NEED FOR ADDITIONAL RETAIL

Though previous retail assessments may have drawn the conclusion of there being no need for further retail provision, there is no requirement for town centre or any form of retail development to demonstrate such need, as was set out via the most recent edition of PPS6 and is continued in the revised PPS4. The need cannot be questioned and the increased offer should be viewed as beneficial.

6.19 NEED FOR COMMUNITY FACILITY

Public consultation generally was in favour of this and highlighted a certain need for it. Opinion over this is divided to a degree but it is proposed nevertheless and it is for the applicant to ensure that it is built and in their interests to secure appropriate occupation. The building is flexibly designed and the scope of the planning recommendation sufficiently broad to allow for office use.

6.20 COMMUNITY BUILDING IN WRONG PLACE

There are no other realistic locations available in the centre that would avoid compromising parking or other town centre requirements. The location of a building in this corner is important in townscape terms. The absence of one will open considerably views of the acoustic wall and service ramp to the foodstore which would represent a poor perception for visitors to the centre on the A565 southbound.

6.21 LACK OF COMMUNITY ENGAGEMENT AND RESIDENTS OPINIONS IGNORED

As described it is impossible to accommodate all concerns. The report demonstrates overwhelmingly conscientious efforts by the applicant to involve

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local groups and the Council's own procedures have seen nearly 700 letters of notification sent. Of those sent, around a 10% response rate has resulted.

6.22 DISRUPTION DURING BUILDING PERIOD

The applicants have secured the use of the Central Buildings site to accommodate traders who wish to be relocated during the period, and there is a specific mechanism to be employed by condition that will facilitate this process. There are also many conditions relating to construction management, hours of operation, etc. A proposal of such magnitude cannot be expected to be delivered without a degree of disruption.

6.23 WOULD LIKE TO SEE PETROL STATION INCLUDED

This cannot be achieved as its originally intended location would have given rise to a poor visual solution adjacent to the by-pass and southbound approaches. Additionally, it would have introduced a requirement for much more significant vehicular movement and new accesses and egresses close to the roundabout.

6.24 AREA ACTION PLAN SHOULD BE PROVIDED

There is no requirement for one and the Council is obliged to consider the planning merits of the scheme presented. The scheme for consideration results from considerable working together between the applicant and officers and has made considerable provision for external input. The regulatory process followed clearly shows that the proposal can be delivered without this requirement.

6.25 CENTRE SHOULD BE LOCATED IN DOCKLANDS

Such a proposal would be subject to the requirement for significant sequential testing and would require a far more rigorous series of policy tests to be passed than the current proposal. Moreover, further retail outside the centre of such scale could only be seen as of detriment to existing and already struggling centres, whilst failing to provide for a sustainable form of development and reduced opening for linked trips.

6.26 SUSTAINABILITY APPRAISAL SHOULD BE CARRIED OUT

The scheme makes provision for sustainable building and use of renewable energy and there is no requirement for the scheme to undergo a Sustainability Appraisal. Additionally the scheme makes provision for pedestrian/cycle improvements to increase means of travel choice. It is sufficient and entirely appropriate to condition these elements.

6.27 LACK OF CROSSING PROVISIONS

This has been critical and the applicants will be undertaking schemes of tactile paving and dropped kerbs at all points within 200 metres of the site and dedicated new pedestrian crossing facilities including the redesign of the double mini-roundabout to Islington for improved crossing. Overall links to the centre will improve markedly.

6.28 NEED TO INTEGRATE NEW SQUARE AND EXISTING PEDESTRIAN

AREAS

Agreed; the applicant therefore will make provision for a significant contribution to new public realm which can reasonably be expected to offer scope for improvements to townscape not directly within the application site.

6.29 DESIGN CONCERNS

These are explained in full throughout the report but in short there are many varied potential design solutions that would vary in both character and merit. The chosen solution goes for a lighter contemporary approach which reflects a new chapter in Crosby's evolution. Preferences for brick, tile, slate materials etc could seriously add impact to a building of the size and scale proposed. It is not unreasonable that the design chosen properly reflects the building's function, and this is a key component of PPS1.

6.30 MULTI-STOREY CAR PARK TOO HIGH

It is unclear as to what height may be regarded as appropriate, but the building is to an extent of its own nature and uniqueness and fulfils a critical purpose in providing the parking necessary for the town centre to function as a whole.

6.31 FIRST FLOOR LOCATION OF STORE REDUCES ACCESSIBILITY/ROOFTOP PARKING COULD SAVE SPACE

It is accepted and understood that the ground floor positioning of the store would in many ways be desirable. However, the effects of this would likely drive the building's height further up as ramps and other infrastructure become necessary. It would also significantly expose servicing arrangements to greater public view, or make their screening all too prominent. Equally, underground parking generally is excessively costly, with reduced surveillance and would not resolve the criticism that many customers are still not being parked at store level. The submitted scheme does much to reduce the feel of Crosby being three car parks on an island.

The applicants propose travelators and lifts to carry many people at a time and the store is also level with and links direct to the decked car park across Moor Lane. There has been significant consultation with the Sefton Access Forum on this issue. It is not in the applicants interests to build a store that is either inaccessible or excludes certain groups.

6.32 STORE COULD BE REPOSITIONED TO PRESERVE HISTORIC ROUTES

The historic routes are barely altered; there is however a rerouting of an existing pedestrianised part of Moor Lane. The overall character of movement was arguably altered more significantly by the original pedestrianisation of Moor Lane/Liverpool Road in the 1990s, just as the building of the original store in the early 1980s will have changed patterns of movement. The applicants have carried out numerous alternatives which do not work and one of these involved closing the route altogether which was of significant concern to the Council.

6.33 FORMER STORE SHOULD BE REMODELLED TO RECONNECT COOKS

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ROAD

Suggestions relating to partial demolition of the existing store to open up the routes to Cooks Road are not without merit, but cannot be accommodated as part of this application and the failure to do so is not a reason to reject the proposals. The opening of the blank elevations to the existing store will achieve the desired effect albeit in a different form and allied to pedestrian improvements improving connectivity at this point will enable traders in that part of Crosby to feed off the increased footfall in pedestrianised areas. Such works would also reduce the available retail offer and thereby opportunity for existing traders.

6.34 ROUTING AND TIMING OF DELIVERIES

There is no gate to the service access which will allow deliveries to enter and exit without restriction and prevent unwanted waiting on the public highway. Significant acoustic walling is proposed and has been extended on the Council's request. All noise within the service yard is attenuated and there is will be management of the yard to prohibit a series of activities overnight. There is no reason to restrict hours of servicing. The existing route is the A565 and servicing vehicles will run in conjunction with other larger vehicles that need to use this route on a regular basis.

6.35 NO FURTHER BARS/DRINKING ESTABLISHMENTS

There is appropriate control to ensure that any new establishments operate to hours consistent with those permitted elsewhere and any such use would be subject to a full noise assessment to determine its acceptability. There is an existing establishment which would be displaced and it would be unreasonable not to allow certain re-provision on a point of principle particularly within a town centre environment.

6.36 IMPORTANT TREES WILL BE LOST

There are trees viewed from Richmond Road which would be lost but the wider reshaping of the landscape and trees designed not to outgrow their town centre location, together with the landscaping of key frontages, will off set this impact. There is no sufficient merit in the trees to be removed that justifies specific Tree Preservation Order (TPO).

6.37 RE-ROUTING OF MOOR LANE MAY BE QUIET AND UNSAFE AT NIGHT

There is no evidence that the existing route causes unmanageable problems. There is ample surveillance of the area and this is improved further by the repositioning of one retail unit to Moor Lane opening up views in particular to the rear of the public house backing onto the current Allengate car park.

6.38 SECURITY OF CYCLE PARKING IN UNDERCROFT

This will be a matter for the applicant to manage in line with their overall security regime.

6.39 ANTI-SOCIAL BEHAVIOUR TO THE REAR OF THE GEORGE PUBLIC HOUSE

This is commented on in detail in that section of the report relating to crime and anti-social behaviour.

- 6.40 BUILDING MAY BE SUBJECT TO TERRORIST ATTACK
The applicant has been given clear advice to consider the use of bomb-proof stilts in the construction of the building but this is not a matter which is considered appropriate to cover by condition. It is open to the applicant to follow this advice all the same.
- 6.41 SECURITY AND MANAGEMENT OF CAR PARK
This is a matter covered by planning condition.
- 6.42 UNWANTED CAR USE AS A RESULT OF MULTI-STOREY
The scheme provides a level of parking that is compliant with planning policy. The proposals will also bring improved opportunities for bus use, taxi provision, cycling and pedestrians. The lack of a multi-storey, which has been subject to significant design improvement, will place severe pressure on the ability of the remaining spaces to accommodate the centre's realistic needs.
- 6.43 PARKING IN RESIDENTIAL AREAS OUTSIDE CENTRE
This has been a key issue for discussion. Measures are proposed requiring the applicant to undertake investigation of surrounding roads and where deemed appropriate and necessary following discussion with the Council extend residents parking provision. This would be reviewed after 12 months and if necessary revised to suit.
- 6.44 TOO MUCH PRIORITY FOR CARS OVER PEDESTRIANS
The scheme must balance the realistic requirements of all movement and for reasons stated above and within the report does exactly that.
- 6.45 VEHICULAR EXIT TO BY-PASS A CONCERN
This will be moderated by an approach involving bollarding which will prohibit egress from this route at the busiest of times.
- 6.46 INSUFFICIENT PROVISION FOR TAXI FACILITIES
This is noted and is an important provision. The scheme will provide measures for both in-store and out of store taxi provision.
- 6.47 STAFF PARKING ON SITE?
The applicant will be required to produce a fully working and enforceable Green Travel Plan that sets out measures for reducing car dependence throughout the development, with staff parking requirements key to this and complementing the residents provisions described above.
- 6.48 WILL SLIP ROAD BE AVAILABLE FOR SERVICING ONCE MULTI STOREY BUILT?
Yes. This is a key requirement for traders on the Liverpool Road frontage and is retained.

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6.49 PARKING REFUNDS INSTORE/OTHER TRADERS?

The applicant intends to refund parking provision for those spending an as yet to be confirmed in-store minimum and it is open to them to consider expanding that offer to other traders but will not be a specific planning requirement.

The above comments respond in full to the range of comments and observations received. As indicated at the beginning of this report, it is impossible to accommodate, resolve or agree every concern.

Objections are continuing to be received at the time of writing at the approximate rate of 2 to 3 per day, and are each of very similar tone expressing opposition to the size and scale of the proposals.

These submissions are considered with the same weight as those who have objected throughout, but it is nevertheless unusual for more vehement objection to manifest itself at such a late stage in the planning process, and at a time when the main components of the proposal are to a large extent in place and unlikely to change.

Moreover, the proposals are not of substantially greater scale than was first envisaged some 18 months previous, nor has there been any obvious attempt to suggest otherwise.

7. Relevant Policies

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

PLANNING POLICY STATEMENTS

- 1 Delivering Sustainable Development (2005)
- 4 Planning for Sustainable Economic Growth (2009)
- 22 Renewable Energy (2004)
- 23 Planning and Pollution Control (2004)
- 25 Development and Flood Risk (2006)

REGIONAL SPATIAL STRATEGY

- DP1 Development Principles
- DP4 Making the Best Use Of Existing Resources
- DP5 Manage Travel Demand; Reducing The Need To Travel, and Increasing Accessibility
- DP7 Promote Environmental Quality
- EM17 Renewable Energy
- EM18 Decentralised Energy Supply
- RDF1 Spatial Priorities
- W5 Retail Development

SEFTON UNITARY DEVELOPMENT PLAN

- AD1 Location of Development
- AD2 Ensuring Choice of Travel
- AD3 Transport Assessments
- AD4 Green Travel Plans
- AD5 Access onto the Primary Route Network
- CS1 Development and Regeneration
- CS3 Development Principles
- DQ1 Design
- DQ2 Renewable Energy in Development
- DQ3 Trees and Development
- DQ4 Public Greenspace and Development
- DQ5 Sustainable Drainage Systems
- EDT18 Retention of Local Employment Opportunities
- EMW9 Recycling Facilities
- EP1 Managing Environmental Risk
- EP2 Pollution
- EP3 Development of Contaminated Land
- EP6 Noise and Vibration
- EP7 Light Nuisance
- EP8 Flood Risk
- R1 Retail Development Strategy
- R6 Development in District and Local Centres
- T1 Transport Network Priorities
- UP1 Development in Urban Priority Areas

SUPPLEMENTARY PLANNING DOCUMENTS

- Ensuring Choice of Travel
- Trees and Public Greenspace

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8. Background and Key Issues

- 8.1 The application site is an established district centre retail location and is within the district centre boundary of Crosby.
- 8.2 Given the scale of the proposed store, which is to be 4,645 sq m in net sales area, and 8,802sq m gross, just over three times the size of the existing, the Council's retained retail consultants have been asked to appraise the proposals and a copy of their letter is attached for the benefit of members, setting out that Crosby is capable of accommodating this additional retail provision. The floor area is 3,252 sq m for food sales, and 1,393 for non-food. The principle of retail use and associated town centres uses on the site is, therefore, established.
- 8.3 The proposals as described bring considerable change to the townscape of Crosby; in particular, widely visible surface car parks and dated retail units will be removed. Opportunities are being explored for significant public realm improvement. The scheme will also make for a significant investment in Crosby creating a large number of new jobs.
- 8.4 The streetscape will change, as will anticipated footfall, and the scheme ought to encourage a more active centre environment that currently resulting from the store's existing position at the western end of the village.
- 8.5 Crosby as a centre has a local identity as a village but is in reality a District Centre. The facilities and environment it provides have suffered from a lack of investment in recent years and the applicants' existing store, which is the only store in the centre of significant size, overtrades significantly.
- 8.6 The opportunity has arisen for a major investment into the centre, bringing a larger supermarket and smaller retail units, with potential for a community use building, improved car parking and other facilities. There is no doubt that such a large investment would provide a major change to Crosby, and the applicant has faced the challenge of trying to incorporate this in a way which promotes investment whilst retaining the character of the centre.
- 8.7 The scheme has been subject to significant public consultation, taking the form of public exhibitions and leafleting, in two stages. The first stage to obtain general views; the second to seek comment in more detailed form.
- 8.8 700 stakeholders were identified, and contact points established. The applicants have also documented attendance at a Crosby Village Action Group attended by around 450 people in February 2009, and a Crosby Village Steering Group the following month. A website was set up the month after that alongside a freephone consultation hotline, and text messaging update service.
- 8.9 Following these provisions, all stakeholders were invited to attend a mobile exhibition in May 2009, covering 15 hours over two days, and on a Friday and

Saturday to cover individual working patterns. There were press releases to the Crosby Herald and Liverpool Echo. 229 questionnaires were received in response to this exhibition, with the most important factors seemingly the management of public realm and a clear identity for Crosby Village.

- 8.10 A second exhibition was held providing more detailed design in November 2009, attended over two days by an estimated 1,000 people. Of 129 feedback forms, 79 were in favour, 35 against and 12 not sure. The main points of concern related to the relocation of key facilities, car parking charges, and maintaining community facilities. There was also comment on the scale of the store not being in keeping with surrounding shops.
- 8.11 Following the second exhibition an information leaflet was circulated to 10,000 local households.
- 8.12 The nature of the scheme is such that it demands a high level of liaison with the local community and all with a keen interest in the future of Crosby. In my opinion, the applicant has been rigorous in seeking the views of interested parties and any criticisms of failure to discuss the proposals with the local community are entirely unfounded, given the extent and level of publicity that the scheme has received. Additionally, I consider that the applicant has responded as reasonably and fairly as possible to the concerns raised and it must be emphasised that it is not possible for the applicant to address every concern, in particular relating to size and scale.
- 8.13 In short, the consultation exercise undertaken is regarded as appropriate and proportionate to the magnitude of the proposals and I consider that the applicant has given considerable weight to the responses received.
- 8.14 The scheme has also been put to the North West Design Review Panel 'Places Matter!', who following consideration of a series of options, have offered broad support to the scheme on the basis of their understanding that the scheme has a range of wider objectives that go beyond the sheer scale of the proposals in their own right. The original plans presented to this panel raised a number of concerns which the applicant has now responded to:
- The plans make provision for rerouting as opposed to closure of Moor Lane,
 - The plans better respond to identified key routes through centre,
 - Increased scale of new retail units fronting Moor Lane,
 - The foodstore relates far better to Richmond Road elevation,
 - The petrol filling station has been removed,
 - Closer analysis has been undertaken of other fabric to be demolished,
 - There is much greater respect of existing street hierarchy,
 - New retail units addressing Moor Lane street scene,
 - Alternative treatments to the Richmond Road elevation,
 - Screening treatment to the ground floor elevation along Richmond Road,
 - Improvements to servicing route from Little Crosby Road, and

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- Colour cladding to the Multi-Storey car park.
- 8.15 In short they are accepting that Crosby is in need of significant change in order to sustain its status as a centre bringing vitality, viability and vibrancy.
- 8.16 The Panel have expressed strong views over the design merits of the scheme. However, their final conclusion of the possible alternative has served to expose the physical difficulty faced by the centre in accommodating development of the scale proposed (and in principle justified). Their eventual concluding suggestion was to propose the use of Islington car park as the basis for the proposals.
- 8.17 The Islington car park is around half the size that would be required, but even if big enough, would have most likely resulted in a scenario with the following limitations:
- limited parking availability for the scheme and poor proximity to the store,
 - substantial impacts on the residents of property at 'Sandalwood',
 - predominance of non-active uses on key frontages due to functional requirements of servicing and storage,
 - a positioning of store which would further fragment existing retailers on Moor Lane limiting footfall along established routes,
 - difficulty in distinguishing between customer and service access, and
 - a requirement for a new bus routing and interchange.
- 8.18 Certain reservations of the design put forward by PlacesMatter! are not without justification, but they must nevertheless be regarded as a component of the wider planning process which must also carefully review the implications in terms of pedestrian and vehicular movement, and the wider benefits the proposals must bring to the town centre.
- 8.19 Other options have been considered but none have been found to work effectively in reducing the impact and scale of development. Alternatives have involved assessing the continued use of the pedestrianised part of Moor Lane as a through route, and increases in height that would potentially result from the combination of ground floor parking requirements or ramping arrangements to provide additional parking decks.
- 8.20 An ideal solution is far from easy to achieve, as it is proposing a large food store within a town centre location that must respond to and recognise the needs of a wide range of surrounding occupiers and other centre users.
- 8.21 There will be significant impacts both following and during construction, but equally, there is little likelihood that a scheme for the successful regeneration of the centre could be delivered that brings much needed investment and also adopts an approach of minimal intervention.
- 8.22 The scale of the proposal is bold and ambitious, and represents a once in a generation opportunity for regeneration if controlled and managed correctly.

8.23 This report examines the four key planning issues, followed by a description and assessment of each component of the proposal in respect of these. Other matters relating to impacts on the town centre both as existing and reconstructed are then analysed.

8.24 DESIGN:

- The need for the proposals to contribute to a safe, secure environment for users at all times, with security, safety and passive surveillance at the heart of the scheme, and the need for the scheme to sit comfortably alongside other neighbouring uses with a view to minimalising instances of anti-social behaviour.
- The presentation of the various aspects of built form and their impacts from a considerable range of vantage points,
- The commitment to a design approach that maximises potential for ease of access and movement, provision for a full range of potential users, and the maximising and maintenance of opportunity for linked trips,
- The potential for significant public realm enhancement, public art and high quality landscaping,

8.25 TRAFFIC ISSUES AND HIGHWAY SAFETY:

- The overall traffic impacts of the development, parking levels and future management, and the opportunities the development brings for a range of alternatives to the car,

8.26 RESIDENTIAL AMENITY:

- Impacts on residential amenity, in terms of the physical impacts of built form, servicing, the new retail units and potential changes to traffic patterns, and the positioning of taxi provision,

8.27 ENVIRONMENTAL ISSUES:

- The effect of increased traffic and renewable energy requirements on air quality, and the extent to which measures may be put in place to both mitigate the impacts whilst offering enhancement, and
- The need to give no net loss of existing recycling facilities.
- The need to assess the proposal in respect of impacts on habitat and to ensure that potential for flood risk is assessed and mitigated where necessary.

8.28 The application has been screened for the purposes of Environmental Impact

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Assessment and it has been concluded that no assessment is required.

8.29 With regard to the suggestions on the need for referral, the Town and Country Planning (Consultation) (England) Direction 2009 and Circular 02/09 (Departures) set out criteria against which planning application for town centre uses should be referred:

- *Any application for the development of a town centre use outside of a town centre (includes edge-of-centre, out-of-centre and out-of-town locations) where 5,000 sq m or more gross external floorspace is proposed and which is not in accordance with one or more provisions of the development plan in force;*
- *Any application for the development of a town centre use outside of a town centre where 2,500 sq m or more gross external floorspace is proposed, which is not in accordance with one or more provisions of the development plan in force, and which when aggregated with existing floorspace of the same type of use situated within a 1 km radius of the proposed development would exceed 5,000 sq m.*
- *Existing floorspace comprises floor space already provided, floor space which has been substantially completed within the period of 5 years preceding the date of the application, proposed floor space in respect of any application which has not been determined on the date of the application to which the Direction relates, or proposed floorspace in respect of any application for which planning permission has been granted within the period of 5 years preceding the date of the application to which the Direction relates.*

Having reviewed the above in relation to the applicant's proposals for Crosby, it is not considered that there is a requirement to refer the application to Government Office North West (GONW).

9. Individual Scheme Components

9.1. Demolition of buildings and erection of retail food store with undercroft parking

- 9.2 This is the principal component of the scheme. The existing store would relocate to a new, purpose built location which is derived in part from the demolition of some existing properties on Moor Lane including the Glenn Buildings, and some residential properties at Richmond Road, whilst making partial use of the existing car park adjacent to the current store and the Cookslands car park to the rear of the Glenn Buildings accessed from Moor Lane.
- 9.3 The store would be at the eastern most part of the application site and will have a range of visible frontages, from Moor Lane, the by-pass and Richmond Road. The footprint proposed necessitates the re-routing of the existing pedestrianised area and this is described further at (6) below.
- 9.4 The store would be of around 15.5 metres in height and is a modern, contemporary design which will involve the sales floorspace being provided at first floor level. This is accessible from both the main pedestrian area of Moor Lane, and the adjacent decked car park discussed at (5) below. Travelators are proposed in addition to two customer lifts capable of accommodating 38 people at any one time.
- 9.5 In addition to food store sales, the scheme will also have a bakery, back up area and staff areas visible to Moor Lane but with a customer restaurant and toilet facilities at first floor level, the latter of which affords views of Richmond Road.
- 9.6 Servicing would occur directly from the by-pass and is an all movements junction. Vehicles would utilise a service ramp and undertake servicing at first floor level.
- 9.7 All parking is accessed via Richmond Road but an exit for customers is also proposed to the by-pass.
- 9.8 The store proposes to open during the hours of 0700-2300 Monday to Saturday, and 0900-1900 on Sundays (for six hours only within the provisions of the Sunday Trading Act).

Analysis/Appraisal

- 9.9 The building when viewed in plan form is undoubtedly of substantial footprint, but is broken in its elevational form to provide a range of acceptable impacts from ground level vantage points. From Richmond Road, the chief component is cladding of grey and white colour, but the glazed features and use of terracotta break this up and for its height give the building a lighter feel.
- 9.10 The building to the newly re-routed Moor Lane is expected to be of lively, active appearance, with full glazing for the majority of the elevation to a point close to roof level, and a glazed entrance visible from the west end of Moor Lane.

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- 9.11 The by-pass elevation also represents a key public face to the building, but this generally reflects the functional requirements of the store in terms of servicing, delivery and back up. The elevations are broken at this point such that unduly obtrusive elevations are avoided, due largely to the constraints presented by the positioning of the by-pass. There is also a requirement for a sprinkler tank and pump house adjacent.
- 9.12 In amenity terms, the building will undoubtedly change the outlooks for residents on Richmond Road. In particular, many residents of Avon Court on the opposite side of the road currently see the back and side elevations of Telegraph House, and wider views are of this building and the open Allengate car park.
- 9.13 Albeit the orientation is unfavourable, the northern elevation of this building at the height proposed will not give rise to adverse impacts in respect of overshadowing of windows, being around 30 metres from the offset elevations of Avon Court, and the first floor will not impact on the privacy of residents whose windows are largely off set from the building itself. There are no other residents directly affected in respect of the built form though indirect views of the building will clearly be obtainable.
- 9.14 The nature of the operation is such that servicing will take place on a 24 hour basis. The applicant estimates 12 deliveries a day, equating to one every two hours. However, for the store to function, overnight and early morning deliveries are required. The impact of these is mitigated in two ways. One is that there will be no gate at the service access itself.
- 9.15 A common complaint of service vehicles is that the vehicle has to wait on the highway for a gate to open and the re-starting of its engine is often a cause of disturbance. The absence of the gate enables the vehicle to enter with due care but also with no waiting requirement. In addition, noise from reversing beepers is entirely contained.
- 9.16 In addition, a key component of the building is a high acoustic wall, which will absorb all noise connected to servicing once the vehicle is within the raised service area. This will resolve all concerns relating to impacts from servicing and means there is no need to condition servicing access hours. The Environmental Protection Director has raised no objection on this point.
- 9.17 Unlike some other similar stores, the applicants' opening hours' arrangements are not centred on a 24 hour operation. I recognise that nearby residents would not welcome later hours of opening and therefore a condition is attached to ensure no opening outside the hours of 0700-2300 Monday to Saturday, and 0900-1900 on Sundays. At present the 1994 Sunday Trading Act precludes retailing for more than 6 hours on a Sunday, but there is a need for this to be adapted flexibly depending on local trade patterns. This is considered sufficient to ensure that there is no harm resulting from store activity.
- 9.18 The store itself is considered to be of acceptable design quality and of the form that may realistically be expected for a development of this scale. It is considered that the servicing and retailing restrictions will preserve the amenity of residents whilst the scale of the built form itself will not cause harm to outlook or result in loss of light.

- 9.19 The store will achieve a minimum of 10% of its energy requirements from renewable sources. Though it is considered that some assumptions contained in the report are generous, it remains the case that the likely energy generated would be closer to 20%. A planning condition is attached to require a range of in-built measures to provide for a sustainable construction.
- 9.20 Having established that the redevelopment of the centre involving buildings for retail purposes is acceptable, it is considered that is element of the scheme is acceptable and complies with policies CS3, R1, R6, AD1, AD2, DQ1, DQ2, DQ5, EP2 and EP6 of the Sefton UDP.
- 9.21. Full planning permission for erection of 7 small retail units comprising shops (A1); and/or financial and professional services (A2); and/or restaurants and cafes (A3); and/or drinking establishments (A4); and/or takeaway (A5)
- 9.22 In addition to the food store, and following the demolition of the existing retail units from Allengate onwards in a north easterly direction, it is proposed to reprovide smaller single storey units adjacent to the foodstore. Two of these are proposed on the southern side of the store at ground level, and four would be positioned on the opposite side of the entrance to the foodstore on the re-routed Moor Lane. The latter four would be sited under the decked car park to Moor Lane, but they directly address the street scene and the applicant is not seeking approval for a bar/drinking establishment in any of these.
- 9.23 In total, these six units will provide for 1,204 square metres of new gross retail floor space.
- 9.24 The seventh unit in the strictest sense is not a new construction, but would be a further independent retail unit within what is currently the applicant's off licence directly in line with the existing entrance to the main store. This has a gross external area of 456 square metres.
- 9.25 If planning permission is granted, it would be on a flexible basis such that any use could occur during the first ten years of occupation, with the ongoing lawful use reverting to that as it exists ten years from the date of first occupation.
- 9.26 The applicant has commissioned an independent appraisal of existing built fabric within the town centre including those units it is proposed to demolish.

Analysis/Appraisal

- 9.27 In view of the scale of the new main food store, it is essential that the centre also provides a range of units which are flexible in terms of both size and use. The design of the six units will reflect the more contemporary approach to the main store itself and will benefit substantially from the considerable footfall expected to be achieved on Moor Lane.
- 9.28 The reprovion of new retail units is entirely consistent with aims and objectives for a vibrant and viable centre, and in particular will complement the new food store attracting people to the centre for the purpose of linked trips within an newly formed and attractive environment.

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- 9.29 The units will in themselves not compensate entirely for the loss of the current retail space, however, this is more than covered by the conversion of the remainder of the existing store at (4) below. Additionally, though numerically the number of units is seven, the floorspace is readily divisible in various ways to suit the needs of smaller retailers if necessary, or to accommodate those with more extensive requirements.
- 9.30 The appraisal document clearly sets out the history and development of the centre; the cluster of commercial properties around the turn of the 20th century (now addressing the pedestrianised former roundabout at Moor Lane was centred on Liverpool Road, Crosby Road and Cooks Road. The Art Deco buildings proposed to be demolished are of slightly later era, dating back to 1936 and there are also some residential properties remaining from a group demolished to enable the construction of Richmond Road.
- 9.31 The residential properties are considered to require a level of investment too great to justify their retention and previous attempts at repair work have been of rather poor quality.
- 9.32 It is noted that the more historic parts of Crosby will remain; these being the corner buildings identified above. They are considered to be of considerable character, and the Victorian buildings moving east the same albeit there have been some more significant alterations to these.
- 9.33 The Art Deco buildings also exhibit a distinctive character and it is considered that though not worthy of listing, they are rare in type and any replacement must achieve quality subject to improvement of the area's character and appearance. The post war buildings at the far east end which include Telegraph House are seen to be of no interest and not worthy of keeping.
- 9.34 The loss of this fabric in the centre is not without regret. However, it is not considered that such loss offers a sufficient argument for the withholding of planning permission when balanced against the other wider planning and regeneration objectives explained elsewhere in the report.
- 9.35 This component of the scheme accords entirely with planning policy at all levels, including PPS4: Planning for Sustainable Economic Growth, and the range of uses enabled are entirely consistent with what would be expected in a local centre and therefore complies with policies CS3, R1, R6 and DQ1 within the Sefton UDP.
- 9.36. Full planning permission for erection of community use building comprising financial and professional services (A2); and/or business (B1); and/or community uses (D1) with parking to rear.

- 9.37 The third component is the proposed community use building to be provided adjacent to the Moor Lane roundabout. This seeks permission for use as offices, business or community uses.
- 9.38 The building is of two storey brick construction with white render, and would total 636 square metres in area.
- 9.39 Parking is provided to the rear via a separate access off Richmond Road.
- 9.40 If planning permission is granted, it would be on a flexible basis such that any use permitted could occur during the first ten years of occupation, with the ongoing lawful use reverting to that as it exists within the building ten years from the date of first occupation.

Analysis/appraisal

- 9.41 Discussion of this component evolved over time following initial concern relating to the use of this part of the site as a Petrol Filling Station (PFS). The site is recognised to be an important gateway to Crosby for those visiting the centre from the north, who will tend to take the Moor Lane approach.
- 9.42 If this part of the site is not developed, it would open the far less attractive acoustic walling and blank ends of the main foodstore with landscaping the only buffer. It is considered that the built form proposed will assist in offering a different perspective on arrival.
- 9.43 The design is of low key nature but is intended to offer a response to other buildings nearby of more domestic scale, including residential property addressing or adjacent to the roundabout. It is not of outstanding quality but equally is not considered harmful in street scene terms and represents an acceptable response in terms of its built form, reflecting the scale and materials common in this area.
- 9.44 The issue of end user is a concern. It is known that the applicant has approached a range of community-based end users, but is yet to find an occupier. Most notably, there has been discussion with Sefton Primary Care Trust, but these are now to be abolished and in any event, it was felt unlikely that the building proposed would be big enough for their requirements.

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- 9.45 In addition, Sefton CVS have commented that the use of the building for community purposes could have the reverse effect of impacting on the facilities made available by existing community uses.
- 9.46 In planning terms, it is not possible to specify the end user of the building within the use classes applied for, however, it is open to the local planning authority, given the identification of the site as a community building, to require that discussion has occurred with all available potential community uses to at the very least establish their interest before the units are made available to office or other business occupation.
- 9.47 The proposed demolition within the centre will involve the loss of 1,200 square metres of mostly first floor office space (though not all of it occupied). As such, the alternative is to reprovide office space within the building in the event that a community user cannot be found, as it is in the interests of the centre as a whole to see the building occupied.
- 9.48 The applicant intends to own and manage the building for a five-year period following completion of development and clearly it is also in their interests to establish a return. The Council would clearly not wish to become directly involved in management or ownership following this five year period and it would then become a matter between the owner/tenant at that given juncture.
- 9.49 The building is seen as an appropriate form of development for the corner and will add to the range and mix of uses within the centre. It is compliant with Policies DQ1 and R6 of the Sefton UDP.
- 9.50. Full planning permission for change of use and alteration of existing foodstore to shops (A1); and/or financial and professional services (A2); and/or restaurants and cafes (A3) and/or drinking establishments (A4); and/or takeaway (A5).
- 9.51 The existing store will continue to trade until such time as the new food store is ready to open. At this point, the existing will be converted into new retail units, one of which has been described at (2) above as that currently opposite the existing store which serves as the off licence, and with four provided in the main building itself. Three of the units would be accommodated over two storeys, and the fourth one would be a single level unit fronting Little Crosby Road.
- 9.52 The current brick building would be opened up further to provide retail frontage to both Liverpool Road and Little Crosby Road and servicing would be off a new road serving the latter and is shared by all occupiers.

Analysis/appraisal

- 9.53 As per the new units described at (2), the converted store will provide flexible and more sizeable opportunity for retail provision to the centre. The new foodstore may be seen to anchor the east of the centre with the subdivided units presenting a complementary retail offer to the west. This arrangement should give rise to a vibrant centre and increased profile for existing occupiers who do not need to relocate as a result of the proposals.
- 9.54 The building being opened up will see the removal of large, deadening areas of blank frontage and introduces new retail frontage visible from the pedestrianised areas of Liverpool Road, from opposite the bank and also on approaches from Cooks Road and Islington. There is a clear positive street scene impact and this opening will help the feel of the centre extending further to break the isolation of premises on Cooks Road.
- 9.55 Though less flexible than the new units described at (2), the largest unit of around 1,800 sq metres could still be disaggregated in practical fashion by making use of the part of the building facing the new decked car park. Units 1 and 2 could also be divided.
- 9.56 The conversion of the existing store excluding the off licence will offer around 3,000 square metres of useable retail space. This when added to the new units compensates for the loss of the existing retail floorspace, albeit re-providing in a different form. As with (2), hours conditions are attached to control opening in the event of any A3, A4 or A5 use being proposed.
- 9.57 As with (2), this component of the scheme accords entirely with planning policy and the range of uses enabled are entirely consistent with what would be expected in a local centre. A flexible range of uses is sought for these. Therefore this part of the proposal complies with policies CS3, R1, R6 and DQ1 within the Sefton UDP.
- 9.58. Full planning permission for construction of multi-storey car park to Islington with bus interchange facility and decked car park over existing Allengate car park.
- 9.59 A three tier multi storey car park is proposed on the site of that existing at Islington. This would provide for a total of 208 parking spaces, with 10 at ground level provided for disabled users. This element also comprises the provision of shared surfacing to The Green and Church Road at the northern

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and southern ends respectively.

- 9.60 A glazed escape staircase with coloured cladding is proposed at either end and the base would take the form of a brick plinth.
- 9.61 The main part of the structure would be built from a vertical cladding system of aluminium colour coated specification. A curved, covered waiting area will be provided for bus passengers. The proposals will also increase the available space for buses to wait.
- 9.62 Access points to this are as existing, and the proposal will retain existing lime trees to the Islington frontage.
- 9.63 The existing car park at Allengate would be subject to an additional deck, with cars able to park in the existing space via the new main access point to the foodstore, with vehicles afforded movement over the new pedestrian route and a ramp running parallel to the existing store on its eastern side allowing for access to the deck above, which in turn allows customers direct on foot access over the bridge across the new route into the store itself. This supplements the parking available underneath the store.

Analysis/appraisal

- 9.64 The multi-storey car park is positioned very prominently and presents a significant design challenge. Given the scale of development elsewhere it is felt appropriate that this reads as a building in its own right as opposed to being a continuation of the design elsewhere in the centre.
- 9.65 Following discussion with the applicant, a multi-coloured system of vertical cladding is proposed, which will minimise the impact of vehicle parking above ground level and present a structure of interesting and distinctive appearance. The staircases and glazed elements at either end add further interest.
- 9.66 The proposed shared surfacing will make for a satisfactory access to existing pedestrian areas.
- 9.67 The scale of development necessitates the levels of parking proposed via a multi-storey and the full implications in relation to highway safety and parking for the both this area and the centre as a whole are discussed elsewhere in the report.

- 9.68 The other key issue is that of the impact of the multi-storey on surrounding property. The building will undoubtedly alter the outlooks for nearby properties, most notably those at Sandalwood, on the opposite side of Islington turning the corner with Coronation Road.
- 9.69 The existing outlook is currently one of the bus stops and bus lanes on the opposite side to Islington, with ground based car parking behind the line of existing lime trees, which are to be retained within the scheme. This arrangement gives rise at busier times to a lively, bustling environment, but by no means visually appealing one.
- 9.70 The multi-storey cladding would be 7.6 metres in height from ground level, the towers either end are 8.6 metres in height, and overall the building is positioned over 40 metres from the windows of dwellings at Sandalwood. This will not cause loss of light or privacy for those residents.
- 9.71 It is noted that the Central Buildings Site directly to the south has permission for mixed retail and residential use, which could still be implemented, and the residential dwellings in this location would be much closer, but still at sufficient distance of at least 15 metres from the south elevation and again, no adverse impacts are expected.
- 9.72 There are no main windows to residential property elsewhere and the cladding is lower to the rear and partway around the sides at the entrance/exit points. This is sufficient to ensure no adverse impacts from the multi-storey car park.
- 9.73 With regard to the decked car park fronting Richmond Road, this is to be constructed from white metal clad panels and with dark grey rendered towers at either end when viewed from Richmond Road.
- 9.74 Following discussion, the applicant has agreed to provide landscaping to the front of this car park in the form of stainless steel “green walling”, which accommodates planting to ground level, and overhang planting from the cladding itself, which will do much to soften the visual impact.
- 9.75 Planting will also be provided within the decked area at first floor level and there will also be ground based planting and tree cover to the Islington frontage, continuing across the front of the main food store. In my view this will improve the visual feel of Richmond Road and afford more pleasant outlooks for those residents nearest at Avon Court.

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- 9.76 Both car parks will be fully secured and this issue will be discussed later in the report under the sections 'Designing Out Crime' and 'Parking/Highway Safety'.
- 9.77 Proposals involving built car parking can often give a notably hostile and unfriendly impression of an area, with swathes of concrete and minimal opening. However, on this occasion, the respective built forms offer an attractive and colourful solution bringing identity to Islington and a softer approach to Richmond Road, which make for a visual impact as good as can reasonably be achieved, given what these parts of the scheme entail.
- 9.78 It is considered that the built parking areas will offer acceptable levels of visual amenity without compromising or harming the living conditions of residents nearby. The scheme complies with Policies DQ1, H10 and AD2 of the Sefton UDP.
- 9.79. Full planning permission for new and altered vehicular and pedestrian accesses, including the re-routing of Moor Lane, landscaping of centre, construction of infrastructure and associated facilities together with associated temporary works and structures and associated utilities/services required by the development.
- 9.80 The following summarises the changes in access/egress in and around the centre.
- a) Re-routing of the pedestrianised part of Moor Lane. This re-routing is necessary to make available the development footprint for the food store and new retail units to be provided whilst maintaining pedestrian flow through the centre. This will give rise to a new pedestrian route onto Richmond Road some 70 metres west of that already existing and will require closure of the pedestrian route currently in place.
 - b) New vehicular access from by-pass for servicing of existing retained retail premises to Moor Lane. This would also afford access for recycling, which will be discussed later in the report.
 - c) Widening of pedestrian route from new central square on Moor Lane linking to by pass.
 - d) New all-movements vehicular access from by-pass for servicing of main food store. This would replace the existing arrangement which sees the store serviced from Little Crosby Road in close proximity to the junction with Richmond Road.

e) New bollarded vehicular egress from undercroft car park onto by-pass with left turn only facility.

f) New vehicular access/egress via Richmond Road to serve the community use building.

g) New traffic signal controlled vehicular access/egress via Richmond Road to serve the undercroft and decked car parking adjacent to the store.

h) Extension of route from Little Crosby Road where servicing takes place to afford servicing of converted foodstore and other existing premises to the rear of Moor Lane.

9.81 A plan is attached to the report to explain these more clearly.

9.82 The applicant has as mentioned previously also applied for planning permission to revert the use of the cleared site at Central Buildings for the provision of temporary retail facilities both during the construction period and whilst the existing store is being converted.

Appraisal/Analysis

9.83 The proposals described at 8.82 are likely to bring significant change in respect of general pedestrian flow around the centre, and a range of traffic impacts. However, the proposals for all their scale and proportion are not considered to deflect key routes unreasonably, with the change to the pedestrian route of Moor Lane the key component, and will through the range of uses proposed encourage movement and footfall across the centre as a whole.

9.84 There will also be a need for stopping up orders and other highway works to facilitate the development but these and the other linkages above are discussed in further detail under the heading of 'Parking and Highway Safety'.

9.85 Many of the issues relating to movement and access are reviewed under the heading 'Parking/Highway Safety'. Overall the measures are in compliance with Sefton UDP Policy AD2.

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10. Other Planning Considerations

10.1 Designing Out Crime

- 10.2 The main concerns in discussion with the Police Architectural Liaison Officer relate to car park security, boundary treatments and general opportunity for surveillance. Additionally, there are currently known issues on Allengate car park late in the evening relating to crime and anti-social activity.
- 10.3 The plans have been amended to address and resolve a number of the above concerns.
- 10.4 The decked car park and undercroft parking will be secured via the use of gates and railings. This will apply around the entire boundary of the car park, with gates provided to open during store hours into various parts of the town centre. To prevent pedestrians entering the car park at the vehicular access points whilst the store is closed, roller shutters will be provided.
- 10.5 The securing of the decked car park will alleviate concerns relating to anti-social activity to the rear of properties on Allengate. As such, there is a need to ensure pleasant and well considered routes that do not serve as areas for congregation. To that end, there has been amendment to the service road serving Richmond Road, with additional tree planting provided, and one of the small units fronting Moor Lane has been recessed, to allow views for those at the end of the same service road to move unobstructed back to the main pedestrianised part of Moor Lane opposite the food store.
- 10.6 Discussion is taking place with the Council's Community Safety team with a view to establishing the possibility of improved Closed Circuit Television (CCTV) facilities and an in kind contribution from the applicant to enable its provision across the centre.
- 10.7 The proposal minimises areas of open gathering for crime and anti-social activity and as a consequence, there is no sustainable basis for objecting on this ground. The scheme complies with PPS1 (Delivering Sustainable Development) and Sefton UDP Policy DQ1.

Parking/Highway Safety

- 10.8 The comments of the Council's Highways Development Control team are reported in full within Section 5, however, the following key points are reemphasised and will be covered either by revised plan, condition or Section 106/278 Agreement. The current total parking provision for the centre is 349 spaces within the three car parks.
- 10.9 The proposed development in its entirety will have an impact on the

surrounding highway network and as a result a contribution will be required by the applicant towards the A565 corridor improvement strategy via Section 106.

- 10.10 Given that the vehicular access to the service yard is of significant width, a designated pedestrian route will need to be demarcated across the vehicular access, to reinforce that there is still a pedestrian route along the north side of the By-Pass. This will also need to include a rumble strip at the bottom of the slope gradient to prevent skateboarders and other unwanted uses of the ramp at the lowest point.
- 10.11 The entire service area from Little Crosby Road will need to be constructed as a shared surface. This is in order to improve pedestrian safety as there is the potential for conflict between service vehicles and pedestrians. A plan will be required by condition to show areas for parking, turning and manoeuvring.
- 10.12 The applicant will be required to fund the implementation of a residents parking scheme, with provision for further review following store opening, through a Section 106 Agreement (including legal procedures, advertising, traffic signs and carriageway markings.) This will also cover enforcement for at least 10 years through the Agreement. It should be emphasised that the agreement will not be required to cover the 800 metres surrounding the isochrones in full, these areas will be assessed and provision made within the 800 metres as appropriate.
- 10.13 The 628 total parking spaces for the centre accords with Sefton Borough Councils SPD 'Ensuring Choice of Travel.' Additionally, the Section 106 Agreement will make provision for a car park management plan will be required setting out charging, enforcement and a demand management regime, to be agreed in writing and can not be varied without the agreement of the Council.
- 10.14 Revised plans make provision for a new traffic signal controlled junction at Islington/Coronation Road/Church Road (exit only)/Bus interchange (exit only), will be required to replace the existing double mini roundabout. This will provide important pedestrian crossing facilities and improved priorities for bus users and can be covered by Section 278 Agreement.
- 10.15 In addition to this, provision will also be made for dropped kerbs and tactile paving at all points necessary within 200 metres of the application site, and a puffin crossing to the by-pass. This will improve further facilities for pedestrians and can also be covered by Section 278 Agreement.
- 10.16 The new provisions of bus stops and associated infrastructure, including a widening of the existing interchange via cutting back into the existing car park, and stops at Richmond Road and the by-pass (the latter partly to be recessed into the footways to maintain traffic flow) is considered acceptable.
- 10.17 Highways Development Control have also specified much needed

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improvements for cyclists including a contra-flow cycling lane via Church Road to link cyclists to pedestrianised areas of the town centre and minimise requirements to circuit the ring road.

- 10.18 Amended plans will be required for additional taxi parking provision both within the store and outside. It is not considered appropriate that the latter be provided to Richmond Road given the sensitivities associated with residential dwellings opposite. The applicant will be asked to give further consideration to provision closer to the multi-storey car park.
- 10.19 Requirements for a Travel Plan are covered by condition, and there will be a need for a full suite of Traffic Regulation Orders to cover the entire centre to sit alongside requirements for stopping up orders.
- 10.20 Subject to the necessary amendments and completion of agreements, it is considered that the scheme will not materially harm conditions for vehicle users, and bring positive enhancement for pedestrians and cyclists. This is compliant with Policies AD1, AD2, AD3, AD4, DQ1 and CS3 of the Sefton UDP.

10.21 Air Quality

- 10.22 The main issues on air quality relate to emissions from the proposed biomass boiler (designed to deliver renewable forms of energy to the proposal), and the potential effects that extra traffic will bring. Of particular importance is the fact that the site is within 2 kilometres of an identified Air Quality Management Area (AQMA).
- 10.23 The proposed flue for the main foodstore would be at a height of 17.6 metres. It has been confirmed by the Environmental Protection Director that this is sufficient for the purpose of dispersal of emissions in line with the Clean Air Act 1993, and also in conjunction with Air Quality issues of PM10 and No2 emissions.
- 10.24 The levels of traffic using the centre are set alongside the number of vehicles that travel through Crosby on a daily basis and in this context, it is not considered that the level of traffic increase described above will give rise to unacceptable Air Quality impacts.
- 10.25 The recommendation also includes a specific condition that will require the applicant to commit to a series of measures towards reduced emissions within a five year period following the opening of the store. This chiefly relates to service vehicles, electric charging points and suppression of stored material for the biomass boiler. This is of particular importance in the light of the site's relation to the AQMA and ties in with the Council's Low Emission Strategy.
- 10.26 It is considered that there is sufficient evidence available to conclude that no harm will result to air quality as a result of these measures, and will also provide meaningful contributions towards improved air quality such that that

the scheme complies with Sefton UDP Policy EP2.

10.27 Landscaping and Public Realm/Public Art

10.28 Under Policies DQ3 and DQ4 of the UDP, major development is required to contribute to tree provision and urban greenspace either on site or via a commuted sum payment for its provision elsewhere.

10.29 The tree requirement is based on one tree per 50 sq metres of main store floorspace, with two required for each one removed.

10.30 This equates to a total of 397 trees based on floorspace. There will also be 66 trees removed as a result of the proposal, and as two are required for each to be replaced, this equates to 132, which adds up to 529 in total.

10.31 As 107 are proposed to be planted, the off site requirement for trees is 422. The cost of this provision is based around £464.50 per tree at 2010/11 rates, giving rise to a required commuted sum payment of £196,019.

10.32 The greenspace requirement is based on the gross floorspace one unit of £1,734.50 per unit of 100 square metres for the part of the scheme comprising major commercial development. This equates to 100 units in total which gives rise to a total commuted sum payment of £173,450 being provided on site.

10.33 The applicant has submitted a series of cost breakdowns as follows to explain why this sum is not believed to be necessary:

- Fencing/pedestrian gates/roller shutters: £179,500
- Pedestrian paving around retail units: £153,700
- Trucking route/pedestrian link: £44,500
- Town Square Feature: £23,000
- Trucking routes: £44,500
- Street Furniture: £35,000
- Planting: £20,000
- Feature Lighting £80,000
- Signage £15,000
- **Total £550,700**

10.34 The above is regarded as an undertaking by the applicant to carry out specific infrastructure required in conjunction with their scheme and in particular, much of the costs above stem from their own requirements for a store of the footprint and position proposed. The provision of pedestrian paving around retail units is nothing other than what should be occurring in view of the existing Moor Lane route being stopped, and items such as trucking routes are not to be regarded as benefits that offset required greenspace provision.

10.35 The town square feature is a series of steps and benches and the works will be required to be carried out by a Sefton approved contractor. Rerouting an access is not seen as a discernable offsetting benefit of the scheme. Lighting and signage should also be seen as a standard and necessary component of

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any centre, as opposed to being a significant concession on the part of the applicant.

- 10.36 The only offsetting of the required sum relates to the applicant's agreement to the provision of a mosaic to the side elevation of retail unit 5 on the pedestrian route from Moor Lane to the by-pass. This is estimated to cost in the order of £30,000 and it is agreed that this will be offset against the total greenspace contribution. The chosen design will be finalized via a competition amongst local schools and the Section 106 Agreement will set out the mechanism for the final decision. This gives rise to a total greenspace requirement, at 2010/11 rates, of £143,450.
- 10.37 The total commuted sum requirement is £339,469 and will be contained in draft heads of terms to be agreed prior to the granting of planning permission.
- 10.38 Subject to the total required being provided, the scheme will meet the requirements of Policies DQ3 and DQ4 of the Sefton UDP.

10.39 Accessibility and Inclusive Design

- 10.40 The scheme has been presented to Sefton Access Forum both prior to and during the planning application process. A number of concerns relating to access have been raised by them and discussed to the applicants.
- 10.41 As the store is at first floor level, travelators are positioned inside the entrance core measuring 25 metres in length. These will allow access on a shallow gradient for trolley and disabled users and is a known and proven form of access in the applicant's other stores around the country. There will be audible warnings for customers as they approach the end of the travelator.
- 10.42 Additionally, two customer lifts are to be provided each of which will accommodate 21 people at a time, therefore giving a further option to those wishing to use the first floor. These will afford substantial turning space for wheelchair users and are expected to include sound alerts for the blind to inform of their location.
- 10.43 Disabled parking is provided both in convenient locations to the entrance at both store level and within the undercrofts; and it is considered that the choice available is sufficient to allow parking for those wishing to be protected from external elements on their visit to the store, whilst there should be no difficulty given the arrangements above for first floor access for those using undercroft disabled spaces.

- 10.44 The applicant will apply a management assistance regime for those who would have difficulty evacuating the store in the event of emergency. This takes the form of specialised chairs and colleague assistance, with refuge spaces designed into evacuation staircases.
- 10.45 The WC's within the proposed store will be constructed in accordance with the technical parts of the Building Regulations. The floor area of the toilets is over 100 square metres, and will be located at first floor level adjacent to the customer café, which itself would be around 300 square metres in floor area with outlook over Richmond Road.
- 10.46 The applicant has confirmed that all tables and chairs within the café area will not be fixed.
- 10.47 The proposals also comply with Merseytravel's requirements for Merseylink vehicles to get customers in and out of the store with ease.
- 10.48 It is considered that the above measures ensure appropriate provision for all users in line with the requirements of Policy DQ1 of the Sefton UDP.

10.49 Flood Risk

- 10.50 Revised information on drainage and discharge rates was sent to the Environment Agency on 30 July 2010 and has been sent to the Environment Agency and United Utilities with a view to resolving current concerns. The latter have advised that all surface water must be drained to a separate system and not into the foul/combined sewer.
- 10.51 Subject to revised comments from the statutory undertakers on these points, there should be no issue with regard to flood risk and the requirements of PPS25 (Flood Risk) and Sefton UDP Policy EP8 would be met.

10.52 Contaminated Land

- 10.53 The site is understood to have had previously potentially contaminative land users and the applicants have themselves recommended that a Phase II site investigation be carried out. This will need to be submitted to the Local Planning Authority prior to the commencement of ground investigation works and it is considered appropriate that this be conditioned. The full remediation of the land would accord with the requirements of PPS23 (Contaminated Land) and Sefton UDP Policy EP3.

10.54 Ecological Appraisal

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- 10.55 The original report entitled “Ecological Assessment and Bat Surveys: Sainsbury’s Development, Crosby, Merseyside”, Landscape Science Consultancy was updated in June 2010 to include the results of internal inspections of buildings undertaken in January 2010 and bat activity surveys undertaken in June 2010.
- 10.56 MEAS have confirmed that the survey found no evidence to suggest that bats were roosting on the application site and minimal bat activity was recorded in the area.
- 10.57 The proposed development is therefore considered unlikely to have any measurable effects on bats and it is not necessary for the Council to assess the proposals against the three tests in the Habitats Regulations. However, the report includes measures designed to ensure that the project will comply with relevant legislation in the unlikely event of bats being present. An appropriate condition is to be used to secure this.
- 10.58 The original report also assessed the potential for breeding birds and the condition will cover this point too.
- 10.59 There are no other interests of acknowledged nature conservation importance and with there being no requirement for Appropriate Assessment, and the necessary surveys being completed and found to be acceptable prior to the granting of planning permission, the scheme complies with Policies NC1, NC2 and NC3 of the Sefton UDP and advice contained in PPS9 (Biodiversity and Geological Conservation).

10.60 Recycling

- 10.61 The applicant has following discussion agreed to recycling provision at a point accessed and egressed via the by-pass. A range of other options have been discounted. The site adjacent to the substation off Little Crosby Road would give rise to residential amenity issues through the dropping of cans and bottles, and inside one of the car parks was felt prohibitive as it removes the facility to recycle for free.
- 10.62 A scheme maintaining the visual amenity of the area where recycling takes place will be required by condition. The scheme is considered on this basis to comply with Sefton UDP Policy EMW9.

10.63 External Lighting

- 10.64 The proposed lighting to the car parks is seen as acceptable by the Council’s Technical Services (Lighting) department. The equipment to be used will give rise to “little or no light pollution”. There should be no light spillage into areas that would not require or welcome it.

10.65 The scheme does not therefore conflict with the requirements of Sefton UDP Policy EP7.

10.66 Local Labour

10.67 A condition is attached requiring the applicant to enter into a scheme that will require them to maximise the potential for local labour during both during construction and once the store opens, to comply with Sefton UDP Policy EDT18.

10.68 OTHER MATTERS/WIDER CONSIDERATIONS

10.69 The draft heads of terms, which will in part refer to the tree and greenspace obligations above, are still the subject of discussion at the time of writing with the Council's property management advisors.

10.70 The Council has a role as landowner, which is completely separate from the role of the Council as Local Planning Authority. It is nevertheless important to advise members that these discussions relate to the Council's valuation of its land interests, and also the potential future liabilities to the Council.

10.71 Of particular concern in this respect is the multi-storey car park to Islington. The current scenario is that the applicant would fund the construction of the car park, and hand this over to the Council on completion. However, the Council's position is currently that it would not wish to assume the liabilities connected to future management and maintenance.

10.72 Discussion is therefore taking place to agree a single strategy for the management of all car parking across the town centre. The multi-storey makes a significant contribution to the level of car parking seen as necessary to service the centre on completion of development.

10.73 This being said, the application remains for the multi-storey car park and the whole scheme could not proceed in any form until the management regime is in place and agreeable both to the Council and the applicant. Nevertheless, the question of who manages and maintains the car parks is not strictly a planning issue and does not prevent the granting of planning permission; in the same manner that the need for the applicant reach agreement with other third parties does not prevent permission being granted. It is therefore the case that whilst agreement is desirable, it is essential that the absence of specific agreement is not used as a tool to withhold the development proposal.

10.74 The discussion relating to parking management regimes across the centre ties in directly with this issue and the applicants propose to refund to customers spending a minimum amount in their store if they park adjacent to the store. The finalised arrangement will need to ensure the best balance of car users to ensure that in particular, the multi-storey is used to its proper

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potential.

- 10.75 Should agreement arise on this matter prior to Committee, it will reported by way of a separate appendix item.
- 10.76 The scheme would also involve the displacement of a range of existing retailers, and whilst the applicant has advised that they will receive first refusal on the new retail units, their eventual relocation is not a planning matter against which the scheme may be adversely judged. Nevertheless, the applicant has applied for planning permission to use the Central Buildings site for temporary provision. This is reported separately and is considered an appropriate solution.
- 10.77 It is considered that the need to re-provide within the town centre on a wider basis is an issue that can be secured via the planning process. However, the planning process cannot be used to decide which individuals will get first option, nor define the terms or prices by which the applicant will offer the units. It is suggested that a planning condition is applied to this recommendation require the applicant to submit a "relocation framework", setting out the measures they intend to take to accommodate existing traders, with documentary evidence of the discussions held and with whom.
- 10.78 It remains the case that not all existing traders will need new facilities; some may decide to cease operation altogether, some may relocate to existing vacant buildings elsewhere in the centre, and it is therefore impractical to require the applicant to provide 700 square metres of physical floorspace prior to any agreement on relocation.
- 10.79 In my view, the Council will have fulfilled its obligation to existing traders as far as possible by requesting that the applicant provides complete evidence that they have asked existing traders exactly what they require, in a prescribed form, and for the combined answers to dictate the level of temporary occupation constructed.
- 10.80 Once this information is presented, it will afford clarity on the level of temporary provision that the applicant must provide and will enable the Council to formally specify that the units be built up to the maximum 700 square metres.
- 10.81 The applicant will subsequently be required to provide that level of accommodation. It is then a matter between them and the eventual occupier as to the terms by which they will occupy the unit. The planning condition attached to the recommendation sets out the mechanism in clear and specific detail.

Planning Application S/2010/1008 – Temporary Retail Units

- 10.82 The proposed siting on land off Church Road, adjacent to the Islington car park, is considered acceptable, and is consistent with the decision to grant planning permission for permanent development of this land in 2006. This application remains capable of implementation on the basis that a start was made.
- 10.83 There is a planning condition connected to the recommendation of S/2010/0350 which ensures that provision will be made for the temporary units as required, however specific conditions are attached to the recommendation on this proposal that require frontage to Church Road, security measures both for the buildings and the site as a whole, and the layout of the units such that where required, they are positioned with the first as near to Moor Lane as possible, and so on.
- 10.84 Though of a temporary nature, the design of the units is above the standard of a conventional portakabin.
- 10.85 An objection has been received from the occupier of 36 Sandalwood, 83 Coronation Road, reaffirming objection to the main application but commenting that the residents of Sandalwood will be “looking at a wall around a car park which will resemble the Berlin Wall”. It is commented that conditions will be attached to the permission to ensure the right balance between security and frontages directly addressing street scene. The site is hoarded off in its entirety and at present represents ‘dead frontage’ within the centre.
- 10.86 The proposal makes acceptable provision for the relocation of traders during construction and is entirely compliant with planning policies R1, EP6 and DQ1 of the Sefton UDP and in the absence of any other overriding material planning considerations, the granting of this permission is therefore justified.

Section 106

- 10.87 Regulation 122 of the Community Infrastructure Regulations (CIL) 2010 states that a planning obligation will only constitute a reason to grant planning permission if it is necessary to make the development acceptable in planning terms, it is directly related to the development and fairly and reasonably related in scale and kind to the development. This legal test applies to all determinations made on or after 6 April 2010. It is considered that the requirements of the planning obligations as set out by the approval recommendation are entirely consistent with making the development acceptable in planning terms.
- 10.88 In view of the timing of the report, any further issues raised between the time of writing and the date of Committee will be the subject of a further addendum report.

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11. CONCLUSION

- 11.1 The proposed development whilst bringing major change to Crosby would represent a major investment in the centre's future. It would bring significant employment benefits and lead to the regeneration of the centre. The scheme has been discussed in detail with the applicants who in turn have consulted widely with other interest groups.
- 11.2 All efforts have been made to ensure that existing businesses would have an opportunity to remain in Crosby. Taken as a whole, the Planning and Economic Development Director feels that the development would be a much needed positive regeneration for Crosby.

12. REASONED JUSTIFICATION:

- 12.1 The proposals are fully compliant with the development plan and with national planning policy as set out in PPS1 and PPS4. The proposal is consistent with all local plan policies referred to within the report and the development will therefore accord with the aims of national and local planning policy in delivering mixed use development of a sustainable form in the heart of Crosby local centre.
- 12.2 It will provide a much needed injection of investment and a boost to the local employment sector, whilst offering townscape improvements and a high quality visual environment altering but maintaining key routes within the centre and improving links beyond the centre via an improved and safer environment for pedestrians and other road users which in turn will support linked trips.
- 12.3 The scheme will serve as a catalyst for further investment into the Crosby village whilst making direct financial contributions towards improved tree provision and public realm beyond the area the applicant seeks to develop.
- 12.4 As such and having regard to all other material planning considerations, the granting of planning permission is justified.

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

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

WYG Planning & Design

part of the WYG group



Ref: A064407

Date: 17th May 2010

Alan Young
Sefton MBC
First Floor
Magdalen House
30 Trinity Road
Bootle
L20 3NJ

Dear Alan

PROPOSED SAINSBURY'S SUPERMARKET, CROSBY

Further to your request to provide an appraisal of the suitability and acceptability of the proposed Sainsbury's foodstore at Crosby, our advice in relation to the development is set out below.

Introduction

Sainsbury's Supermarkets Limited have applied for full planning permission on land at Crosby District Centre for a new foodstore with associated car parking, a new multi-storey car park, public transport interchange, new retail units, conversion of the existing Sainsbury's store into new retail units, and the erection of a building for community uses. The scheme is identified as a major regeneration project which would transform the eastern gateway to Crosby District Centre, making use of an under-utilised brownfield site which would allow for the development and integration of a new Sainsbury's foodstore.

The proposed development can be summarised below:

	Existing Commercial Floorspace (GIA)	Commercial Floorspace Lost (GIA)	New Commercial Floorspace to be Developed (GIA)	Net Increase In Floorspace (GIA)
Existing Sainsbury's	3,576 sqm	3,576 sqm	0 sqm	-3,576 sqm
New Sainsbury's	0 sqm	0 sqm	8,802 sqm	+8,802 sqm
Small Retail Units	4,189 sqm	4,189 sqm	4,320 sqm	+131 sqm
Office Space	1,204 sqm	1,204 sqm	0 sqm	-1,204 sqm
Community Use	552 sqm	552 sqm	636 sqm	+84 sqm
Total	8,969 sqm	8,969 sqm	13,122 sqm	4,237 sqm

In seeking to justify the proposed redevelopment, Turley Associates (TA) have prepared a planning and retail statement in support of the application which sets out the key arguments as to why planning permission for the development should be granted. WYG have reviewed this document and have used this as the basis against which the acceptability of the proposal in retail planning terms has been tested.

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Regatta House, Clippers Quay, Salford Quays, Manchester, M50 3XP
Tel: +44 (0)161 872 3223 Fax: +44 (0)161 872 3193 Email: info@wyg.com www.wyg.com
WYG Environment Planning Transport Ltd Registered in England Number: 3050297
Registered office: Amdale Court, Otley Road, Headingley, LS6 2UJ



In dealing with the proposed development, WYG have also reflected upon the key findings of previous retail research undertaken on behalf of the Council, most recently set out in the 2009 version of the retail strategy review. This document is also referred to at length by TA within their planning and retail statement.

Although a key starting point in the determination of any planning application should be the Development Plan, it is important to note that new guidance has been recently issued by Central Government in the form of PPS4. Whilst the Development Plan including the adopted Regional Spatial Strategy and the adopted UDP will guide the overall suitability of the proposed scheme, it is important to note that neither of these Development Plan documents have benefited from the most recent guidance set out in PPS4. Therefore, in preparing this advice, significant weight has been given to PPS4 in this appraisal process.

The most significant change set out in PPS4 in relation to retail development is the removal of the needs test. However, it is evident that the proposed development falls within the defined boundary of Crosby District Centre and therefore, any assessment of need under previous PPS6 guidance would also not have been necessary. More importantly, PPS4 confirms that if a development is located within an established centre, then it is not necessary for the applicant to satisfy the sequential approach.

However, as set out in paragraph EC14.6, PPS4 makes it quite clear that an impact assessment is required for planning applications in an existing centre which are not in accordance with a Development Plan and which would substantially increase the attraction of the centre to an extent that the development could have an impact on other centres. Given that the proposed Sainsbury's store represents a significant increase in the overall net sales area compared to the existing store, WYG believe that it is important to test the impact of the development. Therefore, we believe that it is necessary to satisfy the impact tests as set out in Policy EC16. In addition, it is evident that all planning applications for economic development should also satisfy the impact considerations set out in Policy EC10.2.

The Principle of Retail Use

As highlighted above, the proposed development involves the re-use of an existing brownfield site within the defined boundary of Crosby District Centre. Given that both the Development Plan and PPS4 seek to enhance the vitality and viability of established centres, the principle of the type of development proposed is clearly acknowledged.

In understanding the background to this planning application, it is important to note that research undertaken by Sefton Council since 1997 has identified that the existing Sainsbury's foodstore within Crosby has been significantly overtrading as it is not large enough to satisfy the needs of its local catchment. The overtrading of the store has led to in-store congestion at peak times and in some cases will force other people to travel further distances to access foodstores elsewhere. Therefore, the need for a new and enlarged Sainsbury's foodstore within Crosby is well established and would help address significant qualitative deficiencies with the current store. The new store will not only provide a more attractive environment for shoppers but it will also enable the full range of convenience goods to be stocked which will again benefit consumer choice.

Furthermore, it is evident that the proposed development will deliver more than just a new foodstore at the heart of Crosby District Centre. The development will allow the re-use of the existing Sainsbury's store for approximately five retail units which would form part of the primary shopping area. In addition, a new multi-storey car park will also be provided serving both the foodstore and the District Centre as a whole. Clearly, there are strong arguments in favour of the comprehensive development proposed, particularly in terms of reinforcing the vitality and viability of the primary shopping area and securing a new anchor

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foodstore which would underpin the future attractiveness of the centre and secure significant footfall for other facilities.

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Regatta House, Clippers Quay, Salford Quays, Manchester, M50 3XP
Tel: +44 (0)161 872 3223 Fax: +44 (0)161 872 3193 Email: info@wyg.com www.wyg.com
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Assessment of Potential Impact

As outlined previously, PPS4 states that all applications for economic development (including retail) must be assessed against the requirements of both Policy EC10.2 and Policy EC16.1. Policy EC10.2 effectively deals with the key sustainability issues such as accessibility and carbon emissions, as well as the overall quality of design and the impact on local employment. As WYG have been asked to assess the retail implications only, we have not commented on the quality of design or the opportunity to limit carbon emissions. However, it is evident that in terms of accessibility, given the sites in-centre location, the site is clearly accessible by all forms of transport and will also benefit from a local walk-in catchment. This in turn will have positive impacts on carbon emissions whereby the need to travel by private motor vehicle will be reduced.

It is also important to note when assessing the development against Policy EC10.2, the new enlarged foodstore will create significantly more employment than the constrained store at present. In fact, TA assumes that an additional 150 jobs will be created by the new development which, although it is unclear how many of these will be full-time equivalents, appears to be a reasonable assessment. Therefore, in assessing the proposed development against Policy EC10.2, it is evident that the scheme would have significant positive impacts in terms of providing resilience to climate change, being accessible by a choice of means of public transport, securing economic and physical regeneration within the established centre, and providing local employment. Whilst we have not commented on the quality of the design, we believe that the proposed development more than satisfies the requirements set out in Policy EC10.2.

Policy EC16

As highlighted previously, it could be argued that as the development is located within an established centre, it should not be necessary to assess the impact of the scheme on the vitality and viability of that centre. However, given that the proposed development is of a significant scale that will substantially increase the attractiveness of the centre; we believe it is necessary to test the development against Policy EC16 as set out in paragraph EC14.6 of PPS4. Whilst this impact test is not focussed on Crosby District Centre, it must consider the implications for other centres within the local hierarchy that may be adversely affected by the development.

In dealing with the six criteria set out under paragraph EC16.1, our conclusions on each matter are as follows.

The Impact of the Proposal on Existing, Committed and Planned Public and Private Investment in a Centre or Centres in the Catchment Area of the Proposal

It is evident that the scheme proposed for Crosby represents a significant private sector investment within the primary shopping area which will transform the overall attractiveness of Crosby as a main food shopping destination as well as meeting the needs of the local community.

With regard to other centres in the catchment area, it is evident that the provision of a new enlarged foodstore within Crosby would not have an adverse impact on investment in other centres throughout the Sefton area. As highlighted previously, the existing foodstore within Crosby has been compromised for a significant period of time and, as a result, has been trading well above its company benchmark average. Therefore, the primary role of the new enlarged foodstore will be to alleviate this over trading and the symptoms (including in-store congestion) which are associated with that. Clearly, we would anticipate that people currently not shopping within Crosby may be attracted to the new development who may shop at other foodstores elsewhere. However, given that the majority of the competing provision surrounding Crosby is located on out-of-centre sites, any impact on these stores, including the existing Tesco at Formby and the new Tesco store at Lanstar, are not afforded any policy protection. In addition, given the overall

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shortfall of convenience provision in the South of the Borough in the past, there is a need for further investment within Crosby to relieve over-trading and help meet the day-to-day needs of the local community.

Although new investment has been secured recently within Bootle including the provision of a new Asda foodstore, this foodstore will be competing directly with the new Tesco at Hawthorne Road and would not be drawing from the same primary catchment from which the proposed Sainsbury's at Crosby will draw the majority of its trade. Therefore, whilst there may be some concerns about the potential impact on Bootle created by the new development in Crosby, WYG do not believe that this will be an issue at all, given that the Sainsbury's in Crosby has historically been over-trading and therefore any additional trade drawn to the store will not be significant enough to create any adverse impact.

Impact of the Proposal on Town Centre Vitality and Viability, Including Consumer Choice

As highlighted previously, the proposed development will have a positive impact on the future vitality and viability of Crosby District Centre. In addition, the development will also provide a modern, high quality Sainsbury's foodstore which will add to the choice of new foodstore provision within the South of the Borough which is currently dominated by Tesco (with stores at Formby, Litherland and Bootle) and Asda (with stores at Aintree and Bootle). Therefore, there will be significant positive impacts on enhancing the choice and range of convenience goods within this part of the Borough.

The Impact of the Proposal on Allocated Sites Outside Town Centres Being Developed in Accordance with the Development Plan

As there are no sites within Sefton that have been allocated in out-of-centre locations, this test does not apply.

The Impact of the Proposal on In-Centre Trade/Turnover

As highlighted previously, we anticipate that a significant proportion of the stores turnover will be transferred from the existing store in Crosby which has been over-trading since the mid-90's when retail surveys were conducted by the Council. Since then, this position has not changed and therefore, it is unlikely that the proposed development would draw significant trade from other established centres elsewhere within the catchment, particularly given that the two major foodstore in close proximity to Crosby are large out-of-centre Tesco stores which are afforded no protection under retail planning policy.

If Located In or On the Edge of a Town Centre. Whether the Proposal Is of an Appropriate Scale in Relation to the Size of the Centre and its Role in the Hierarchy of Centres

In assessing the appropriateness of scale of the development, it is evident that whilst the development will represent a significant increase in the size of the Sainsbury's store, the store itself would not be uncommon in District Centres elsewhere throughout the North West. Clearly, the size of the Sainsbury's store is influenced by a number of factors including the need to better provide for the demands of the local community as well as providing an offer and range of products that is competitive when compared to other large foodstores elsewhere in South Sefton. Constraining the size of the Sainsbury's foodstore would do little to address the qualitative deficiencies of the existing store and would not enable Sainsbury's to compete effectively with other modern provision elsewhere. This in turn would not bring about the positive impacts for Crosby District Centre as a whole.

Therefore, whilst the proposed development represents a significant proportion of the established centre of Crosby, the scale in our view is not inappropriate for the role and function of the centre and will enable

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Crosby to compete effectively as a convenience goods destination in the future, which can only bring about wider positive benefits.

Any Locally Important Impacts

Although there are no obvious locally important impacts in relation to the retail development, it is evident that there are a number of other positive benefits which will need to be weighed in the balance when determining the planning application. These are set out in chapter 11 of TA's planning and retail statement and include the:

- regeneration and investment of Crosby;
- linked trips to support other shops and services in the centre;
- improvements to the quality of the townscape;
- improvements to town centre parking;
- job creation;
- improvements to public realm and accessibility;
- improvements to the quality of shopping provision from the new units;
- improvements in the retail offer created by the large foodstore;
- customer comfort;
- helping meet the needs of the local community; and
- community building provision.

Summary and Conclusions

Based on our knowledge of the past performance of Crosby District Centre and the Sainsbury's foodstore, the need for new investment and a new foodstore within the centre is well established. The development now promoted by Sainsbury's would appear to not only provide the necessary anchor foodstore required to secure the future vitality and viability of the centre, but will also provide additional retail and community units, as well as enhance parking which will benefit the centre as a whole. Although we believe that post-development the centre of Crosby will be more attractive as a retail destination, we do not anticipate that this will in any way adversely affect the role and function of other established centres within the catchment and South Sefton. The over-trading at the existing Sainsbury's store is significant and will ensure that the new enlarged store will not have to rely on drawing trade from a significant distance just to support the scale proposed.

Given that we do not anticipate there to be any significant adverse impacts created by the future trading pattern of the proposed development, it is evident when this conclusion is combined with the significant positive impacts that will be delivered for the centre as a whole, the only conclusion that can be reached in relation to this development from a retail planning point of view is that it is wholly compliant with both the Development Plan and the most recent national guidance. PPS4 makes it quite clear that town centre investment is the absolute priority in maintaining vitality and viability. The development before the Council represents a prime example of in-centre comprehensive redevelopment which will transform the fortunes of Crosby District Centre and secure its future vitality and viability in both the medium and long-term.

However, in ensuring that the wider benefits of the scheme are delivered, it will be fundamental that appropriate phasing conditions or legal agreements are put in place to ensure that all the components of the development are delivered as part of the scheme. Although the Applicant has provided suggested conditions as to how the development could be phased, it will be important for the Council to ensure that the development is delivered in the comprehensive manner as proposed and that all of the phases will be implemented in the short-term. In addition, in order to control the scale and turnover of the foodstore (ensuring that it is appropriate); we would suggest that conditions are put in place to control the net sales

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area as proposed. Although imposing conditions on the split of convenience and comparison goods may be viewed by some to be less appropriate in this circumstance given its town centre location, we believe that there is a need to control the scale of the foodstore element so as to satisfy the test set out at paragraph 14.6 of PPS4. Therefore, it would be beneficial to devise a condition which restricts the net sales area to that proposed and then agree a sensible convenience and comparison goods split within the foodstore with the applicant.

In terms of the other retail units that are created by the proposed development (including the former Sainsbury's store that will be subdivided) we believe that as these stores will operate from a town centre location they should be given the maximum flexibility to attract as diverse a range of tenants/retail operators as possible. Therefore, any condition should just seek to limit the gross area of these stores and no restrictions should be placed on the range of goods that they sell or the net sales area.

Subject to these conditions, WYG can see no reason why the proposed development should not be fully supported by the Council with regard to retail planning matters.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Nutter', with a horizontal line underneath.

Keith Nutter
Director
WYG PLANNING & DESIGN

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Regatta House, Clippers Quay, Salford Quays, Manchester, M50 3XP
Tel: +44 (0)161 872 3223 Fax: +44 (0)161 872 3193 Email: info@wyg.com www.wyg.com
WYG Environment Planning Transport Ltd Registered in England Number: 3050297
Registered office: Arndale Court, Otley Road, Headingley, LS6 2UJ

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DRAFT SCHEDULE OF PLANNING CONDITIONS – S/2010/0350

1. The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
2. The development hereby granted shall be carried out strictly in accordance with the details and plans hereby approved and shall not be varied other than by prior agreement in writing by the Local Planning Authority.
3.
 - a) Before any construction commences, samples of the facing, glazing and roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The approved materials shall then be used in the construction of the development.
4.
 - a) Before any construction commences, detailed drawings of all doors, windows and shopfronts at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority.
 - b) Development shall proceed in accordance with the approved details.
5.
 - a) Before any construction commences, details shall be provided of the internal ground floor layout of areas within 10 metres of glazed sections to the Moor Lane elevation of the foodstore. Such details shall indicate open areas behind the proposed frontage with no posters, boards or other obstructions placed within the identified shop window areas.
 - b) The development shall thereafter be laid out and retained in accordance with the approved details.
6.
 - a) A scheme of noise control for any plant and equipment to be installed on site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.
 - b) The approved scheme shall be implemented before the plant and machinery is brought into operation and the approved noise protection measures shall thereafter be retained.
7.
 - a) A scheme of odour control for any proposed kitchen extraction equipment shall be submitted to and approved in writing by the Local Planning Authority prior to installation.
 - b) The approved odour control scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be so retained.
8. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the most appropriate remediation strategy for the site.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

9. In the event that contaminated land is identified, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment, must be prepared, and is subject to the approval in writing of the Local Planning Authority. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 after remediation.
10. In the event that contaminated land is identified, the approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation works.
11. In the event that contaminated land is identified and following completion of the remedial works identified in the approved remediation strategy, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.
12. In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the remedial works identified in the approved remediation strategy a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11 above.

13. A full scheme of off-site highway improvements as set out in Schedule 1 of the

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decision notice shall be submitted to and agreed writing by the Local Planning Authority prior to the commencement of development. The works shall subsequently be implemented in accordance with an agreed timetable.

14. Unless otherwise agreed in writing, the development shall not be brought into use until the following Traffic Regulation Orders (TRO's) have been implemented in full :-
 - a) to prohibit 'right turns' out onto the Bypass at the exit from the car park
 - b) to prohibit U-turns on the Bypass;
 - c) to allow cyclist access to the pedestrianised area;
 - d) to introduce waiting/loading restrictions on all roads in the immediate vicinity of the development site;
 - e) to introduce taxi ranks within the development site and the immediate vicinity;
 - f) to introduce controls on all off-street car parking areas within of the development site;
 - g) to introduce a Residents Only Parking Scheme (in two phases) on nearby residential roads; and,
 - h) to introduce bus stop/lay-over facilities on roads in the immediate vicinity of the development site.
15. The development permitted by this planning permission shall not be started by undertaking a material operation as defined by Section 56(4) (a-d) of the Town and Country Planning Act 1990 until details of an employment charter/code has been agreed in writing by the Local Planning Authority.
16. Prior to the commencement of development, a scheme for temporary relocation of existing traders with interest in land within the application site shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall comprise the following:
 - a) the submission of a planning application for alternative retail provision during the construction period;
 - b) documentary evidence of discussion and contact made with traders identified in connection with any approval if granted to be submitted to and agreed in writing by the Local Planning Authority outlining the total requested and required area of retail floorspace within any approval granted by (a) and an offer of said area to the interested party;
 - c) the provision of such temporary accommodation as may have been approved in (a) and subsequently agreed in (b) prior to the demolition of existing retail units fronting Moor Lane for the duration of the construction period to be retained for a minimum period of 6 months following the newly built/converted retail units being made available.
17.
 - a) A scheme of temporary traffic measures including facilities for pedestrians and cyclists and the management of construction traffic shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
 - b) The scheme shall thereafter be implemented during the construction period.
18.
 - a) A detailed scheme for the provision of surface treatment to be used on the service ramp gradient shall be submitted to and agreed in writing by the Local Planning

Authority and shall make provision for a form of surfacing to act as a deterrent to unauthorised activity.

b) The agreed scheme shall be implemented in full prior to the service ramp being brought into use.

19. Prior to the demolition of the existing building/ buildings a schedule of demolition works shall be submitted to and agreed in writing with the Local Planning Authority. The demolition shall then be carried out strictly in accordance with the agreed schedule.

20. The acoustic wall as detailed by drawing no. ---- shall be constructed in full prior to the first servicing of the foodstore and fully retained in accordance with the plan thereafter.

21. The applicant shall submit the following details to the Local Planning Authority prior to the opening of the foodstore:

i) A detailed scheme for the suppression of dust from fuel storage for biomass.

ii) A requirement to the provision of a minimum 10% of all parking spaces providing electric charging points within five years following the opening of the foodstore.

iii) A requirement that 50% of all vans for deliveries associated with the store to be powered by electric means within five years following the opening of the foodstore with all non-HGV deliveries to be undertaken by Euro 4/5 and all HGV deliveries to be undertaken by minimum Euro IV/Euro V vehicles.

iv) A requirement for a total reduction in carbon emissions by 25% over a period of five years following the opening of the foodstore using measures which include those above.

v) The applicant shall within 3 months of the five year period following opening provide evidence that measures 1-4 have been implemented and achieved in full and such measures as necessary shall enure in perpetuity.

22. At a period no less than three months following the initial use of the biomass boiler, but no more than 12 months following initial use, detailed test results demonstrating that the emissions from said boiler are no more than those identified in Table 17 of the submitted Air Quality Assessment (March 2010) shall be submitted to and agreed in writing by the Local Planning Authority. In the event of any exceedance of the figures identified in the table referred to, appropriate mitigation measures shall be submitted within one month of the Council's notification of such exceedance, and implemented in a timetable to be subsequently agreed in writing.

23. The measures outlined in the submitted Renewable Energy and Energy Efficiency Statement shall be incorporated into the final design of the foodstore building and shall be implemented on site and made available for use prior to the opening of the foodstore to the public and shall thereafter be retained, unless the Local Planning Authority gives written consent to any variation. Within 12 months of opening, evidence shall be forwarded to the Local Planning Authority detailing the following:

i) that a minimum of 10% of energy from the building has been derived from renewable sources,

ii) use of rainwater harvesting measures, low flush WCs and waterless urinals, and

Agenda Item 4a

- iii) use of natural light for the sales areas through solartube daylighting.
24. a) Prior to occupation of the foodstore a Car Park Management Plan must be submitted to and approved in writing by the Local Planning Authority.
- b) The provisions of the Car Park Management Plan shall be required to set out charging, enforcement and a demand management regime alongside the mechanism for daily opening and closing be implemented and operated in accordance with the timetable contained therein and shall not be varied other than through agreement with the Local Planning Authority.
25. No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan for the part of the development to which it relates (including the multi-storey car park which shall relate to the foodstore for the purposes of this condition) and these areas shall be retained thereafter for that specific use.
26. a) No part of the development shall be brought into use until space and facilities for cycle parking have been provided for the part of the development to which it relates in accordance with plans to be submitted to and agreed in writing by the Local Planning Authority
- b) These facilities shall be retained thereafter for that specific use.
27. a) Prior to occupation of any part of the development a draft Travel Plan covering all new and converted buildings shall be submitted to and approved in writing by the Local Planning Authority.
- b) The provisions of the Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.
28. The approved hard and soft landscaping scheme shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.
29. a) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development.
- b) The landscape management plan shall be carried out as approved.
30. All ground level gating and fencing of the decked car park to Richmond Road and the undercroft car park to the store shall be erected prior to first use of the car park in question and retained as such thereafter,
31. a) No part of the development shall be occupied until space and facilities for bin/refuse

storage and recycling have been provided in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

b) These facilities shall then be retained and permanently reserved for the prescribed purpose.

32. The community use/office building as set out on plan number ---- shall be constructed and made available for occupation prior to the opening of the foodstore hereby approved or in accordance with a timetable to be agreed in writing with the Local Planning Authority.
33. No demolition or construction works (other than internal fitting out) shall take place outside the hours of 0800-1800 on weekdays, 0800-1300 on Saturdays and at no time on Sundays or Public Holidays. Any variation in these hours shall be approved in writing by the Local Planning Authority no less than 7 days prior to the planned variation and notification of affected residents shall take place in accordance with the requirements of the Local Planning Authority.
34. The main foodstore shall not be open for business outside the hours of 0700-2300 Monday to Saturday and 1000-1800 on Sundays.
35. The retail premises 1-11 shall not be open for business outside the following hours:

Sunday to Thursday
0700-2330 in the case of A3 use,
0900-2330 in the case of A4/A5 use,

Friday and Saturday.
0700-0000 in the case of A3 use,
0900-0000 in the case of A4/A5 use.
36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no fences, walls or other means of enclosure shall be erected unless expressly authorised.
37. No external speakers shall be installed to any building unless the Local Planning Authority gives its express written consent.
38. The entire gross floor area of the proposed foodstore shall not exceed 8,802 sq metres, and the net retail floor area of the proposed foodstore shall not exceed 4,645 sq metres, of which no more than 3,252 sq metres net shall be food retail/convenience goods and no more than 1,393 sq metres net shall be non-food or other comparison goods.
39. The total gross floor retail area of the converted existing foodstore and new retail units 6-11 shall not exceed 4,320 sq metres.
40. All works relating to demolition shall accord with the recommendations contained in the ecological assessment dated 22 March 2010 and additional bat survey document of June 2010. Should demolition or refurbishment of buildings not be completed on or before 31 March 2012, an updated survey shall be resubmitted to and agreed in writing by the Local Planning Authority.

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41. All development shall take place in accordance with the approved Flood Risk Assessment dated July 2010, referenced.....
42. All activity within the service yard shall accord entirely with the provisions of page 14 of the submitted Environmental Noise Impact Assessment dated 13 January 2010.
43. Units 1 and 5 shown on approved drawing reference number ----- shall be used only for A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) use, A4 (drinking establishments) or A5 (hot food takeaways) in accordance with the scope afforded by Schedule 2, Part 3, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Units 7-11 shall be subject to the same scope with the exception of A4 (drinking establishments) unless the Local Planning Authority gives its consent to any variation.
44. The proposed Community Use Building shown on approved drawing reference number ----- shall be used only for A2 (financial and professional services), B1 (office use) or D1 (non-residential institutions) in accordance with the scope afforded by Schedule 2, Part 3, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Reasons:

1. To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. To ensure a satisfactory development.
3. To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with policy DQ1/MD1 of the Sefton Unitary Development Plan.
4. To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with policy DQ1 of the Sefton Unitary Development Plan.
5. 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.
6. To prevent the emission of noise above a level which would be detrimental to the aural amenity of the area and to comply with policy EP6 in the Sefton Unitary Development Plan.
7. To prevent the emission of fumes which would be detrimental to the amenity of the area in accordance with Policy EP2 in the Sefton Unitary Development Plan.
8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan.
9. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in

accordance with policy EP3 of the Sefton Unitary Development Plan.

10. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan
11. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan.
12. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan.
13. In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.
14. In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.
15. To ensure the provision of locally accessible employment during and following construction in accordance with the Council's Labour Policy and to comply with Sefton UDP Policy UP1.
16. To manage, maintain and encourage continuity of trade within the centre in the interests of centre vitality and viability and to comply with Policy R1 of the Sefton UDP.
17. In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.
18. To reduce potential for anti-social activity and to comply with Sefton UDP Policy DQ1.
19. To prevent unreasonable noise and disturbance to nearby occupants in the interests of residential amenity and to comply with policy EP6 in the Sefton Unitary Development Plan.
20. To prevent unreasonable noise and disturbance to nearby occupants in the interests of residential amenity and to comply with policy EP6 in the Sefton Unitary Development Plan.
21. To safeguard and improve air quality on land within 2 km of an identified Air Quality Management Area (AQMA) and to comply with Sefton UDP Policy EP2.
22. To safeguard air quality on land within 2 km of an identified Air Quality Management Area (AQMA) and to comply with Sefton UDP Policy EP2.
23. To ensure that the proposed development meets the requirements of Policies DQ1,

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- DQ2 and DQ5 in the Sefton Unitary Development Plan in the interests of sustainability and renewable energy provision.
24. To secure appropriate, balanced and timely delivery of car parking for the centre and to accord with policies CS3 and AD2 in the in the Sefton Unitary Development Plan.
 25. In the interests of highway safety and to accord with policies CS3 and DQ1 in the in the Sefton Unitary Development Plan.
 26. In the interests of highway safety and to accord with policies CS3 and AD2 in the in the Sefton Unitary Development Plan.
 27. In the interests of highway safety and to accord with policies CS3 and AD2 in the in the Sefton Unitary Development Plan.
 28. In the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.
 29. In the interests of visual amenity and conservation and to comply with policy DQ1 of the Sefton Unitary Development Plan.
 30. To safeguard the amenities of occupiers of adjoining properties and ensure a secure and safe centre environment complying with polices CS3 and DQ1 of the Sefton Unitary Development Plan.
 31. To ensure appropriate means of refuse disposal and recycling facilities and to comply with Sefton UDP Policies DQ1 and EMW9.
 32. To secure timely development directly addressing a key arterial route whilst making the earliest provision for other displaced centre uses and to comply with Sefton UDP Policies CS3 and DQ1.
 33. To ensure that nearby properties are not adversely affected by the construction activity or demolition and to comply with Sefton UDP Policy EP6.
 34. In the interests of residential amenity and to comply with policy EP6 in the Sefton Unitary Development Plan
 35. In the interests of aural and residential amenity and to comply with policy EP6 in the Sefton Unitary Development Plan.
 36. In order to protect the character of the area and to accord with policy CS3 of the Sefton Unitary Development Plan.
 37. To prevent noise and disturbance to nearby residents/ to prevent the emission of noise above a level which would be detrimental to the aural amenity of the area and to comply with policy EP6 in the Sefton Unitary Development Plan.
 38. In order to safeguard the vitality and viability of the centre and to comply with Sefton UDP Policy R1 and the provisions of PPS4 (Planning for Sustainable Economic Growth) paragraph 14.6.
 39. In order to safeguard the vitality and viability of the centre and to comply with Sefton

Agenda Item 4a

UDP Policy R1 and the provisions of PPS4 (Planning for Sustainable Economic Growth) paragraph 14.6.

40. To safeguard the conservation of species/habitats and to accord with policy NC2 of the Sefton Unitary Development Plan.
41. To reduce the impact of flooding on the proposed development, future occupiers and customers and other nearby properties and to comply with Sefton UDP Policies EP7 and advice contained in PPS25 (Development and Flood Risk).
42. To prevent unreasonable noise and disturbance to nearby occupants in the interests of residential amenity and to comply with policy EP6 in the Sefton Unitary Development Plan.
43. To afford an appropriate and flexible range of uses within the centre to assist vitality and viability and to comply with Sefton UDP Policy R1.
44. To afford an appropriate and flexible range of uses within the centre to assist vitality and viability and to comply with Sefton UDP Policy R1.

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SCHEDULE 1 WORKS (see condition 13)

- i. Close off the redundant vehicular access on Richmond Road and reconstruct the footway/verge;
- ii. Alter the existing vehicular access on Little Crosby Road and reconstruct the footway/verge as necessary;
- iii. Construct a new vehicular access on Richmond Road and introduction of a signalised junction at the vehicular access and a scheme of works to alter, realign and widen Richmond Road, to allow the introduction of a designated right turn lane into the proposed vehicular access at the new signalised junction.
- iv. Construction of pedestrian crossing facilities and improvement of pedestrian refuge at the junction of Richmond Road and Little Crosby Road
- v. A scheme of footway improvements on the south side of Little Crosby Road between the vehicular service entrance and the roundabout junction with Islington and Cooks Road;
- vi. A scheme of highway improvements which result in the bus lay-by off Islington being widened to accommodate new bus shelters on the lay-by, with footway improvements with pedestrian crossing facilities and the upgrade of all existing bus stops with access kerbs, paving and enhanced 'bus stop' carriageway markings. All bus improvements are to be done to current standards
- vii. The removal of the existing double mini roundabout junction at Islington/Coronation Road/Church Road and the introduction of a signalised junction with advance stop lines, pedestrian facilities at each arm in the form of flush kerbs and tactile paving and a contra flow cycle facility linking along Church Road, towards the pedestrianised area.
- viii. The instalment of a new Toucan Crossing north of the existing service vehicular access on The By-Pass;
- ix. Construct a new vehicular access on The By-Pass designated only for vehicles leaving the site and measures introduced to ensure only left turns from the access are possible and the introduction of pedestrian facilities on the new vehicular access on The By-Pass in the form of flush kerbs, tactile paving and the provision of hydraulic bollards to be controlled by the UTC;
- x. Construct a new vehicular access on The By-Pass designated only for service vehicles only, with pedestrian facilities either side of the access in the form of flush kerbs and tactile paving and a designated pedestrian route across the vehicular access;
- xi. Construct new bus stops on the south side of Richmond Road and both sides of The By-Pass adjacent to the site with access kerbs, paving and enhanced 'bus stop' carriageway markings, one incorporating a lay-by and shelter;
- xii. Improved crossing facilities and links between Cooks Road and Alexandra Road and the pedestrianised Liverpool Road including a Contra flow cycle facility on Alexandra Road.

Agenda Item 4a

xiii. Construction of a shared use cycle route along the development side of The Bypass from the A565 Moor Lane Roundabout from the roundabout to the new controlled Pedestrian crossing on the bypass and preferably linking to the pedestrianised area of Liverpool Road.

Agenda Item 4a

PLANNING PERMISSION S/2010/1008 – APPROVAL AND CONDITIONS

Reasoned Justification and reason for approval

The proposal makes acceptable provision for the relocation of traders during construction and is entirely compliant with planning policies R1, EP6 and DQ1 of the Sefton UDP and in the absence of any other overriding material planning considerations, the granting of this permission is therefore justified.

PLANNING CONDITIONS:

1.
 - a) Any retail units provided shall be removed within a period 9 months following the provision of the new permanent units granted by planning permission S/2010/0350.
 - b) All fittings and fixtures connected to the units operation on site shall be removed in accordance with the above time scale.
2. The development hereby granted shall be carried out strictly in accordance with the details and plans hereby approved and shall not be varied other than by prior agreement in writing by the Local Planning Authority.
3.
 - a) A detailed scheme for securing the site and individual units outside of opening hours shall be submitted to and approved in writing by the Local Planning Authority prior to their implementation.
 - b) The development shall proceed in accordance with the above details.
4. Units shall be laid out as required from the north-eastern end of the site fronting Liverpool Road and subsequently each further one in a south-westerly direction towards Islington.
5. All units shall be of single storey build maintaining a retail frontage to Church Road/Liverpool Road or Islington and shall comprise a shop window display.
6. In the event of A3/A4/A5 occupation within the terms of the Town and Country Planning (Use Classes) (Amendment) Order 2006, the following hours restrictions shall apply:

A3 use:	0700-2330
A4/A5 use:	0900-2330.
7.
 - a) In the event of A3 or A5 occupation within the terms of the Town and Country Planning (Use Classes) (Amendment) Order 2006, a scheme of noise control for any plant and equipment to be installed on site shall be submitted to and approved in writing by the Local Planning Authority prior to use.
 - b) The approved scheme shall be implemented before the plant and machinery is brought into operation and the approved noise protection measures shall thereafter be retained.
8.
 - a) In the event of A3 or A5 occupation within the terms of the Town and Country Planning (Use Classes) (Amendment) Order 2006, a scheme of odour control for any proposed kitchen extraction equipment shall be submitted to and approved in writing by the Local Planning Authority prior to use.
 - b) The approved odour control scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be retained.

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9. No live music, amplified music or live entertainment shall take place within any temporary unit occupied for the purposes of A3 or A4 as set out within the Town and Country Planning (Use Classes) (Amendment) Order 2006.

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SEFTON COUNCIL
 20 APR 2010
REGENERATION BSU

Mrs Brownrigg
 Flat 18, Sandalwood
 83 Coronation Road
 Crosby L23 5UJ

Planning & Economic Regeneration Dept
 Magdalen House
 30 Trinity Road
 Merseyside L20 3NJ.

09/4/10

With reference to S/2010/0350.

Dear Mr Steve Faulkner,

We object to the building of a multi-storey car park in Islington, over the site of the existing council car park on the following grounds.

- A) Sandalwood is a Leasehold estate of 54 Retirement Apartments for those aged 60 and over. We do not welcome overlooking a multi-storey car park and the noise and disruption involved. Have you thought about the environmental impact on residents?
- B) We are concerned about the increase in traffic along Islington and Coronation Roads. The increased traffic will make it even more difficult to safely cross the road to Crosby village and Sainsbury's for elderly vulnerable people.

R. Hayward Flat 52.	D. Martin 43.
J. & Deeg FLAT 41.	Olivia McKeown FLAT 12.
M. Brownrigg FLAT 14.	J. Bamber Flat 24
S. Rice Flat 20.	N. A. Sarsby Flat 19
Pam Field-Moss Flat 35	J. Lovelady Flat 2.
Joan Wright FLAT 3.	J. Rylyy - Flat 5.
E. Davies " 51	
D. A'Hara Flat 33.	
P. B. Galloway Flat 27	14 from Mrs FLAT 43

PTO.

Agenda Item 4a

APPENDIX

SEFTON COUNCIL
20 APR 2010
REGENERATION BSU

Flat/Address	Name
29 Sandalwood	S. M. Madge
FLAT 1	D. J. Smith
FLAT 1	M. Smith
FLAT 25	B. F. BARNETT
FLAT 37	K. Webb
FLAT 10	P. M. CORNER
Flat 6 Sandalwood	J. M. Taylor
Flat 19	D. Hinks
47 St Lukes	C. Jones
FLAT 31	W. BARRIS
FLAT 21 Sandalwood	G. Jones
FLAT 26 Sandalwood	P. Pittall
22 SANDALWOOD	J. P. T. Oll
40 SANDALWOOD	S. J. Hutton
32 Asea Park	L. E. O'Brien
FLAT 24	C. J. Hume (A. L. Hume)
3 Brunswick Street	W. H. Hume
7 Sandalwood	C. H. Holland
FLAT 14 Sandalwood	Mrs V. A. Sarsby
FLAT 19 Sandalwood	Rob Parry
FLAT 56 SANDALWOOD	K. Sweeney
FLAT 11 SANDALWOOD	V. M. Pitts
23 Green Rd ELLIS QUAY	V. Hume
FLAT 36	M. J. Hume
22 BARNHAM L16525	M. J. Hume
3 Cheltenham L23 440	D. Brown
E. Hulpen	Flat 15 Sandalwood
40 Roseme L23 000	P. Hume
FLAT 27 SANDALWOOD	A. J. C. Hume

Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0801**
61-63 Albert Road, Southport
(Cambridge Ward)

Proposal: Outline Planning Application for the erection of a four-and-a-half storey apartment block containing 14 no. dwellings after demolition of the existing detached properties

Applicant: Mr T Jaeger

Executive Summary

The application is seeking outline consent for the erection of a four and a half storey apartment block containing 14 no. dwellings after demolition of the existing detached properties.

The main issue for consideration in the assessment of this outline application is the principle of a block of 14 apartments to be erected on the site. All other matters are reserved and therefore cannot be considered at this stage.

Recommendation(s) **Approval (subject to submission and receipt of acceptable bat and red squirrel survey information)**

Justification

The scale and massing of the proposed block of 14 apartments is appropriate to the street scene and character of the area. The proposal will not have a significant detrimental impact on residential amenity for surrounding neighbours and the apartments will provide a reasonable standard of accommodation for future occupants. The proposal therefore complies with the Council's adopted policies H10, CS3 and SPG New Housing Development and the granting of planning permission is justified.

Conditions

1. T-2 Outline planning permission (Time Limit)
2. T-3 Reserved Matters (Time Limit)
3. D-1 Restriction on number of dwellings (Outline)
4. D-3 Slab levels (Outline)
5. The landscape plan submitted at Reserved Matters stage shall include details of the proposed landscaping for the additional amenity area shown edged blue on the submitted location plan. The landscape plan shall be implemented in full and maintained as such thereafter as amenity space serving the apartments

Agenda Item 4b

hereby approved.

6. The detailed plans submitted as reserved matters shall ensure that no basement accommodation is provided.
7. M-6 Piling
8. H-1 Remove existing vehicular/pedestrian access
9. H-2 New vehicular/pedestrian access
10. H-6 Vehicle parking and manoeuvring
11. H-7 Cycle parking
12. S-106 Standard S106
13. NC-4 Protection of breeding birds
14. Details of the number and position of bat boxes / bricks to be provided on the site shall be submitted to and approved by the Local Planning Authority. Once erected, the boxes / bricks shall remain in situ thereafter.
15. X1 Compliance

Reasons

1. RT-2
2. RT-3
3. RD-1
4. RD-3
5. In the interests of visual amenity and residential amenity and to comply with policies H10 and CS3 of the Sefton Unitary Development Plan.
6. RD-1
7. RM-6
8. RH-1
9. RH-2
10. RH-6
11. RH-7
12. RS-106
13. RNC-4
14. The safeguard the conservation of species and to accord with policy NC2 of the Sefton UDP.
15. RX1

Notes

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.
2. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@technical.sefton.gov.uk for further information.

Drawing Numbers

Location plan; site plan; indicative street scene illustration received 28/06/2010; indicative landscape plan received 02/08/2010; indicative internal layout plans received 02/08/2010

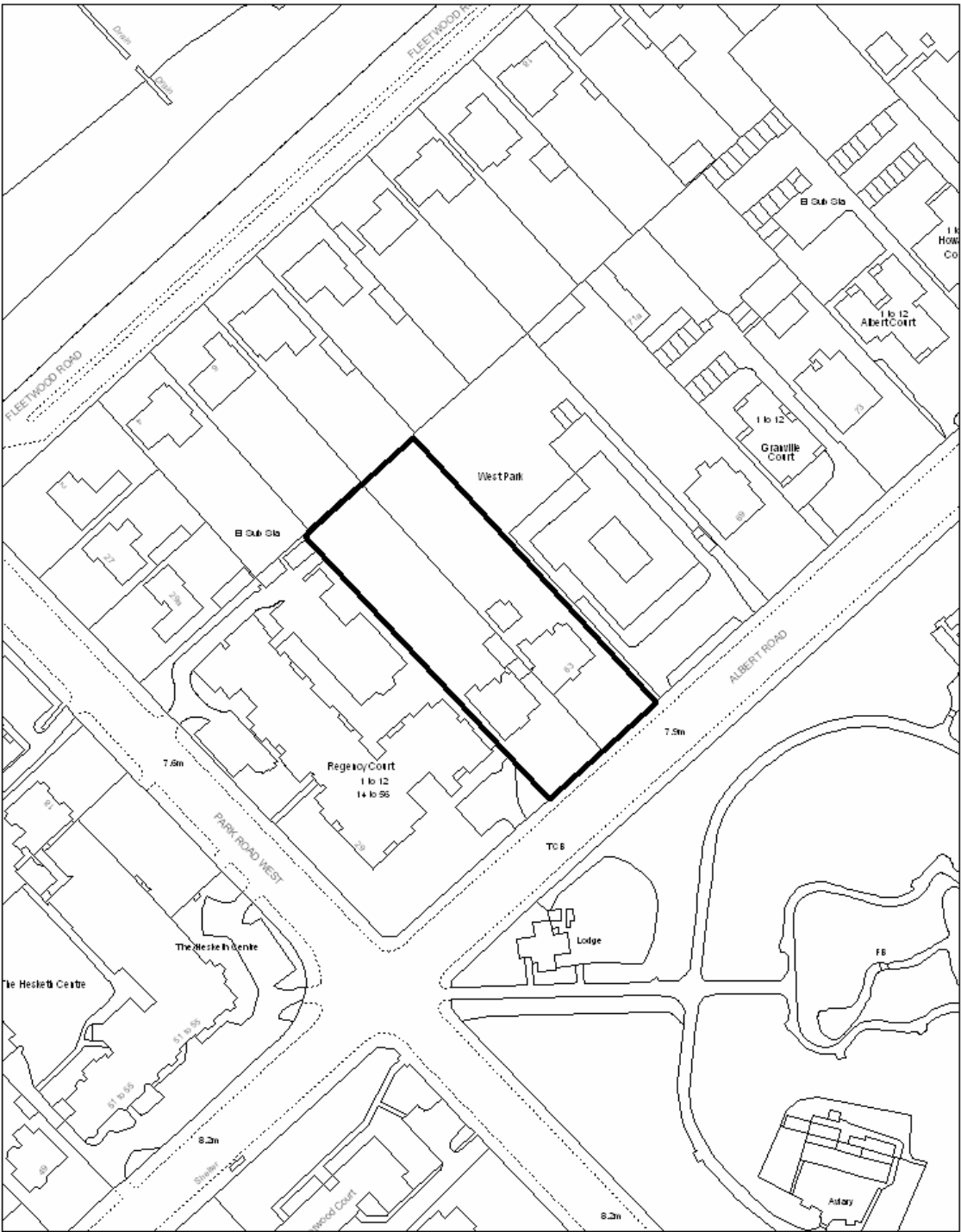
Agenda Item 4b

Financial Implications

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

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

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/0801 61-63 Albert Road Southport PR9 9LN OSGR: 334684, 418276		Standard Site Plan Scale: 1:1250 Date: 3/8/2010 Drawn By: EBERT on	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921.</small>		Sheets: 5100	Area: 3368 sqm	Ward(s): Cambridge Postcode Sector(s): PR9 9 Polling District(s): 24 Parish(es): None Found	

Agenda Item 4b

S/2010/0801

The Site

The site comprises two existing Victorian Villas on the north-western side of Albert Road set in large private gardens. The surrounding area is characterised by large Villas, some of which have been converted into flats, new build flats, residential institutions, care homes and single family dwellings. The site lies opposite Hesketh Park which has 'Historic Park and Garden' status.

Proposal

Outline Planning Application for the erection of a four-and-a-half storey apartment block containing 14 no. dwellings after demolition of the existing detached properties

History

S/2009/0874 Outline planning application for the erection of a block of five, 4 storey townhouses fronting onto Albert Road and a block of six, part 3, part 4 storey town houses at the rear after demolition of existing buildings - Refused 17/12/09. Appeal dismissed 14/05/2010.

Consultations

Highways Development Control – There are no objections in principle to the proposal to construct 14 self-contained flats after demolition of the existing buildings as there are no highway safety implications. It is proposed to close off the existing vehicular accesses and introduce new vehicular and pedestrian accesses. The proposed vehicular access is shown as being approximately 8.5 metres wide which is excessive. The vehicular access should be 4.8 metres which is sufficiently wide to enable two cars to pass one another. Any subsequent reserved matters application should specify a 4.8m wide vehicular access. Alterations to the highway will be required, such that the existing redundant footway crossings are reinstated as footway and a new footway crossing introduced to correspond with the position of the new vehicular access. Nineteen off-street parking spaces for the 14 flats are proposed, however, no cycle parking has been shown on the drawings. In accordance with the Supplementary Planning Document 'Ensuring Choice of Travel', 14 secure cycle spaces for residents (in an enclosed secure cycle shed) must be provided, along with 2 cycle stands i.e. 'Sheffield' stands for visitors, which should be located close to the main entrance to the building.

Environmental Protection Director – No objection in principle subject to piling condition being added.

Merseyside Environmental Advisory Service – The proposed site is approx. 150m from a Local Wildlife Site (Municipal Golf Links, no. 19) and policy NC1 applies. However, on this occasion the development is unlikely to have a significant impact on the local wildlife as there is no physical pathway likely to cause any significant effect between the application site and the Local Wildlife Site. Bats have been recorded within 500m of the site, and the site is opposite Hesketh Park which is extensively wooded. Existing trees and buildings on the site may provide potential habitat for bats.. A daytime bat roost potential assessment

survey must be undertaken by a suitably qualified and experienced surveyor prior to determining the application. The site lies within the Red Squirrel Refuge and Buffer Zone which has been adopted by the Council and trees on the site may provide habitat for red squirrels. A red squirrel survey should be carried out by a suitably qualified and experienced surveyor. If they are found to be present, then detailed mitigation measures should be included in the survey report. This matter must be dealt with prior to determination.

Neighbour Representations

Last date for replies: 07/07/2010

Letters of objection received from Regency Gardens (Jones Homes); Apt 22 Regency Court; 6 Fleetwood Road; 29A Park Road West raising the following concerns:

- Depth of the building greater than the existing buildings on the site, inappropriate and overbearing on Regency Court.
- Lack of detail on the application means that overlooking cannot be assessed.
- The area edged blue which is not included in the site leaves a problem and it would not be responsible to determine an application without what is happening / proposed to this piece of land. Would weaken negotiating position of Council in trying to secure acceptable solution for area hatched blue.
- Leaving the area blue leaves an undevelopable site with 3 options; one where the land is never developed and therefore becomes a hazard; two where a proposal is submitted for non residential use; three where a proposal is submitted for residential use which would conflict with the recent appeal decision for the site which refused back land development.
- Land at rear should not be treated as a separate entity.
- Security issues on blue land and potential for crime and vandalism.
- Density at 52 dwellings per hectare is out of character and is only at high density as the site area has been reduced.
- Car parking is inadequate and should be increased to 2 spaces per dwelling.
- Use of Land Registry document with a genuine title number might mislead people to believe that the title to the area hatched blue is different from the title to the area hatched red, but checks with the Land Registry confirm that this is not the case.
- Rear amenity area is dominated by car parking so limits the amount of useable amenity space.
- Visibility splay to Albert Road would improve access.
- Will the design at 4.5 storeys be in keeping with the street scene.

A petition of 53 signatures has been submitted on the following grounds:

1. That the proposal leaves an isolated plot of land at the rear which may lead to security issues and have a negative impact on residential amenity for surrounding neighbours;
2. The rear projection of the apartment building extends 7 metres beyond the rear elevation of Regency Court which is more than the 3 metres recommended by SPG which has an overbearing effect on the outlook of residents of Regency Court.

Agenda Item 4b

Policy

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

CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
H10	Development in Primarily Residential Areas
H12	Residential Density
AD2	Ensuring Choice of Travel
NC1	Site Protection
NC2	Protection of Species

Comments

The main issue for consideration in the assessment of this Outline application is the principle of the erection of a 4.5 storey building of 14 apartments. As all other matters are reserved, there is limited assessment that can be made at this stage in terms of design or layout as the plans submitted are for illustrative purposes only and can be altered at the reserved matters stage. However, the indicative plans do offer a valuable insight into how the developer anticipates that the site may work and how the apartments may be achieved within the footprint of the proposed building. As part of this assessment, the impact on character and appearance of the area, including street scene issues are also referred to.

Principle

The site lies within a residential area where residential development is appropriate and as the Council does not currently have a housing restraint mechanism in place, the principle of residential development is therefore acceptable subject to other planning policy constraints.

Character of the area

Policy DQ1 requires development to make a positive contribution to its surroundings through the quality of their design and respond positively to the character and form of its surroundings. Supplementary Planning Guidance 'Design' refers to the importance of design and that development should be of an appropriate size, proportion, form and use for their location and fit in with a reinforce local patterns of development. The Settlement Character Plan for Southport identifies the site as within an area of large Victorian properties set on large plots.

In this case, the site lies within a residential area where there is a mix of new build flats, flat conversions, residential care homes and private dwellings. The scale of properties fronting Albert Road is traditionally large with the form of development in this area having altered over time. Some properties on Albert Road have accommodated large extensions to the rear and there are a number of new build flat schemes with car parking areas / garage courts to the rear. Despite this, these plots have in general retained large areas of external space surrounding the buildings

which is characteristic of this area.

The scale and massing of the building is appropriate in this location given that of the surrounding buildings fronting Albert Road. The proposed building is 4.5 storeys in height with the indicative street scene elevation submitted showing the height of the building being in keeping with the heights of both Regency Court to the south and West Park to the north. Whilst the detail of the elevation is subject to change at Reserved Matters stage, the height of 4.5 storeys is referred to in the description of development and the development would therefore be restricted to this. The building is also shown as a single block across the frontage but with a recess in the centre which provides a visual break in the street scene. This reflects the fact that the site was previously two separate properties and this break is important in terms of maintaining some variety and separation within the elevation and street scene.

Residential Amenity

Policy H10 permits development proposals in residential areas provided certain levels of privacy and amenity are maintained for occupiers of existing and proposed properties.

Amended indicative layout plans have been submitted showing how the proposed 14 duplex apartments can be achieved within the proposed building. It is considered that no significant overlooking issues arise from the proposal. Furthermore, each habitable room appears to have a reasonable and unobscured outlook, though clearly these plans are indicative only and are subject to change.

Neighbours have raised concerns regarding the extent of the rear projection of the proposed building, particularly given its proximity to the side boundaries and that it fails to meet the SPG in this respect. The SPG states that rear projections should not extend beyond the rear wall of neighbouring properties by more than 3metres if the proposed building is within 1 metre of the site's boundary. In this case the building is more than 1metre from the boundary (apart from a small bay shown) and the rear section is even further recessed, thus meeting this requirement. Amended indicative plans have been submitted which show a slightly altered footprint of the building, with the rear section of the building being staggered away from the boundaries. The proposal therefore meets the SPG requirement.

The car parking to the rear may, in other locations, be considered inappropriate given the nature of the rear of adjoining sites generally being private gardens. In this case, however, the adjoining Regency Court has a car park to the rear as do a number of other flat developments on this section of Albert Road. It would therefore seem unreasonable to treat the rear car parking as unacceptable in this instance. The level of amenity space provided to the rear is less than the 30 sq m per flat as recommended by SPG 'New Housing Development', however, it also shows excessive areas of access road and hardsurfacing which could be reduced at Reserved Matters stage thus increasing the level of amenity space to a satisfactory level.

Land edged blue on Site Plan

Concern has been raised regarding the area of blue land which has been omitted

Agenda Item 4b

from the site and does not form part of this application. Neighbours have also raised objections on this matter on the basis that the land may become derelict and create anti-social behaviour / security issues, and also may leave potential for the applicant to wish to develop the site at a later date. As it is important to ensure that the site is redeveloped comprehensively, the applicant has been asked to provide information regarding their intentions for this land.

The applicant has confirmed that the blue land will be used as additional amenity space for the occupants the apartments. This is considered reasonable and whilst the land does not form part of the planning site for the purposes of this application, as it is adjoining land within the ownership of the applicant and therefore can be controlled by condition, to ensure that the use referred to is implemented and maintained as such.

Trees and Greenspace

Policy DQ3 requires three new trees to be planted on the site per apartment, a total of 36 trees is therefore required as 2 dwellings would be removed. The landscape plan submitted shows 42 trees to be planted on the site but this appears to be excessive. However, as all matters are reserved including landscaping, this can be addressed at Reserved Matters stage also once full detailed landscaping plans are submitted. If there is insufficient space available on the site to plant 36 trees, the applicant will be required to enter into a section 106 agreement for the remaining trees to be planted off site at a cost of £460 per tree. A condition will be used to ensure the provision of trees and compliance with policy DQ3.

Policy DQ4 requires the provision of, or a financial contribution towards public greenspace, for residential schemes of 5 dwellings or more. The current cost is £1734.50 which would require the applicant to enter into a section 106 agreement to provide a commuted sum of £24,283. This can also be required by condition.

Merseyside Environmental Advisory Service have stated that bat roost potential and red squirrel surveys are required prior to determination. It is therefore recommended that the Committee delegate the decision to the Planning Director once the surveys have been completed and approved by MEAS.

Conclusion

The proposed erection of a 4.5 storey building of 14 apartments fronting Albert Road is acceptable in principle and the scale and massing is appropriate to the street scene. The proposal will not have a significant detrimental impact on residential amenity for surrounding neighbours given the distance from surrounding dwellings and the apartments will provide a reasonable standard of accommodation for future occupants. The proposal therefore complies with the Council's adopted policies and SPG and is therefore recommended for approval subject to the decision being delegated to the Planning Director following the submission and approval of bat roost potential survey and red squirrel survey.

Agenda Item 4b

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

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

PETITION AGAINST PROPOSED DEVELOPMENT - REF S/2010/0801

NAME (Block Capitals)	SIGNATURE	ADDRESS
H. R. FULLER	<i>H. R. Fuller</i>	65 REGENCY COURT PARK RD WEST
ANNE L. GREEN	<i>A. L. Green</i>	22 REGENCY COURT PARK RD WEST
LIVIA E. ABBOTSON	<i>L. E. Abbotson</i>	21. REGENCY COURT 29 PARK ROAD WEST
J C HESSION	<i>J C Hession</i>	25 Regency Court " " "
J E HESSION	<i>J E Hession</i>	25 REGENCY COURT " " "
P. WELLS	<i>P. Wells</i>	7, " " "
B O'TOOLE	<i>B O'Toole</i>	24 REGENCY COURT 29 PARK ROAD WEST
TOTOOLE	<i>TOTOOLE</i>	24 REGENCY COURT 29 PARK RD WEST
L.J. CLEARY	<i>L.J. Cleary</i>	19, REGENCY COURT, 29 PARK RD WEST
FRANCES CLEARY	<i>F. Cleary</i>	19 REGENCY COURT "
IRENE URMSTON	<i>I. Urmston</i>	15. REGENCY COURT. 29 PARK RD. WEST
ALAN JAMES WOOD	<i>A. James Wood</i>	APT 11 15 " " " " " "
FAEDA L. WOOD	<i>F. L. Wood</i>	APT 11 REGENCY COURT PARK RD WEST
Maryann Kelly	<i>M Kelly</i>	APT 18 REGENCY COURT

PLANNING & ECONOMIC
REGENERATION DEPARTMENT
- 6 JUL 2010

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Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0907**
Plot 3
Land to Rear of Oak Hey Lambshear Lane,
Lydiate
(Park Ward)

Proposal: Erection of 1no detached dormer bungalow together with a new access road onto Liverpool Road

Applicant: Mr & Mrs Wootton

Executive Summary

The proposal seeks to erect 1 number detached former bungalow at a plot of land to be accessed from Liverpool Road, Lydiate.

The issues to consider in respect of the proposal are its size, siting and appearance with regards to its impact on the character of the area and the amenity of neighbouring residential properties.

It is considered that the proposed dwelling is appropriate in style, height and massing to the existing residential area and would not result in a significant loss of residential amenity.

Recommendation(s) **Approval** (subject to receipt of acceptable amended plan)

Justification

The proposed dwelling is appropriate in style, height, scale and massing to the existing residential area 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. L-4 Landscape Implementation
4. R-2 PD removal garages/ extensions/outbuildings
5. R-3 PD removal windows
6. No part of the development shall be brought into use until a means of vehicular and

Agenda Item 4c

pedestrian access to the development has been constructed. These works shall be in accordance with details, which have been approved in writing by the Local Planning Authority

7. H-6 Vehicle parking and manoeuvring
8. M-6 Piling
9. 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. RL-4
4. In order to protect the residential amenities of nearby occupants and to accord with policies CS3 & H10 in the Sefton Unitary Development Plan.
5. RR-3
6. RH-2
7. RH-6
8. RM-6
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 property number.
2. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@technical.sefton.gov.uk for further information.
3. There are significant bands of peat deposits in Sefton and this development is in an area where these deposits may be substantial. Peat produces naturally occurring methane and carbon dioxide and if sufficient amounts of these gases are allowed to collect under or within a newly erected or extended building, there is a potential risk to the development and occupants.

Drawing Numbers

1905/1, 1905/loc/a, 2and3/drivesect, M/124/LRL/LAND/01

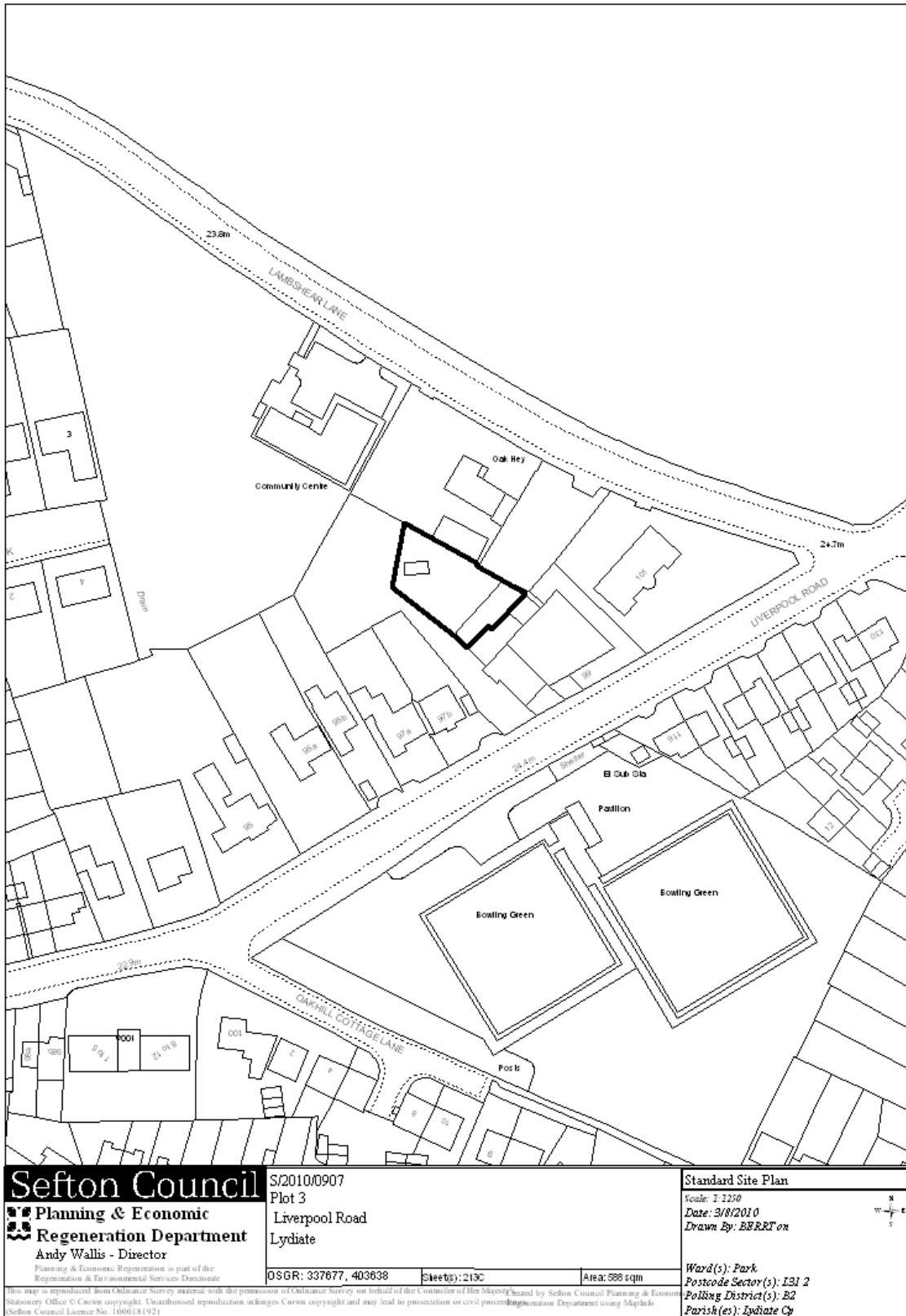
Financial Implications

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



**This petition sets out objection to the development of
the proposed Dormer Bungalow S/2010/0907 to the rear
of 95b, 97a and 97b Liverpool Road, Lydiate L31 2LX**

(NM)

Name	Address	Signature	Date
MRS. A.C. CLARKE	97A LIVERPOOL RD LYDIATE L31 2LX	<i>A.C. Clarke</i>	21.7.10 *
MISS LEANNE CRASSIDY	51 LIVERPOOL RD LYDIATE L31 2LT	<i>Leanne Crassidy</i>	26/7/10
Miss Hayley Fisher	52 COPPULL ROAD LYDIATE L31 2LJ	<i>Hayley Fisher</i>	26/7/10
MISS LOUISA STEWART	8 HOSWIN CLOSE LYDIATE L31 0BS	<i>L. Stewart</i>	26/7/10
Miss Rachel Irvine	22 ALARUS LANE NETHERTON L30 7PW	<i>R. Irvine</i>	26/7/10
M Hyneff	21 Avondale Ave	<i>M Hyneff</i>	26/7/10
R. Walters	66 MALLORY AVE LYDIATE L31 4JT	<i>R. Walters</i>	26/7/10
C. CRAIG	WINDLE ASH L31 8DY	<i>C. Craig</i>	26/7/10
J. COPPELL	64 COPPULL RD LYDIATE L31 2LJ	<i>J. Coppel</i>	26/7/10
YVONNE LEWIS	66 Southport Rd Lydiate L31	<i>Yvonne Lewis</i>	"

MRS CLARKE
* PETITIONER + PROPOSED SPEAKER AT THE COMMITTEE MEETING.

** OTHER PETITIONERS DO NOT HAVE NAMES PRINTED

Agenda Item 4c

The Site

An irregularly shaped parcel of land accessed from Liverpool Road that benefits from outline planning permission, reference S/2009/0061, for the erection of residential dwellings.

Proposal

Erection of 1no detached dormer bungalow together with a new access road onto Liverpool Road

History

S/2009/0061 – Outline application for the erection of three detached dormer bungalows one fronting onto Lambshear Lane and two with access from Liverpool Road. Approved 11th March 2009.

Consultations

Highways DC – There are no objections to the proposal as there are no highway safety implications. A new vehicular access to Liverpool Road will be constructed as part of the proposed development, which will involve some minor works to the highway. Two conditions and two informatives should be attached to any approval.

Environmental Protection Director – No objection to the proposal subject to a condition and informative being added to any approval.

Neighbour Representations

Last date for replies: 27th July 2010.

Representations received: Letters of objection from Numbers 97a & 97b Liverpool Road in addition to a petition objecting to the proposal with 92 signatories and endorsed by Councillor Fenton.

The points of objection relate to the harm to their amenity to be caused by the proposed dwelling in respect of its scale and siting. Objectors state that the proposed dwelling will have an overbearing impact that will be detrimental to their amenity in addition to overlooking rear gardens to an unreasonable degree. Furthermore, it is stated that the proposal represents over development of the site.

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

Comments

The principle for residential development within this plot has been established by the granting of consent to the outline application reference S/2009/0061 with landscaping as the sole reserved matter. As such, the issues to consider in respect of this application are the scale, siting and appearance of the proposed dwelling.

The extant outline permission for this plot, and that of Plot 2 subject of application S/2010/0908 also before Committee, was for 3 (three) dormer bungalows of a uniform appearance, scale and extent.

The three dormer bungalows have a ridge height no greater than 6 metres and sit comfortably within their plots with a good degree of separation from the boundaries of neighbouring residential properties.

In respect of the appearance of the proposed dormer bungalow, it will utilise external materials that are common to the area, and while it will not be readily visible from public vantage points, it is of a coherent and harmonious design that takes into account the nature of the plot in which it will be sited.

As submitted, the proposed scheme is unacceptable as the first-floor window to the projecting two-storey element to the left hand side of the front elevation is positioned less than 6.5 metres from the boundary to the rear garden of Number 97b Liverpool Road and therefore does not comply with the interface distance set out in Supplementary Planning Guidance 'New Housing Development'.

An amended plan has been requested so as to address this concern. If a plan is received that provides a separation distance of at least 10.5 metres from a first-floor habitable room window to the neighbouring boundary then this would be acceptable. Any revised plans will be referred to and presented within a Late Representations report.

As the rear of the property is positioned between 4 and 8 metres from the rear boundary, there are no first-floor windows proposed while the rooflights to this elevation are to be set high in the roof and as such would not lead to overlooking.

The private amenity space to be provided comfortably exceeds the requirements of the SPG, and is commensurate with the garden areas of existing properties to Liverpool Road.

Subject to the receipt of an amended plan to address the separation distance of the two-storey element, it is considered that there are no material reasons to warrant refusal of the proposal, it is therefore 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: **18 August 2010**

Title of Report: **S/2010/0908**
Plot 2
Land to Rear Oak Hey Lambshear Lane,
Lydiate
(Park Ward)

Proposal: Erection of 1no detached dormer bungalow together with a detached double garage to the side/ rear and access road onto Liverpool Road

Applicant: Mr & Mrs McCullough 1st Choice Skip

Executive Summary

The proposal seeks to erect 1 number detached former bungalow at a plot of land to be accessed from Liverpool Road, Lydiate.

The issues to consider in respect of the proposal are its size, siting and appearance with regards to its impact on the character of the area and the amenity of neighbouring residential properties.

It is considered that the proposed dwelling is appropriate in style, height and massing to the existing residential area and would not result in a significant loss of residential amenity.

Recommendation(s) Approval

Justification

The proposed dwelling is appropriate in style, height, scale and massing to the existing residential area 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.

Agenda Item 4d

3. L-4 Landscape Implementation
4. R-2 PD removal garages/ extensions/outbuildings
5. R-3 PD removal windows
6. No part of the development shall be brought into use until a means of vehicular and pedestrian access to the development has been constructed. These works shall be in accordance with details, which have been approved in writing by the Local Planning Authority
7. H-6 Vehicle parking and manoeuvring
8. M-6 Piling
9. 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. RL-4
4. In order to protect the residential amenities of nearby occupants and to accord with policies CS3 & H10 in the Sefton Unitary Development Plan.
5. RR-3
6. RH-2
7. RH-6
8. RM-6
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 property number.
2. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@technical.sefton.gov.uk for further information.
3. There are significant bands of peat deposits in Sefton and this development is in an area where these deposits may be substantial. Peat produces naturally occurring methane and carbon dioxide and if sufficient amounts of these gases are allowed to collect under or within a newly erected or extended building, there is a potential risk to the development and occupants.

Drawing Numbers

1906/1, A1046.02A, 1906/loc/a, 2and3/drivesect, M/124/LRL/LAND/01

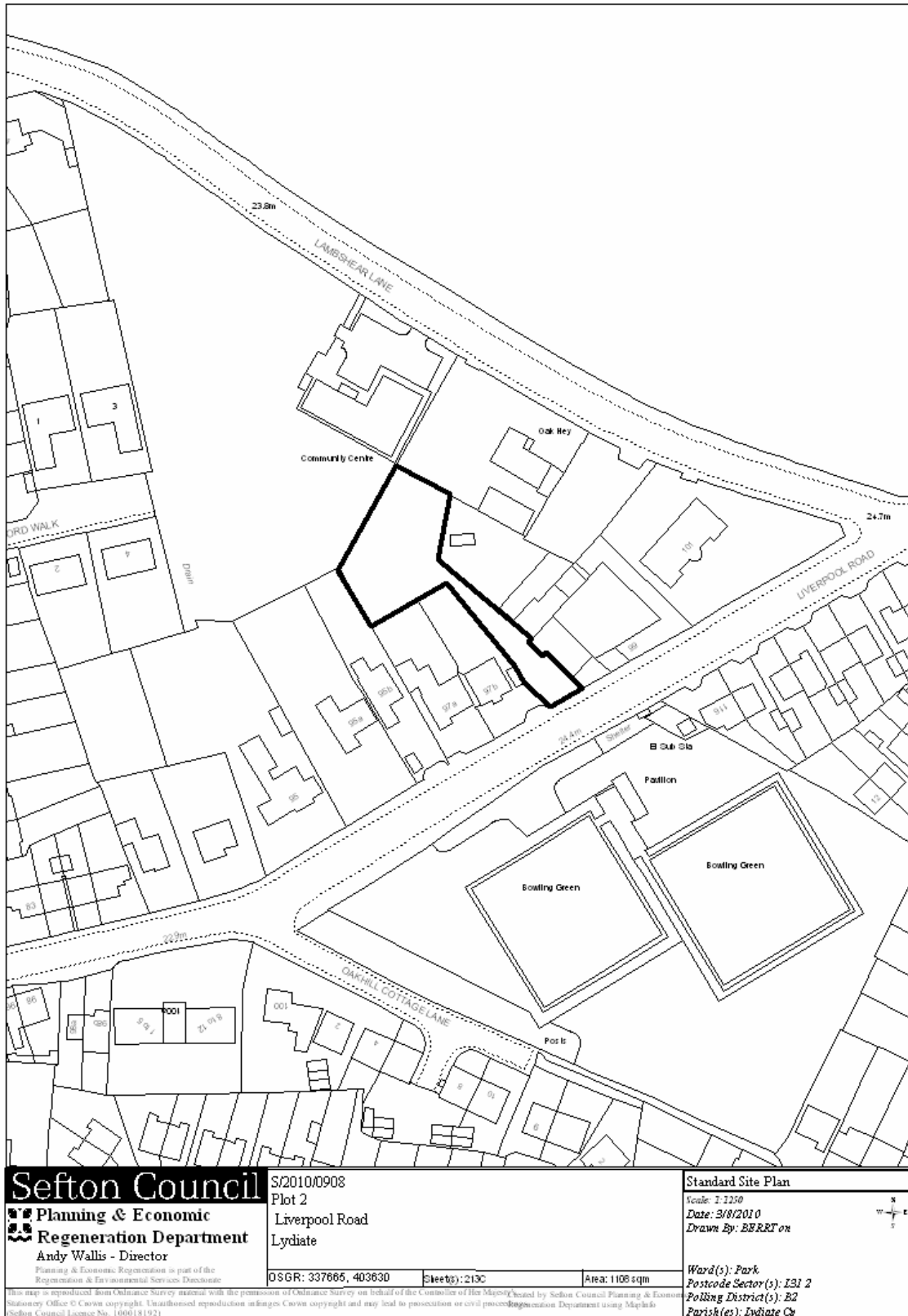
Financial Implications

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 4d



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/0908 Plot 2 Liverpool Road Lydiate		Standard Site Plan Scale: 1:1250 Date: 3/8/2010 Drawn By: EBERT on
	OSGR: 337665, 403630	Sheet(s): 213C	Area: 1108 sqm

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S/2010/0908

The Site

An irregularly shaped parcel of land accessed from Liverpool Road that benefits from outline planning permission, reference S/2009/0061, for the erection of residential dwellings.

Proposal

Erection of 1no detached dormer bungalow together with a detached double garage to the side/ rear and access road onto Liverpool Road

History

S/2009/0061 – Outline application for the erection of three detached dormer bungalows one fronting onto Lambshear Lane and two with access from Liverpool Road - Approved 11 March 2009.

Consultations

Highways DC – There are no objections to the proposal as there are no highway safety implications. A new vehicular access to Liverpool Road will be constructed as part of the proposed development, which will involve some minor works to the highway. Two conditions and two informatives should be attached to any approval.

Environmental Protection Director – No objection to the proposal subject to a condition and informative being added to any approval.

Neighbour Representations

Last date for replies: 27th July 2010.

Representations received: Letters of objection from Numbers 95b, 97a & 97b Liverpool Road in addition to a petition objecting to the proposal with 92 signatories and endorsed by Councillor Fenton.

The points of objection relate to the harm to their amenity to be caused by the proposed dwelling in respect of its scale and siting. Objectors state that the proposed dwelling will have an overbearing impact that will be detrimental to their amenity in addition to overlooking rear gardens to an unreasonable degree. Furthermore, it is stated that the proposal represents over development of the site.

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

Agenda Item 4d

DQ1	Design
DQ3	Trees and Development
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas

Comments

The principle for residential development within this plot has been established by the granting of consent to the outline application reference S/2009/0061 with landscaping as the sole reserved matter. As such, the issues to consider in respect of this application are the scale, siting and appearance of the proposed dwelling.

The extant outline permission for this plot, and that of Plot 3 subject of application S/2010/0907 also before committee, was for 3 (three) dormer bungalows of a uniform appearance, scale and extent.

The three dormer bungalows have a ridge height no greater than 6 metres and sit comfortably within their plots with a good degree of separation from the boundaries of neighbouring residential properties.

In respect of the appearance of the proposed dormer bungalow, it will utilise external materials that are common to the area, and while it will not be readily visible from public vantage points, it is of a coherent and harmonious design that takes into account the nature of the plot in which it will be sited.

This proposal for Plot 2 introduces an increase of 0.5 metres in the height of the ridge and by virtue of the orientation of this property and neighbouring dwellings; this increase in height will not cause overshadowing to neighbouring gardens. In addition, there are no windows to the southern gable end towards the rear gardens of Numbers 97a & 97b Liverpool Road and as such, this ensures that the rear of these properties will not be directly overlooked.

While there are dormer windows introduced to the south-west elevation towards the boundary with Number 95a, these will be positioned over 13 metres from this neighbouring property, thereby complying with the interface distance set out in Supplementary Planning Guidance 'New Housing Development'. While the first-floor windows to the north-west rear elevation are within 8 metres of the boundary, this is towards a non-residential property, the Lydiate Village Centre, and as such is acceptable.

The private amenity space to be provided comfortably exceeds the requirements of the SPG, and is commensurate with the garden areas of existing properties to Liverpool Road.

There being no material reasons to warrant refusal of the proposal, it is therefore recommended that the application be granted consent with conditions.

Agenda Item 4d

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

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

Agenda Item 4d

This petition sets out objection to the development of ⁽⁹²⁾ ~~S/2010/0908~~ ^(NM) to the rear of 95b, 97a and 97b ~~Liverpool Road, Lydiate~~ ^{L31 2LX}

Name	Address	Signature	Date
MRS. A. C. CHARKE	97A LIVERPOOL RD LYDIATE L31 2LX	<i>A. Clarke</i>	21/7/10
MISS LEANNE COSSIDY	51 LIVERPOOL RD LYDIATE L31 2LT	<i>L. Cassidy</i>	26/7/10
MISS HAYLEY FISHER	52 COPPULL ROAD LYDIATE L31 2LS	<i>H. Fisher</i>	26/7/10
MISS LOUISA STEWART	8 MESKIN CLOSE LYDIATE L31 OBS	<i>L. Stewart</i>	26/7/10
MISS RAENEL IRVINE	22 Alderwood Lane Netherston L30 7PW	<i>R. Irvine</i>	26/7/10
M. Hygnett	21 Axondale Av Maghull	<i>M. Hygnett</i>	26/7/10
R. Walters	66 Malloryave Lydiate L31 4JT	<i>R. Walters</i>	26/7/10
C. BRAGG	WINDLE ASH, L31 8DY.	<i>C. Bragg</i>	26/7/10
S. COLLETT	64 COPPULL RD LYDIATE L31 2LS	<i>S. Collett</i>	26/7/10
YVONNE LEWIS	66 Southport Rd Lydiate L31	<i>Y. Lewis</i>	27/7/10

* MRS CLARKE, PETITIONER + PROPOSER SPEAK AT 10 THE COMMITTEE MEETING.

** OTHER PETITIONERS MRS H. RIMMER 97B +

Agenda Item 5

Committee: **PLANNING**

Date of Meeting: **18 AUGUST 2010**

Title of Report: **Planning Approvals**

Report of: **Andy Wallis**
Planning & Economic Regeneration 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 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/2010/0707	72 Sonning Avenue, Litherland	Ford Ward
B	S/2010/0862	Bartlett House, Parkhaven Trust, Liverpool Road South, Maghull	Park Ward
C	S/2010/1043	Ingleside, Sandy Lane, Hightown	Manor Ward

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Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0707**
72 Sonning Avenue, Litherland
(Ford Ward)

Proposal: change of use from retail (A1) to restaurants and cafés (A3)

Applicant: Mrs G Mitchell

Executive Summary

This application was considered by Planning Committee on 21 July 2010 and it was resolved to visit the site. This proposal is for the end shop in this row to be used as a daytime cafe. The issue is the impact on local amenity. There is significant local opposition. The report considers the details of the proposals to conclude that the proposed use operating at the proposed hours would not have any significant adverse impacts on the amenities of local residents.

Recommendation(s) Approval

Justification

The proposed use will not cause significant harm to residential amenity by reason of noise and disturbance or odours and therefore complies with policy MD6. The proposal will not result in harm to matters of highway safety and overall the proposal complies with policy CS3.

Conditions

1. T1 Time Limit - 3 years
2. The premises shall not be open for business outside the hours of 07.30 and 18.00 on any day.
3. X1 Compliance

Reasons

1. RT1
2. In the interests of residential amenity and to comply with policy EP6 in the Sefton Unitary Development Plan
3. RX1

Agenda Item 5a

Note

1. It is recommended that the following advice be taken as follows to ensure the ramp is DDA compliant:-

*All ramps should have a maximum gradient of 1 in 12, which is the case here, although 1 in 20 is preferable.

*All ramps should have a durable, non-slip surface.

*All ramps should have a clear width of 1.2m minimum (unobstructed width 1.0m)

*The maximum length of any graded section should not exceed 5m, or 10m for gradients shallower than 1 in 15.

*Intermediate level resting platforms (1.5m minimum length) should be provided on ramps.

*Where possible, a level platform should be provided in front of the entrance doors and at the top and bottom of ramps; where ramps are steep (more than 1 in 20) steps should also be provided which again, is the case on this instance.

*Handrails should be provided on both sides of steps / ramps, 900mm high.

Drawing Numbers

1072/10/01 Rev A received 7 July 2010

Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5a



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/0923 63 Handfield Road Waterloo L22 0NU OSGR: 332141, 398372	Standard Site Plan Scale: 1:1250 Date: 3/8/2010 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>	Sheets: 1066	Area: 208 sqm	Ward(s): Church Postcode Sector(s): L22 0 Polling District(s): E3 Parish(es): None Found

S/2010/0707

The Site

The site is a flat roofed, single storey building to the western end of a row of shops set within a residential area.

Proposal

Change of use from retail (A1) to restaurants and cafés (A3)

The physical alterations to the site include the widening of the existing front entrance and the formation an internal ramp. Also, a replacement external flue is proposed to the western side elevation of the building, extending one metre above the existing flat roof.

A fascia sign is already in place and as such Advertisement Consent is not required for a replacement sign.

History

8/3/1134 Change of Use into Coin Operated Laundrette - Cancelled

8/3/1135A Illuminated Fascia over shop - Approved 7 August 1967

S/2001/086 Change of Use to A3 - Refused 20 December 2001

Consultations

Highways Development Control: - No objections to the proposal to change the use of the premises to a restaurant and cafe on the grounds of highway safety.

Although the applicant has stated that they intend to comply with current regulations and good practice, there are no detailed plans attached showing the details of the proposed ramp. Since the application was submitted, the applicant has informed Sefton Council that the access ramp is to be installed internally and not on the public highway.

Although the access ramp is to be situated within the site, it is recommended that the following advice be taken as follows to ensure the ramp is DDA compliant:-

- All ramps should have a maximum gradient of 1 in 12, which is the case here, although 1 in 20 is preferable.
- All ramps should have a durable, non-slip surface.
- All ramps should have a clear width of 1.2m minimum (unobstructed width 1.0m)

Agenda Item 5a

- The maximum length of any graded section should not exceed 5m, or 10m for gradients shallower than 1 in 15.
- Intermediate level resting platforms (1.5m minimum length) should be provided on ramps.
- Where possible, a level platform should be provided in front of the entrance doors and at the top and bottom of ramps; where ramps are steep (more than 1 in 20) steps should also be provided which again, is the case on this instance.
- Handrails should be provided on both sides of steps / ramps, 900mm high.

Environmental Protection Director: No objection

Neighbour Representations

Last date for replies: 23 June 2010

A petition to address Committee is anticipated but had not been received at the time of writing this report.

10 letters of objection from 61, 65, 67, 69, 71, 72, 74, 78, 80 Sonning Avenue and 10 Twyford Avenue, on the following grounds:

- Not contacted by applicant prior to application
- Detrimental to are: noise pollution, air pollution from exhausts & cooking smells
- Will encourage vermin at back
- Loss of privacy
- Pensioners don't want gangs. Potential for anti-social behaviour
- Should be on the main road
- Traffic: noise & dangerous. Already a lot of traffic. No thought for children in the area
- Those nearby have no use for a café
- Already 2 shops open until 10pm. If license is given it will open after 5pm
- Parking for 4 cars only – always occupied by existing businesses. Cars already park outside residential properties Parking – plans indicate seating for 20 people. This could attract 20 cars.
- Already 2 chip shops, a pizza, a KFC and a café around the area in a residential area.
- Litter – if takeaway service is provided.
- Opening hours – 7.30 am is too early. Noise from opening window shutters will disturb local residents. Should not be open on Sunday – only respite from businesses in the area
- Would like to sees unit used but concerned about impact on, local residents
- No workers in the area needing a café. Shops next doors sells some snacks
- Noise pollution – extractor fan system is next to 74 Sonning Ave. Noise levels at 52 db(A) will impact on daily life

- Hygiene Safety – side elevation is derelict – as a result emergency exit to the rear would not be available
- Location not fit for preparation & retailing of food
- Within the last 12 years 2 shops have changed to off licenses and close as late as 9 pm and 10.30pm This attracts young people and there is anti-social behaviour

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
H10	Development in Primarily Residential Areas
MD6	Food and Drink Uses

Comments

The application was considered by Planning Committee on 21 July 2010 and it was resolved to visit the site.

The site lies within the Primarily Residential Area. Policy MD6 requires that any food and drink use must not cause significant harm to residential amenity and that any upper floors be restricted to person(s) employed in the proposed. The building is single storey and therefore the concern for residential use above is not relevant.

The key issue for consideration is the effect of the proposed café on the residential amenities of neighbouring properties. The refusal of planning permission for a similar use in 2001 is pertinent to the consideration of the application.

The site is approximately 5 metres from the neighbouring residential property to the west, 74 Sonning Avenue. This property has two non-habitable room windows facing the site. Properties to the south are at a distance of approximately 20 metres. To the rear is a servicing area which is access via a gate to the east and is not generally available for customers to use.

In considering the impact the proposed use will have on the residential amenity of neighbouring properties, the scale of the use, (including the number of people employed and the number of customers), opening hours and potential for noise and odours from the premises must all be considered.

The proposed use is as a café with 20 covers. Opening hours are intended to be between 7.30 am and 5.00 pm. Tuesday to Friday, employing 2 full-time and 4 part-time staff.

There are shops in the vicinity of the application site with no restrictions to opening hours. The premises was formerly used as a shop and laundrette with no hours

Agenda Item 5a

restrictions. The opening of the premises at 7.30 am is not considered to cause undue noise and disturbance above that which is already experienced in the surrounding area. Indeed opening until 18:00 hours is considered to be reasonable and not to result in a loss of residential amenity. Therefore given the scale of the proposal, the former use of the property and its position within a shopping parade and the proposed opening hours, the principle of the proposed use is considered to be acceptable.

Whilst the applicant does not intend to open at weekends at this time, it is considered unreasonable to further restrict opening times on Saturdays and Sundays.

It is accepted that car parking may not be available for all customers and employees visiting the site. However, some employees and customers will arrive on foot or by public transport. There is some car parking available at the rear and front the site and overall, it is not considered that the application could be refused due to a lack of dedicated car parking.

With regard to the potential for odours from the café to cause nuisance to the neighbouring properties, the proposed flue is considered to give adequate ventilation and given the relationship between the site and the dwelling to the west, this is not considered to result in a loss of residential amenity. The anticipated noise level of this ventilation system is 52 db(A) at a distance of 3 metres and this is acceptable within this residential area.

Whilst an application for the change of use of the property to a hot food take-away was refused in 2001, the nature of that use is considered to be significantly different from the current proposal. The hot food take-away was intended to be open until 22:30 hours and the number of vehicular and pedestrian movements to and from such a use is considered to be much greater than for a café. Therefore the overall impact of a hot food take-away on the surrounding residential area is considered to be much greater than the currently proposed café.

The proposed internal ramp will provide access to the café for people using wheelchairs.

Response to Objections

Neighbours have raised other issues in respect of the proposals, particularly the potential for anti-social behaviour and litter and compliance with environmental protection regulations.

In respect of anti-social behaviour, the proposed scale of use and opening hours is not considered likely to result in people waiting outside the property. Similarly the use as a café is less likely to result in litter outside of the premises as a hot food take-away. Compliance with Environmental Protection regulations including the suitability of the property is not a matter for consideration in determining the planning application.

Agenda Item 5a

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

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

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Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0862**
Bartlett House, Parkhaven Trust, Liverpool Road South, Maghull
(Park Ward)

Proposal: Erection of a single storey day care / respite care centre, after demolition of the existing Bartlett House, including the layout of hard and soft landscaped areas

Applicant: Parkhaven Trust

Executive Summary

This application seeks consent for a specialist dementia day care centre and respite care facility to replace an existing 3 storey building, Bartlett House. The planning issues concern the principle of this development on greenspace, design issues and other issues raised by the Town Council.

Recommendation(s) Approval

Justification

The proposed dementia care facility is part of an ongoing programme for modernisation of the Parkhaven Trust site and is considered acceptable in the context of UDP policies and all other material considerations.

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. M-2 Materials (sample)
4. H-6 Vehicle parking and manoeuvring
5. H-7 Cycle parking
6. H-9 Travel Plan required
7. L-1 Protection of trees
8. L-4 Landscape Implementation
9. S106 Agreement
10. S-1 Site Waste Management Plan

Reasons

1. RT-1

Agenda Item 5b

2. RX1
3. RM-2
4. RH-6
5. RH-7
6. RH-9
7. RL-1
8. RL-4
9. R106
10. RS-1

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. In respect of the requirement for a Travel Plan, the developer should be advised to contact Stephen Birch (Strategic Transportation & Planning Unit) on 0151 934 4225.

Drawing Numbers

to be advised

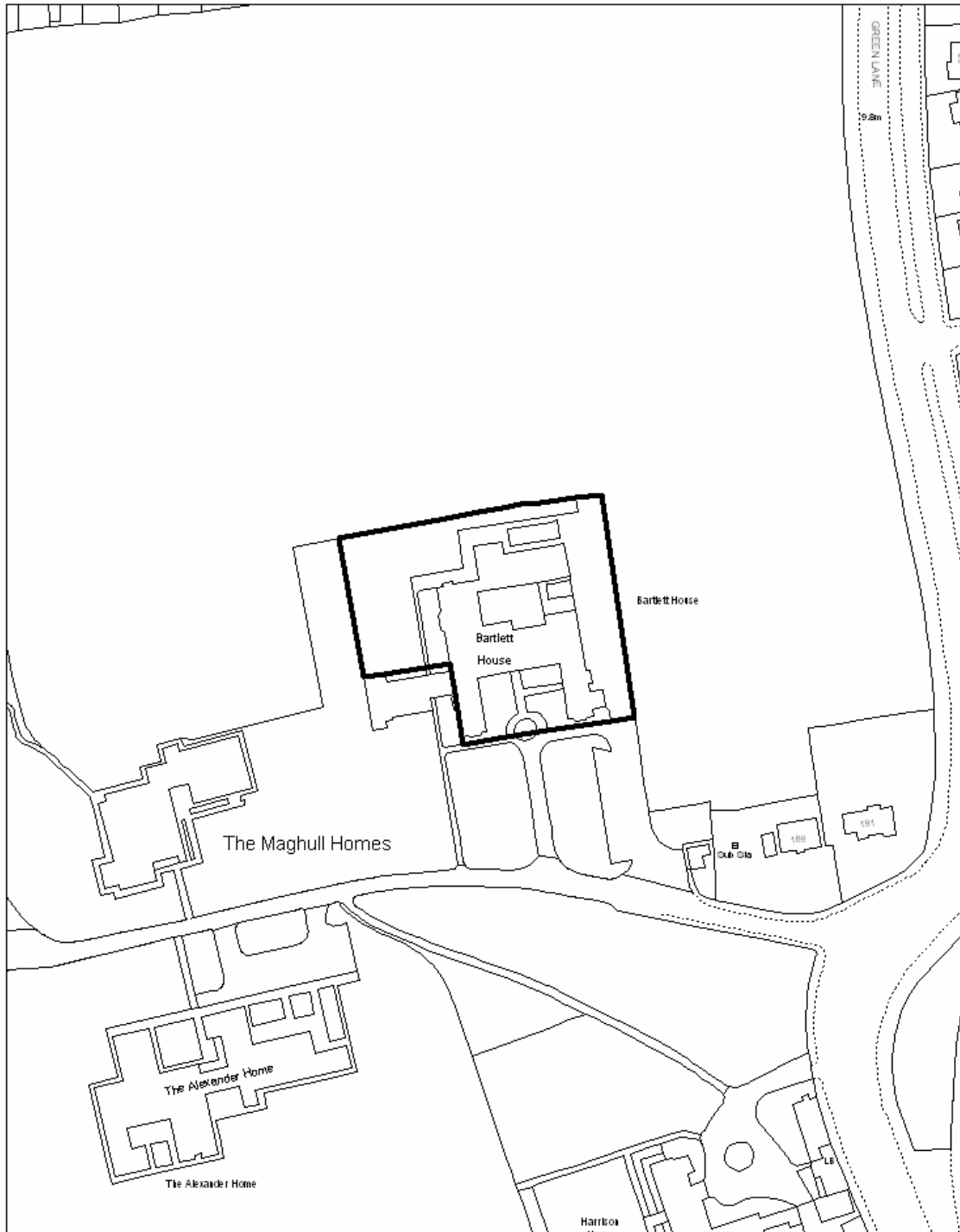
Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5b



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/0862 Bartlett House, Parkhaven Trust, Liverpool Road South Maghull		Standard Site Plan Scale: 1:1250 Date: 3/8/2010 Drawn By: EBERT on
	OSGR: 336984, 402140	Sheet(s): 1938, 192D	Area: 3349 sqm

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S/2010/0862

The Site

The site lies within the grounds of Parkhaven Trust and is currently occupied by Bartlett House which is a relatively modern 3 storey building, now vacant.

Proposal

Erection of a single storey day care / respite care centre, after demolition of the existing Bartlett House, including the layout of hard and soft landscaped areas.

History

- S/2007/1081 - Erection of extra care accommodation, comprising 24 apartments and day centre and allotments - Approved 14/02/08
- S/2009/0404 - Erection of extra care accommodation comprising 24 apartments and allotments - Approved 23/07/2009
- S/2009/1113 - Removal of Condition 1 pursuant to planning permission S/2007/0464 approved 09/07/2007 to allow the surgery to remain on the site permanently – approved 23/06/10
- S/2009/0151 - Layout of 6 additional parking bays for use by GP practice - approved 14/04/09
- S/2009/0036 - Conversion of 5 bedrooms as extension of GP surgery - Approved 23/02/09
- S/2007/0464 - Change of use for a temporary period from residential accommodation to a GP surgery - approved 09/07/07
- S/2007/0244 - 11 car parking bays - approved 15/05/07

Consultations

Environmental Protection –no objections

Highways Development Control - In terms of the impact that this development will have on the surrounding highway network, there will be no noticeable difference as the levels of traffic, which are likely to be generated by this development, will be fairly low.

Other than four additional parking spaces for use by disabled persons there will be no additional car parking provided. Whilst it is acknowledged that not all users of the facility would consider cycling to be a viable form of transport, some secure cycle parking for use by staff and visitors will be provided close to the main entrance to the building.

Agenda Item 5b

Adequate provision for servicing has been incorporated into the layout.

The previous planning applications on this site have been supported by a generic Travel Plan for the Primary Care Trust, which was not site specific and as such was not satisfactory. It will now be necessary both as part of the previous applications and this current application to develop a Travel Plan for the Parkhaven Trust site, taking account of the various facilities which are provided at this site. An appropriate condition will need to be attached to any approval notice in order to secure this.

In view of the above, I have no objection to the proposal, subject to conditions and informatives being attached to any approval:-

Maghull Town Council - objects on grounds that

- no pre-consultation carried out
- loss of façade of Bartlett House and modern design out of character
- would like a contribution to the pedestrian crossing at Sefton Lane

Neighbour Representations

Last date for replies: 18/08

Site notice -3/08

Press

Policy

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

AD2	Ensuring Choice of Travel
CS2	Restraint on development and protection of environmental assets
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
G1	Protection of Urban Greenspace
G2	Improving Public Access to Urban Greenspace

Comments

Context

This application is part of an ongoing sequence of proposals for rebranding the Parkhaven Trust site for dementia care. Planning permission was granted in 2008 for a development of 24 care apartments and a day centre (S/2007/ 1081) and as part of that proposal the existing run-down day care centre was required to be removed. This was part of a package of measures to reconfigure the Parkhaven Trust site and offer greenspace benefits and more public access. For funding reasons the day care centre was subsequently excluded from the care apartment development which are

now being constructed on land to the side/rear of Bartlett House. At the time of the initial proposal Bartlett House was expected to be taken by another institutional/educational use. One single storey wing of Bartlett house has since been approved as a doctor's surgery initially on a temporary basis but now permanent.

The present application seeks to demolish Bartlett House and redevelop the site for a single storey day care/respice care facility. That part of the building which is now the doctor's surgery would remain. The purpose built dementia care/respice care facility would take the form of a courtyard development that would replace the day centre on the site and provide a specialist dementia service for people of all ages.

The issues concern the principle of the development on greenspace, design, access and detailed site planning considerations. The issue of loss of the building known as Bartlett House will also be considered although this does not require planning permission.

Greenspace

The proposal replaces an existing building on the site which has a greater presence as a result of its height. It is part of an overall scheme which allows for the removal of the existing day care centre and the restoration of that site to greenspace. The proposals can therefore be considered to comply with UDP Policy G1 in that it relates to an existing use of the site, provides an improvement to the overall greenspace and replaces a building on a similar footprint but reduced height.

Design

The proposed day care centre is purpose designed and presents a contemporary design which would sit comfortably alongside the retained doctor's surgery. It would be constructed of buff brick and timber with shallow pitched roofs of metal and artificial slate. The proposed development has a pleasing design and includes many environmental features (including suntubes, grey rainwater collection and the possibility of solar hot water panels) as well as design features to assist people with dementia.

Maghull Town Council has raised concern about the loss of the façade of the existing Bartlett houses. The applicant has considered whether the existing building could be used for the development but concluded that the special requirements for dementia care required a purpose designed solution on one level. The existing 3 storey building is not suitable for conversion. However, the front entrance will be removed and repositioned as a seating feature on the gable end of the doctor's surgery which adjoins the garden hence maintaining the presence of this architectural feature on site. Bartlett House itself is typical of institutional use but, apart from one or two individual features does not have particular merit and planning permission is not required for its demolition. The new facility marks a continuity of use of the site for purposes connected with mental health issues.

The comments made by the town council about modern design are noted. However the building would sit alongside a single storey doctor's surgery and the new apartments to the rear are low and of modern design. A good, but low contemporary

Agenda Item 5b

design is therefore considered fully appropriate to this location.

Landscaping and trees

The proposed landscaping plans create an attractive rear garden for users with existing and new planting around the perimeter.

The proposals involve the removal of a small number of trees which would be replaced 2 for 1 trees are therefore required on the basis of the new floorspace amounting to 16 new trees. The location for these, or provision of a commuted sum, is under consideration by the applicant and will be reported at the meeting. The size of building does not require greenspace contribution and in any case is part of an overall proposal to improve greenspace.

Other issues

Maghull Town Council has raised issues concerning consultation and contributions to a nearby pedestrian crossing. In terms of consultation, the development did not require advance consultation but nearby residents have been aware for some time that a new day centre was planned. The development does not impinge on any immediate neighbours.

In respect of the pedestrian crossing the anticipated traffic and pedestrian movement could not justify requiring a contribution to improvement especially since there is already a day care centre on site. This represents an approved application for a replacement and the removal of Bartlett House. However the matter has been raised with Parkhaven Trust to make them aware of local concerns.

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

Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/1043**
Ingleside 9 Sandy Lane, Hightown
(Manor Ward)

Proposal: Non-material amendment application to change the roof details to add a pitch to the centre at the front of the dwellinghouse (alternative to application S/2010/0577 approved 3/06/2010)

Applicant: Mr J Gibson

Executive Summary

The application is for a minor non-material amendment to a planning permission (S/2010/0577) granted for the construction of an extension to the front and side of the house. The amendment relates to an alteration to the roof and is recommended for approval.

Recommendation(s) **Approval**

Justification

The proposal can be accepted as a minor non-material amendment as there are no implications on issues of visual amenity or on the amenities of the adjoining residential premises.

Note

1. This approval is for an amendment to the approved scheme and remains otherwise subject to the terms and conditions of planning permission S/2010/0577.

Drawing Numbers

Drawings submitted on 27th July, 2010.

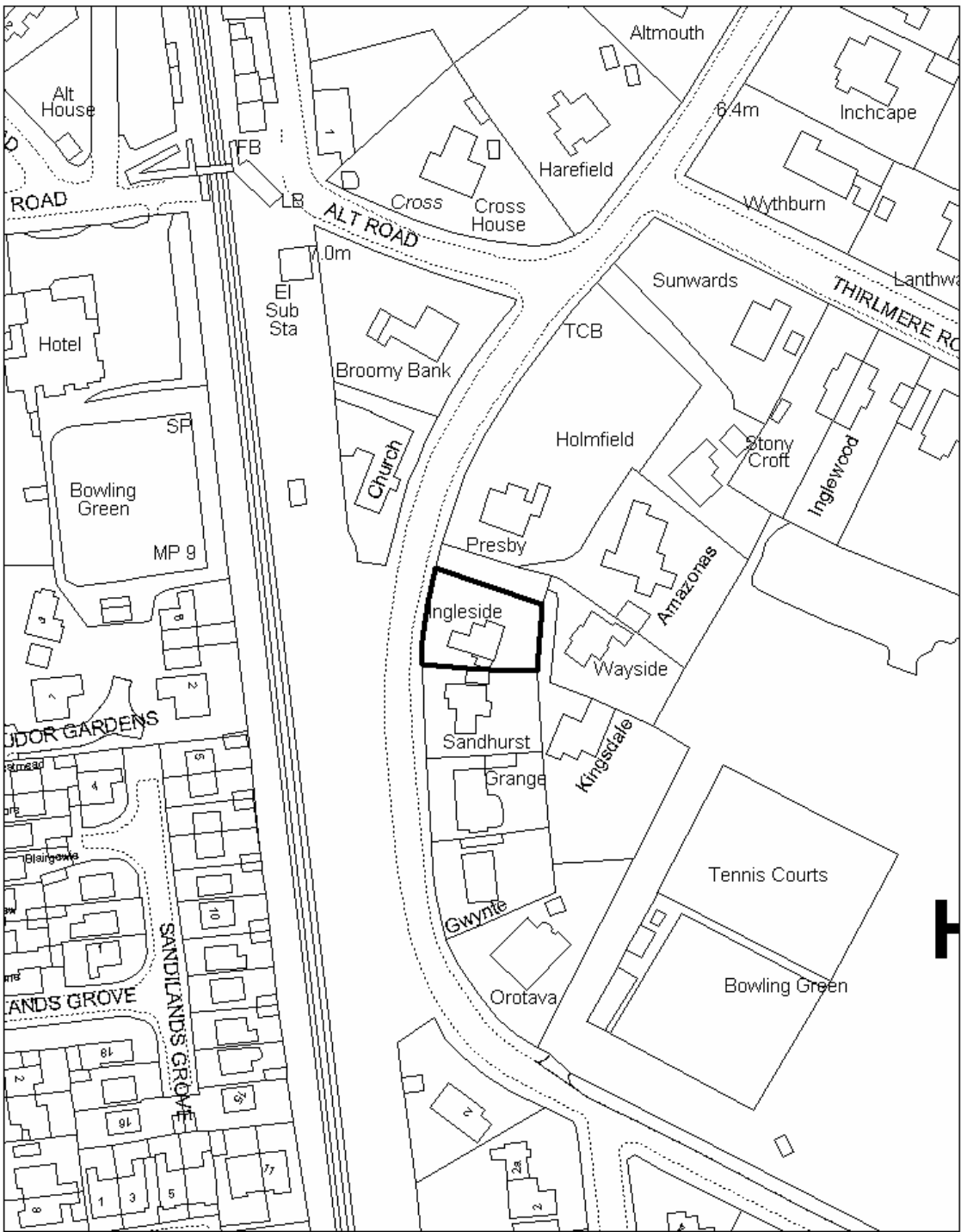
Agenda Item 5c

Financial Implications

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

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

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/1043 Ingleside 9 Sandy Lane Hightown		Standard Site Plan Scale: 1:1250 Date: 3/8/2010 Drawn By: EBERT on
	OSGR: 330087, 403544	Sheets: 206A	Area: 607 sqm

S/2010/1043

Agenda Item 5c

The Site

Comprises a detached dwellinghouse Ingleside, Sandy Lane, Hightown.

Proposal

Non-material amendment application to change the roof details to add a pitch to the centre at the front of the dwellinghouse (alternative to application S/2010/0577 approved 03/06/2010)

History

S/2010/0577 - Two storey extension to the front and side of the dwellinghouse - Approved 03/06/2010.

Consultations

None.

Neighbour Representations

Last date for replies: 11 August, 2010.

No objections received to date.

Policy

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

MD1 House Extensions
SPG House extensions

Comments

This application is referred to Planning Committee as the site is owned by a member of the Council. The proposed amendment involves an alteration to the roof to add a pitch to the centre at the front of the dwellinghouse and is an amendment to S/2010/0577 which was approved on 03/06/2010.

Originally the roof to the left side of the proposed extension was to be flat but is now proposed to be pitched to replicate the existing pitched roof and that proposed to the right hand side of the proposed two storey extension.

The main issues to consider are those of visual impact on the street scene and the affects on the amenities of the adjoining premises.

The change of roof design will be an improvement on the original proposal and that

Agenda Item 5c

there will be no adverse effect on either the visual amenity of the street scene or on the amenities of the surrounding properties.

Having taken all of the above into account, I believe that this proposal, if allowed, would have no significant affect on the visual amenity of the street scene or on the amenities of the adjoining premises and therefore it complies with UDP Policy MD1.

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

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

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Agenda Item 6

Committee: **PLANNING**

Date of Meeting: **18 AUGUST 2010**

Title of Report: **Planning Refusals**

Report of: **Andy Wallis**
Planning & Economic Regeneration 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 this Appendix are recommended for refusal.

Recommendation

That the applications for planning permission, approval or consent set out in the following appendices be REFUSED 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 6

Financial Implications

None

Departments consulted in the preparation of this Report

See individual items

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

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

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

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

Refusals Index

6A	S/2010/0671	99 Marshside Road, Southport	Cambridge Ward
6B	S/2010/0920	15 Galloway Road, Waterloo	Church Ward
6C	S/2010/0921	63 Handfield Road, Waterloo	Church Ward
6D	S/2010/0922	15 Galloway Road, Waterloo	Church Ward
6E	S/2010/0923	63 Handfield Road, Waterloo	Church Ward
6F	S/2010/0918	55-57 Merton Road, Bootle	Linacre Ward

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Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0671**
99 Marshside Road, Southport
(Cambridge Ward)

Proposal: Part retention of a brick perimeter wall with 10 no. wooden infill panels and insertion of 2 no. open steel railing panels to the junction of Marshside Road and Knob Hall Lane

Applicant: Mrs V Smith

Executive Summary

The proposal is for the retention of a brick perimeter wall with wooden infill fence panels plus the insertion of 2 railing panels to the junction of Knob Hall Lane and Marshside Road.

The issues to consider in respect of this application are the impact of the boundary treatment to the existing character of this residential area.

It is considered that the scale and appearance of the infill fence panels are detrimental to the character of the residential area and that the application should be refused consent.

Recommendation(s) **Refusal**

Reason

1. When assessed against the Unitary Development Plan and all other material considerations, particularly policies CS3, DQ1, MD1 & Supplementary Planning Guidance 'House Extensions', the proposal for the part-retention of the timber fence panels plus the introduction of two railing panels to the junction of Knob Hall Lane and Marshside Road is unacceptable as the fence panels to be retained are of a scale and appearance that is detrimental to the character of the residential area.

Drawing Numbers

Wall 1

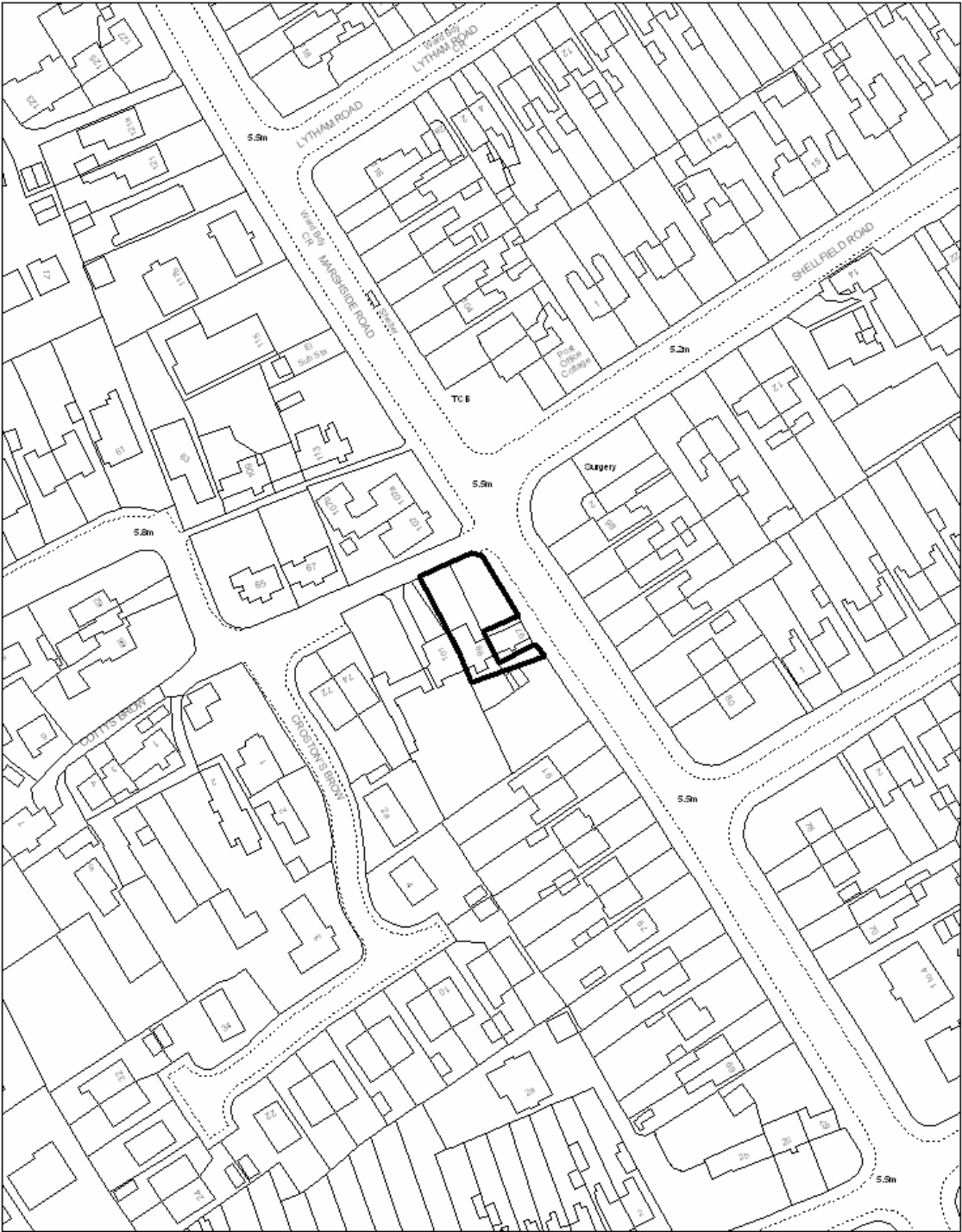
Agenda Item 6a

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/2010/0671 99 Marshside Road Southport PR9 9TA OSGR: 335993, 419365		Standard Site Plan Scale: 1:1250 Date: 3/8/2010 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): 5328, 531D Area: 447 sqm		Ward(s): Cambridge Postcode Sector(s): PR9 9 Polling District(s): XI Parish(es): None Found	

S/2010/0671

Agenda Item 6a

The Site

A mid terrace dwelling (single storey) situated on the western side of Marshside Road. The dwelling faces onto Marshside Road.

Proposal

Part retention of a brick perimeter wall with 10 no. wooden infill panels and insertion of 2 no. open steel railing panels to the junction of Marshside Road and Knob Hall Lane

History

N/2002/0026 – Erection of a single storey extension and conservatory fronting Knob Hall Lane, construction of pitched roof to existing flat roof at the rear and erection of boundary wall (1m/1.5m height) front Marshside Road and Knob Hall Lane. Approved 12 March 2002.

Consultations

Highways DC – There are no objections on the grounds of highway safety to the part retention of the brick perimeter wall with wooden infill panels with the exception of 2 no. open steel railing panels at the junction of Marshside Road and Knob Hall Lane. The inclusion of the open steel railings will improve the potential for an increased visibility splay at the junction of Marshside Road and Knob Hall Lane, to allow motorists exiting Knob Hall Lane to see pedestrians approaching the junction along the footway, adjacent to the site.

Environmental Protection Director – No objection to the proposal.

Neighbour Representations

Last date for replies: 17th June 2010.

Representations received: Letter of support from Numbers 67 & 98 Marshside Road, Number 2 Cottys Brow and Number 106 Zetland Street.

Policy

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

CS3	Development Principles
DQ1	Design
MD1	House Extensions

Comments

The main issues to consider in respect of this application are the contribution of the boundary treatment to the character of the street scene and the implications on grounds of highway safety.

Boundary treatments of this scale and appearance is not a common feature within Marshside Road or within the residential areas of neighbouring roads, and it contrasts greatly with that at Number 107 Marshside Road at the facing corner of Marshside Road and Knob Hall Lane.

The boundary treatment introduces a blank frontage that is detrimental to the established residential character of the area and restricts views from the highway to the property. Furthermore, the current colour of the infill fencing panels does not respond harmoniously to the host property or to the wider character of the area.

A request was made to the agent for the application to replace the timber panels with railing panels so as to alleviate concerns to the blank frontage. However, this request was not followed and as such, the application is to be determined on the plans submitted.

It is considered that granting consent to this proposal would be detrimental to the character of the area as it would contribute to the erosion of the established open aspect to the fronts of residential properties.

In respect of the matters of highway safety, the incorporation of two railing panels to the two sections that addresses Knob Hall Lane and Marshside Road would provide for an adequate visibility splay for vehicles, and in this regard the proposal is acceptable.

As such, the proposal is considered unacceptable in respect of its scale and appearance as the infill timber panels are of a scale and appearance that is detrimental to the appearance of the street scene of Marshside Road and therefore fail to comply with Unitary Development Plan policies CS3 & DQ1.

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: **18 August 2010**

Title of Report: **S/2010/0920**
15 Galloway Road, Waterloo
(Church Ward)

Proposal: Continuation of existing use of premises.

Applicant: Mr Steve Latham

Executive Summary

The application is for planning permission for the continuation of the existing use of the premises. The applicant maintains that the current use is as a House in Multiple Occupation (HMO). However, it is the opinion of the Planning Director that the accommodation in part constitutes self-contained flats. The site is a semi-detached property and the intensity of use is not considered to be acceptable in terms of the level of accommodation provided and the impact on the surrounding area. The application is recommended for refusal.

Recommendation(s) Refusal

Reasons

1. The proposal conflicts with Sefton UDP policies CS3, UP1, DQ1, MD2 and MD3, the SPG on New Housing Development and the IPG on New Housing in South Sefton, in that it produces a cramped layout with inadequate floor areas which will cause harm to existing and future occupants and to the character of the area and will be inconsistent with Housing Market Renewal Initiatives.
2. The developments results in an increased density of occupation adjoining a single family dwelling which would be detrimental to the residential amenities of neighbouring residents and conflict with UDP policies CS3, DQ1, MD2 and MD3.
3. The proposal fails to provide for the planting of 3 trees per dwelling on site and thereby fails to comply with adopted Sefton UDP policy DQ3.

Drawing Numbers

Location plan, Floor plan, Photographs, Supporting evidence

Agenda Item 6b

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/2010/0922 & 0920 15 Galloway Road Waterloo L22 4QX OSGR: 332293, 398814 Sheet(s): 108A Area: 196 sqm		Standard Site Plan Scale: 1:1250 Date: 3/8/2010 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>		<small>Created by Sefton Council Planning & Economic Regeneration Department using MapInfo</small>		Ward(s): Church Postcode Sector(s): L22 4 Polling District(s): E3 Parish(es): None Found	

Agenda Item 6b

S/2010/0920

The Site

The site forms a 2 and a half storey semi-detached Victoria house. It is positioned on the northern side of Galloway Road, with residential properties of similar style on either side and in the surrounding area.

Proposal

The continuation of the existing use of the premises.

History

Enforcement Notice issued. Hearing due to take place 4 and 5 November 2010

S/2009/0960 Retrospective application for the retention of a change of use from 2 flats and shared accommodation comprising 4 rooms, to 5 self-contained flats and shared accommodation comprising 3 rooms - Refused 3 December 2009

Consultations

None

Neighbour Representations

Last date for replies: 28 July 2010
None received

Policy

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

- CS3 Development Principles
- DQ1 Design
- H10 Development in Primarily Residential Areas
- AD2 Ensuring Choice of Travel
- DQ3 Trees and Development
- DQ4 Public Greenspace and Development

- MD2 Conversion to Flats
- MD3 Housing in Multiple Occupation
- H12 Residential Density
- UP1 Development in Urban Priority Areas

- SPG New Housing Development
- SPD Trees, Greenspace and Development

Comments

The building has been converted to a mixture of 5 self-contained flats and 3 letting rooms with shared kitchen and bathroom facilities.

The layout of the accommodation is summarised as follows:

Ground Floor	2 self-contained units / flats and one letting room with shared kitchen
First Floor	2 self-contained units / flats and 1 letting room sharing kitchen facilities at ground floor and living room and bathroom on first floor
Second Floor	1 self-contained unit / flat and 1 letting room with shared bathroom and kitchen facilities.

In total, the property comprises 5 self-contained flats and 3 letting rooms with shared kitchen and bathroom facilities.

Each of the self contained flats includes a combined bedroom / living area, with an 'Elfin' kitchen unit (a combined unit which contains water supply, sink, drainer, hob, microwave, fridge and extractor fan) and separate washroom facility. The washroom facilities typically contain a shower, toilet and what appears to be a sink. Each of these flats has its own lockable door. Occupants are single people, each with a separate tenancy agreement with the landlord.

The last lawful use of the premises was as a single family dwelling. Nevertheless, having examined Council tax records and records held by the Environmental Protection Department of the Council, it is apparent that the property has been used as 2 self-contained flats plus 4 letting rooms for over 4 years. It is recognised that the use of the property as 2 self-contained flats plus 4 letting rooms may be immune from enforcement action at this stage.

The current application is for the 'continuation of use as a house in multiple occupation'. However, the layout of the accommodation is not wholly as letting rooms in an HMO. Some of the rooms have all the facilities for day-to-day existence ie a self-contained bedroom area, kitchen and bathroom. It is considered that these constitute self-contained flats. The current use of the site is therefore as 5 self-contained flats and an HMO consisting of 3 letting rooms.

The application is therefore assessed on the basis of the existing accommodation and then as a proposal for use purely as an HMO. It must be noted that an application for the same development was refused on 3 December 2009 for the following reasons:

Agenda Item 6b

1. The proposal conflicts with Sefton UDP policies CS3, UP1, DQ1, MD2 and MD3, the SPG on New Housing Development and the IPG on New Housing in South Sefton, in that it produces a cramped layout with inadequate floor areas which will cause harm to existing and future occupants and to the character of the area and will be inconsistent with Housing Market Renewal Initiatives.
2. The developments results in an increased density of occupation adjoining a single family dwelling which would be detrimental to the residential amenities of neighbouring residents and conflict with UDP policies CS3, DQ1, MD2 and MD3.
3. The proposal fails to provide for the planting of 3 trees per dwelling on site and thereby fails to comply with adopted Sefton UDP policy DQ3.

Standard of Accommodation

As self-contained flats, the 5 self-contained flats at ground, first and second floors have a minimal level of amenities. The bedroom and living room area is combined and includes the kitchen area. As such each flat contains only one habitable room. This is an extremely low level of accommodation, minimal even for single occupation. It clearly fails to comply with the Council's guidance contained in Interim Planning Guidance: New Housing in South Sefton.

The size of the habitable area of each of these flats ie bedroom, living room and kitchen is typically approximately 31.5 sq metres. The minimum standard for habitable room set out in Interim Planning Guidance is 57 sq metres. Therefore not only does the number of rooms fail to comply with the minimum for flats in this area, the one room that is provided, fails to comply with even the minimum standard of a single habitable room.

Deviations from the standards set in the Interim Planning Guidance have not been justified in any way by the appellant. The mere fact that the development constitutes a conversion of any existing building does not warrant the wholesale disregard of these amenity standards and failure to provide for a minimum level of residential amenity.

SPG: New Housing Development also seeks a minimum garden area of 30 sq metres each for flats. This development would therefore require a minimum of $5 \times 30 = 150$ sq metres of private garden space. The appeal site, fails to meet this standard, by providing only 73.5 sq metres, a shortfall of 76.5 sq metres that is approximately *half* of the expected standard.

In addition to not providing for a minimal level of private amenity space, this shortfall can also be used as an indicator that the density of development is far too great for this site.

Character of the surrounding area

With regard to the density of development, without including the 3 shared rooms of the HMO, the 5 flats at the site constitute an approximate density of 250 dwellings per hectare (site area approximately 210 sq metres). Policy H12 states that developments with densities of more than 30-50 dwellings per hectare will be allowed in appropriate, central and accessible locations.

The development is far in excess of the recommended range of densities and is a clear indicator that the development represents an over-intensive use of the site, which constitutes over-development.

Recent advice from Government indicates the coalition Government's preference for lower density development where appropriate by removing the requirement for a minimum of 30 dwellings per hectare as a minimum.

The density and intensity of use, with a total of 8 separate households occupying a semi-detached property, is far in excess of the last lawful use as a single family dwelling and that which could reasonably be expected within this residential area.

Whilst the surrounding area does include some flats and HMO's, the overall character of the area is of single family dwellings. The intense use of 15 Galloway Road is regarded as detrimental to the character of the surrounding area, by its very nature, as a result of the comings and goings to and from the site at any time, the demand for facilities such as car and cycle parking and refuse disposal.

The occupation of 5 flats and 3 letting rooms by 8 separate households creates a far more intense use of the site than would be associated with the use of the premises as a single family dwelling, or as 2 flats and 2 rooms. The development will result in disturbance from comings and goings at any time of day and night. Also, from the occupation of habitable rooms immediately adjacent habitable rooms in the adjoining property. In particular, the juxtaposition of such small self-contained flats adjoining bedrooms of the neighbouring property is highly likely to cause disturbance to the neighbouring occupiers.

It is accepted that the Council is unlikely to be in a position to take enforcement action to secure the use of 15 Galloway Road as a single family dwelling and that the use as 2 flats and 4 letting rooms is immune from enforcement action. However, any increase in the number of residents or amount of residential accommodation is wholly inappropriate and will undoubtedly result in a loss of residential amenity for the neighbouring properties. This loss of amenity relates to the number of comings and goings to the site associated with occupation by 8 separate households, from both pedestrian and vehicular movements, during day and night time hours; noise and disturbance to habitable rooms in the adjoining property, 13 Galloway Road and noise and disturbance from rear yard / garden area.

Of particular concern is the effect of the development on the adjoining property, 13

Agenda Item 6b

Galloway Road. There are 4 rooms (2 at ground floor and 2 at first floor) immediately adjoining the neighbouring dwelling. Of these 4 rooms, 3 are occupied as self-contained flats and one at first floor is a room with en-suite shower and w/c facilities.

It is accepted that in any normal residential development, there may be some noise transference between walls dividing habitable rooms in any semi-detached house. However, the juxtaposition of 3 flats and 1 letting room immediately adjacent to the party wall between 13 and 15 Galloway Road will result in an unacceptable degree of noise and disturbance.

The single-roomed self-contained units in particular will be occupied for much longer periods than would normally be anticipated for habitable rooms forming part of a larger house or flat. These units represent living room, bedroom, kitchen and washroom. As such, whilst the occupant is at home, there is no time of day when the room would not be in use.

The occupant of a normal semi-detached house may reasonable expect to hear some low level of noise from one or two rooms of the adjoining property at any one time. However, the situation created by this development will result in a high level of noise and disturbance from all 4 adjoining rooms for extended periods. This results in a significant loss of residential amenity and a dramatic reduction in the ability of the residents of 13 Galloway Road to experience the quiet enjoyment of their own home.

Trees

Policy DQ3: Trees and Development requires that 3 trees are planted for each new dwelling. Where these cannot be planted on site, the procedure set out in the adopted SPD: Trees, Greenspace and Development requires the site owner to enter into a S106 legal agreement to secure a payment of £460 per tree (at current rates).

The total number of trees required to be planted relates to a net increase in the number of self-contained dwellings on site ie increase of 3 self-contained flats. The total number of trees required is therefore 9 (3 flats x 3 trees = 9 trees). At £460 per tree, the total cost of the commuted sum payment sought by the Local Planning Authority is £4,050. It is unlikely that any trees can be planted in the rear garden and as such the full commuted sum would be required in this instance.

The applicant has not indicated a willingness to enter into a S106 legal agreement. Consequently, the development fails to comply with adopted policy DQ3.

Use of Premises Solely As HMO

The occupation of the premises solely as a House in Multiple Occupation would also fail to comply with adopted policy MD3.

Policy MD3: Houses in Multiple Occupation requires the property *not* to share a party wall with another dwelling. As a semi-detached property, the site clearly shares a party wall. The intensity of the use of the premises as an HMO would inevitably result in noise and disturbance to the adjoining property, resulting in a significant loss of amenity.

Furthermore, the intensity of use of the premises would also result in significant increase in the number of comings and goings to and from the site far beyond that which would normally be expected from a family house. This will result in a loss of amenity for neighbours in the surrounding area.

As such, a proposed use as solely an HMO would result in noise and disturbance and a significant loss of amenity for adjoining neighbours and properties within the surrounding area.

Other Regulations

The fact that the applicant has complied with Building Control and Environmental Protection regulations does not imply that Planning regulations are fulfilled. Nor does it imply that the proposal is acceptable in planning terms.

Conclusion

The applicant has submitted an application for the continuation of use as a 'house in multiple occupation'. The development as undertaken constitutes a change of use to 5 flats and an HMO with 3 letting rooms. This has been refused under planning application S/2009/0960 and there have been no material change in planning circumstances since then. Furthermore, the use of the premises solely as an HMO fails to comply with Council policy and would cause a significant loss of amenity for neighbouring residents.

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

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

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Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0921**
63 Handfield Road, Waterloo
(Church Ward)

Proposal: Continuation of the existing use of the premises

Applicant: Mr Steven Latham

Executive Summary

An application for the continuation of use as a House in Multiple Occupation. It is considered that the current use is not as a House in Multiple Occupation but as 5 self-contained flats and an HMO consisting of 4 letting rooms. Neither the existing use nor a proposal for use solely as an HMO is acceptable. Both uses would result in unacceptable noise and disturbance for neighbouring occupiers. An Enforcement Notice has been issued against the existing use and an appeal hearing is due to be held in November 2010.

Recommendation(s) Refusal

Reasons

1. The existing use of the premises as 5 self-contained flats and an HMO consisting of 4 letting rooms results in significant noise and disturbance to the neighbouring occupiers in the adjoining property and surrounding area. As such the proposal results in a significant loss of residential amenity and fails to comply with policies CS3, MD2 and MD3 of the adopted Sefton UDP.
2. The existing use fails to provide for trees and Greenspace, or a commuted sum paid in lieu of on-site provision and therefore fails to comply with policies DQ3 and DQ4 of the adopted Sefton UDP.

Drawing Numbers

Location plan, Floor plan, Photographs, Supporting evidence

Agenda Item 6c

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/2010/0921 & 0923 63 Handfield Road Waterloo		Standard Site Plan Scale: 1:1250 Date: 3/8/2010 Drawn By: EBERT on
	OSGR: 332141, 398372	Sheets: 1066	Area: 208 sqm

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The Site

The site forms a 3 storey terraced Victoria building, formerly occupied as a single family dwelling. It is positioned on the northern side of Handfield Road, with similar residential properties on either side and a school to the rear.

The character of the surrounding area is typified by 3 storey terraced residential properties, most of which are occupied as single family dwellings.

Proposal

The continuation of the existing use of the premises.

History

Enforcement Notice issued. Hearing due to take place on 4 and 5 November 2010.

Consultations

Highways – Development Control – No objection

Neighbour Representations

Last date for replies: 29 July 2010
None received

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
H10 Development in Primarily Residential Areas
MD2 Conversion to Flats
MD3 Housing in Multiple Occupation
H12 Residential Density
UP1 Development in Urban Priority Areas
SPG New Housing Development
SPD Trees, Greenspace and Development

Interim Planning Guidance - New Housing in South Sefton

Comments

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The last lawful use of the premises was as a single family dwelling. This use appeared to have ceased around September / October 2009 when it changed ownership.

The building has been converted to a mixture of 5 self-contained flats and 4 rooms with shared kitchen and bathroom facilities.

Whilst plans have been sought from the applicant on a number of occasions, none have been submitted. The information regarding the layout of the property is based on evidence submitted with the application for an HMO license in accordance with the Housing Act 2004 and the observations of the Environmental Protection Officer.

This accommodation is laid summarised as follows:

Ground Floor	3 self-contained units / flats.
First Floor	1 self-contained unit / flat and 2 letting rooms with shared bathroom and kitchen facilities.
Second Floor	1 self-contained unit / flat and 2 letting rooms with shared bathroom and kitchen facilities.

In total, the property comprises 5 self-contained flats and 4 letting rooms with shared kitchen and bathroom facilities.

Each of the self contained flats includes a combined bedroom / living area, with an 'Elfin' kitchen unit (a combined unit which contains water supply, sink, drainer, hob, microwave, fridge and extractor fan) and separate washroom facility. The washroom facilities typically contain a shower, toilet and it is assumed, a sink. Each of these flats has its own lockable door. Occupants are single people, each with a separate tenancy agreement with the landlord.

The current application is for the 'continuation of use as a house in multiple occupation'. However, the layout of the accommodation is not wholly as letting rooms in an HMO. Some of the rooms have all the facilities for day-to-day existence ie a self-contained bedroom area, kitchen and bathroom. It is considered that these constitute self-contained flats. The current use of the site is therefore as 5 self-contained flats and an HMO consisting of 4 letting rooms.

The application is therefore assessed on the basis of the existing accommodation and then as a proposal for use purely as an HMO.

Existing Use as Flats and HMO: Compliance with Policy

With regard to the use of the property as self-contained flats, in order to comply with policy MD2, any development must demonstrate that it would not 'cause significant harm to the character of the area' (criterion 1b) nor 'cause significant harm to the residential amenity of occupiers of the proposed dwellings or neighbouring occupiers' (criterion 1c). The number and layout of self-contained flats at 63 Handfield Road, Waterloo fails to meet these requirements.

Agenda Item 6c

The development is of very poor quality in terms of the level of amenity afforded to its residents.

As self-contained flats, the 5 flats at ground, first and second floors have a minimal level of amenities. The bedroom and living room area is combined and includes the kitchen area. As such each flat contains only one habitable room. This is an extremely low level of accommodation, minimal even for single occupation. It clearly fails to comply with the Council's guidance contained in Interim Planning Guidance: New Housing in South Sefton.

The mere fact that all facilities needed for day-to-day existence are crammed into one habitable room in itself provides a level of accommodation more akin to nineteenth century standards. The principle of the formation of self-contained flats in a single room provides a cramped, sub-standard and inadequate levels of accommodation for any resident.

The size of the habitable area of each of these flats ie bedroom, living room and kitchen ranges between approximately 16 and 24 sq metres. The minimum standard for a habitable room set out in Interim Planning Guidance is 57 sq metres. Therefore not only does the number of rooms fail to comply with the minimum for flats in this area, the one room that is provided, falls significantly short of even the minimum standard of a single habitable room.

Deviations from the standards set in the Interim Planning Guidance have not been justified in any way by the appellant. The mere fact that the development constitutes a conversion of any existing building does not warrant the wholesale disregard of these amenity standards and failure to provide for a minimum level of residential amenity.

The development clearly provides a cramped, sub-standard level of accommodation to the detriment of the amenity of any resident.

SPG: New Housing Development also seeks a minimum garden area of 30 sq metres each for flats. This development would therefore require a minimum of $5 \times 30 = 150$ sq metres of private garden space. The appeal site, fails to meet this standard, by providing only 73.5 sq metres, a shortfall of 76.5 sq metres that is approximately half of the expected standard.

Whilst not providing for a minimal level of private amenity space, this shortfall can also be used as an indicator of that the density of development is too great for this site.

Of particular concern is the impact on the residential amenities of residents of the adjoining properties either side of the appeal site ie 61 and 65 Handfield Road, Waterloo.

The occupation of 5 flats and 4 letting rooms by 9 separate households creates a far more intense use of the site than would be associated with the use of the premises as a single family dwelling, the last lawful use of the property. The development will result in disturbance from comings and goings at any time of day and night. Also, from the occupation of habitable rooms immediately adjacent habitable rooms in the adjoining properties. In particular, the juxtaposition of such small self-contained flats adjoining bedrooms of the neighbouring properties is highly likely to cause disturbance to the neighbouring occupiers.

With regard to the density of development, without including the 4 shared rooms of the HMO, the 5 flats at the site constitute an approximate density of 250 dwellings per hectare (site area approximately 200 sq metres). Policy H12 states that developments with densities of

more than 30-50 dwellings per hectare will be allowed in appropriate, central and accessible locations. Nevertheless, paragraph 6.83 supporting this policy states that:

‘In all cases, the Council wishes to encourage high quality development and, in order to achieve higher densities, an innovative approach to design may be needed’.

The development is far in excess of the recommended range of densities and is a clear indicator that the development represents an over-intensive use of the site, which constitutes over-development.

Recent advice from Government indicates the coalition Government’s preference for lower density development where appropriate by removing the requirement for a minimum of 30 dwellings per hectare as a minimum.

Trees and Greenspace

Policy DQ3: Trees and Development requires that 3 trees are planted for each new dwelling. Where these cannot be planted on site, the procedure set out in the adopted SPD: Trees, Greenspace and Development requires the site owner to enter into a S106 legal agreement to secure a payment of £460 per tree (at current rates).

The total number of trees therefore required to be planted is 15 (5 x 3 = 15 trees). At £460 per tree, the total cost of the commuted sum payment sought by the Local planning Authority is £6,900. It is unlikely that any trees can be planted in the rear garden and as such the full commuted sum would be required in this instance.

The appellant has not indicated a willingness to enter into a S106 legal agreement. Consequently, the development fails to comply with adopted policy DQ3.

Furthermore, the proposal for 5 self-contained units necessitates a contribution towards the provision or enhancement of off-site Greenspace in accordance with Policy DQ4: Greenspace and Development and the supporting SPD: Trees, Greenspace and Development. This is in addition to the provision of on site private amenity space. Where Greenspace cannot be provided on site as part of a development, the SPD sets out the requirement for the site owner to enter into a S106 legal agreement with the Council to secure a commuted sum payment for the net increase in the number of new dwellings. The payment per dwelling is currently set at £1,734.50 and consequently the Council would require a commuted sum payment towards Greenspace of £8,672.50 in total.

The use of the property as converted represents a significant over-development of the site and a far greater intensity of use than would be granted planning permission, providing minimal levels of amenity for occupants and causing disturbance to neighbouring properties. As such, the continuation of the use of the premises as converted is not acceptable. Only a wholesale redevelopment of the property or the reversion of the use of the property to a single family dwelling would alleviate these failures to comply with Council policy and guidance. Further details on the manner in which the development fails to adhere to Council policy and guidance are detailed below.

Use of Premises Solely As HMO

The occupation of the premises solely as a House in Multiple Occupation would also fail to comply with adopted policy MD3.

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Policy MD3: Houses in Multiple Occupation requires the property *not* to share a party wall with another dwelling. As a terraced property, the site clearly shares two party walls. The intensity of the use of the premises as an HMO would inevitably result in noise and disturbance to the adjoining property, resulting in a significant loss of amenity.

Furthermore, the intensity of use of the premises would also result in significant increase in the number of comings and goings to and from the site far beyond that which would normally be expected from a family house. This will result in a loss of amenity for neighbours in the surrounding area.

As such, a proposed use as solely an HMO would result in noise and disturbance and a significant loss of amenity for adjoining neighbours and properties within the surrounding area.

Other Regulations

The fact that the applicant has complied with Building Control and Environmental Protection regulations does not imply that Planning regulations are fulfilled. Nor does it imply that the proposal is acceptable in planning terms.

Conclusion

In conclusion, the application as submitted is for the 'continuation as a house in multiple occupation'. The development as undertaken constitutes a change of use from a single family dwelling to 5 flats and 4 letting rooms, forming a House in Multiple Occupation.

The intensity of use; the extremely low level of amenities for occupants of the flats and letting rooms; the impact on the amenity of neighbouring occupiers; the failure to plant trees in accordance with policy DQ3 and the effect of the development on the character of the surrounding area, combine to produce a development which provides for cramped, sub-standard residential accommodation which has a significantly negative effect on the amenities of neighbouring properties and the character of the surrounding area.

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

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

Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0922**
15 Galloway Road, Waterloo
(Church Ward)

Proposal: Lawful development certificate as a house in multiple occupation

Applicant: Mr Steve Latham

Executive Summary

The application is for a Certificate of Lawfulness to establish the lawful use of the premises solely as a House in Multiple Occupation. The application must be assessed on the basis of the evidence submitted by the applicant, who must prove on the balance of probabilities that the use has been in operation for a minimum of 10 years. It is considered that insufficient evidence has been submitted in this case.

Recommendation(s) Refusal

Reason

1. Insufficient information has been submitted to demonstrate that on the balance of probabilities, the premises have been occupied as an HMO for at least 10 years.

Drawing Numbers

Location plan, Floor plan, Photographs, Supporting evidence

Agenda Item 6d

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/2010/0922 & 0920 15 Galloway Road Waterloo L22 4QX OSGR: 332293, 398814 Sheet(s): 108A Area: 196 sqm		Standard Site Plan Scale: 1:1250 Date: 3/8/2010 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>		<small>Created by Sefton Council Planning & Economic Regeneration Department using MapInfo</small>		Ward(s): Church Postcode Sector(s): L22 4 Polling District(s): E3 Parish(es): None Found	

Agenda Item 6d

S/2010/0922

The Site

The site forms a 2 and a half storey semi-detached Victoria house. It is positioned on the northern side of Galloway Road, with residential properties of similar style on either side and in the surrounding area.

Proposal

Lawful development certificate as a house in multiple occupation

History

Enforcement Notice issued regarding existing use as 5 self-contained flats plus 3 letting rooms.

Hearing to be held on 4 and 5 November 2010.

Consultations

None

Neighbour Representations

Last date for replies: 28 July 2010

None received.

Policy

As an application for a Certificate of Lawfulness, planning policy is not relevant.

Comments

As a certificate of lawfulness, the issue for consideration is whether sufficient evidence has been submitted by the applicant to determine, on the balance of probabilities, that the proposed use has been in operation for a minimum number of years. For self-contained flats the relevant period is 4 years. For an HMO the relevant period is 10 years.

It is considered that the relevant periods to be examined in this case are 4 years for the self-contained flats and 10 years for the HMO element of the premises.

However, the applicant has submitted an application for the use as an HMO only. As such the application is assessed in the light of the 10 year period.

The applicant has been the owner of the property since 2000. An HMO licence has been issued by the Council valid between 12 February 2010 and 11 February 2011 for a maximum of 9 people.

A statement has been submitted by the applicant. However this is not a sworn statement or affidavit and must therefore hold little weight in the consideration of the application. This states that 'some rooms have ensuite washing facilities, some have single and others double beds and some have small kitchenettes'. This describes some self-contained units and therefore not simply letting rooms in an HMO. The applicant asserts that the property was an HMO when he bought it, but no evidence is submitted to substantiate this claim. The applicant has failed to submit evidence such as bills and tenancy agreements dating over the past 10 years.

The application is accompanied by a quotation for work to the premises dated May 2009. This does not add to the evidence that the premises have been occupied as an HMO.

A list of occupants is supplied, but no details of the length of time they have occupied rooms or flats and no copies of tenancy agreements.

A letter from a former tenant states that he occupied 15 Galloway Road between 1 August 2009 and 15 December 2009. This does not provide evidence of occupation for a period of 10 years.

The applicant has submitted an extract from a barrister's opinion, stating that 'it would be extraordinary if a property had been licensed as an HMO by the housing but was not considered as such by the planning authority'. Definitions of an HMO as given, but these are in relation to the Housing Act 2004, not the Planning Acts.

The definition of an HMO under the Housing Act 2004 is specific to that legislation and contains criteria which are not repeated in the Planning Acts or regulations. The fact that the applicant has complied with Building Regulations and Environmental Protection regulations does not imply that Planning regulations are fulfilled. Nor does it imply that the proposal is acceptable in planning terms.

The Council's own information would suggest that the property has not been in use as a single family dwelling for some time. However, from investigations by officers it would appear that the lawful use is more likely to be as 2 self-contained flats and HMO consisting of 4 rooms, ie not solely as an HMO as asserted by this application.

In assessing the information submitted to support the application, there is no formal evidence to confirm that the property has been let to a number of people over the last 10 years. This case is only asserted by the applicant.

Therefore, insufficient information has been submitted to demonstrate that on the balance of probabilities, the premises have been occupied as an HMO for at least 10 years.

Agenda Item 6d

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

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

Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0923**
63 Handfield Road, Waterloo
(Church Ward)

Proposal: Lawful Development Certificate for the continuation of use as a house in multiple occupation

Applicant: Mr Steven Latham

Executive Summary

The application is for a Certificate of Lawfulness to establish the lawful use of the premises solely as a House in Multiple Occupation. The application must be assessed on the basis of the evidence submitted by the applicant, who must prove on the balance of probabilities that the use has been in operation for a minimum of 10 years. It is considered that insufficient evidence has been submitted in this case.

Recommendation(s) **Refusal**

Reason

1. Insufficient information has been submitted to demonstrate that on the balance of probabilities, the premises have been occupied as an HMO for at least 10 years.

Drawing Numbers

Location plan, Floor plan, Photographs, Supporting evidence

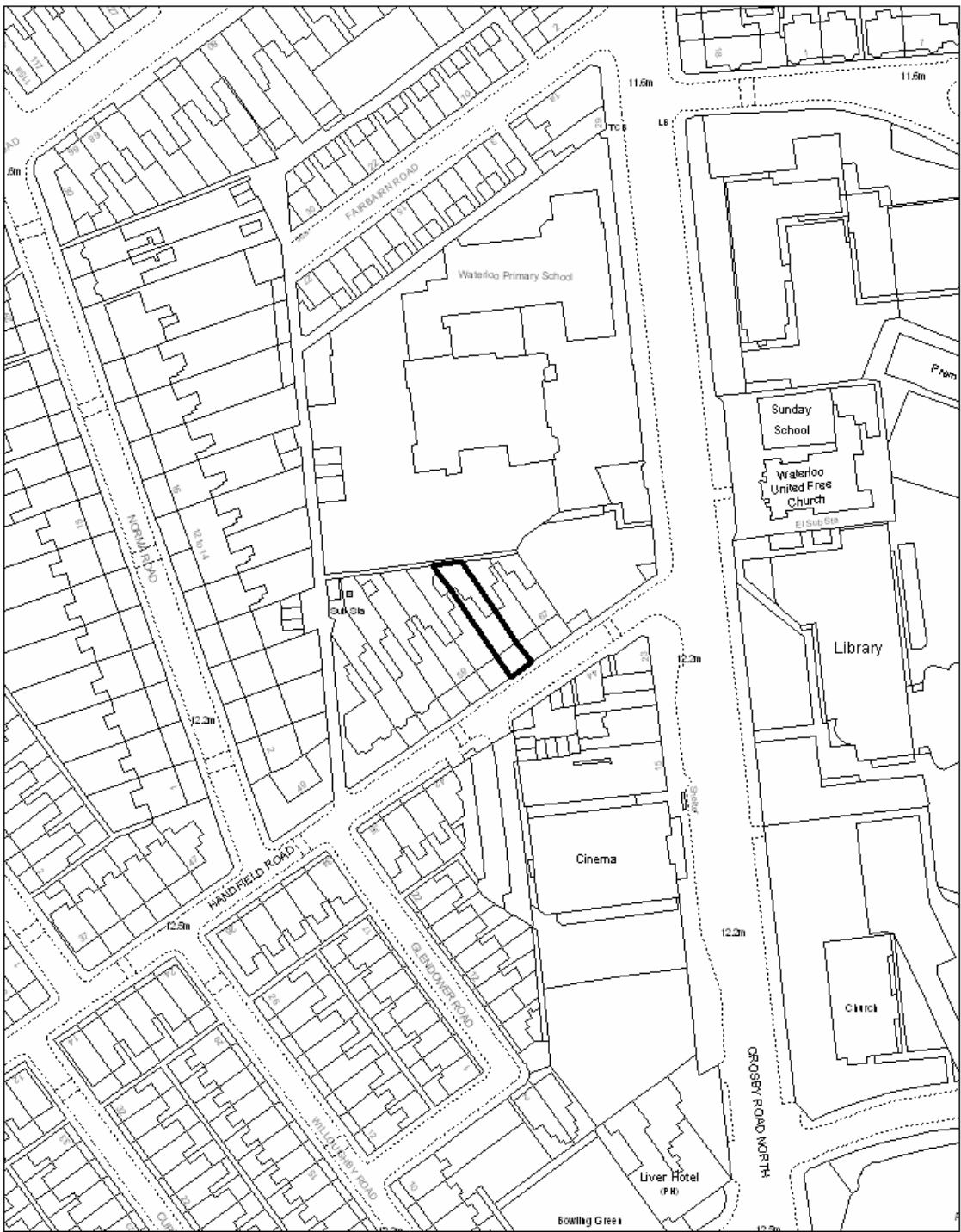
Agenda Item 6e

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/2010/0921 & 0923 63 Handfield Road Waterloo		Standard Site Plan Scale: 1:1250 Date: 3/8/2010 Drawn By: EBERT on
	OSGR: 332141, 398372	Sheets: 1066	Area: 208 sqm

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The Site

The site forms a 3 storey terraced Victoria building, formerly occupied as a single family dwelling. It is positioned on the northern side of Handfield Road, with similar residential properties on either side and a school to the rear.

The character of the surrounding area is typified by 3 storey terraced residential properties, most of which are occupied as single family dwellings.

Proposal

Lawful Development Certificate for the continuation of use as a house in multiple occupation

History

Enforcement Notice issued regarding use as 5 self-contained flats and HMO consisting of 4 rooms.

Hearing to be held on 4 and 5 November 2010

Consultations

None

Neighbour Representations

Last date for replies: 29 July 2010

One letter from 57 Handfield Road stating that 'This is a recent development of the property within the last year following the death of an elderly neighbour and subsequent sale of the property'.

Policy

As an application for a Certificate of Lawfulness, planning policy is not relevant.

Comments

As a certificate of lawfulness, the issue for consideration is whether sufficient evidence has been submitted by the applicant to determine, on the balance of probabilities, that the proposed use has been in operation for a minimum number of years. For self-contained flats the relevant period is 4 years. For an HMO the relevant period is 10 years.

It is considered that the relevant periods to be examined in this case is 4 years for the self-contained flats and 10 years for the HMO element of the premises.

However, the applicant has submitted an application for the use as an HMO only. As such the application is assessed in the light of the 10 year period.

Estate agent particulars have been submitted. This document is not dated. It describes the building as 'A three storey terraced property in need of modernising throughout and comprising 2 reception rooms, morning room, kitchen, 5 bedrooms over 2 floors. Two of the bedrooms have been fitted with kitchens, bathroom and separate w/c'.

Agenda Item 6e

Although 2 kitchens had been installed, the particulars do not indicate that elements of the property have been let to different occupiers. It appears that the lawful use of the building at the time of this sale was as a single family dwelling.

An HMO licence has been issued by the Council valid between 5 May 2010 and 4 May 2011 for a maximum of 9 people.

An extract from a barristers opinion has been submitted, stating that 'it would be extraordinary if a property had been licensed as an HMO by the housing but was not considered as such by the planning authority'. Definitions of an HMO as given, but these are in relation to the Housing Act 2004, not the Planning Acts.

The definition of an HMO under the Housing Act 2004 is specific to that legislation and contains criteria which are not repeated in the Planning Acts or regulations. The fact that the applicant has complied with Building Regulations and Environmental Protection regulations does not imply that Planning regulations are fulfilled. Nor does it imply that the proposal is acceptable in planning terms.

Photographs are referred to by the applicant kitchens and bathrooms removed as being old. This does not demonstrate how the premises were occupied. Only that kitchens and bathrooms removed were likely to be some years old.

A list of people occupying flats and rooms has been submitted with details of rent payments dated April, May and June 2010.

A statement has been submitted by the applicant. However this is not a sworn statement or affidavit and must therefore hold little weight in the consideration of the application. In this the applicant states that he has been the landlord since 2003.

The applicant has failed to submit evidence such as bills and tenancy agreements dating over the past 10 years.

In assessing the information submitted to support the application, there is no formal evidence to confirm that the property has been let to a number of people over the last 10 years. This case is only asserted by the applicant.

Therefore, insufficient information has been submitted to demonstrate that on the balance of probabilities, the premises have been occupied as an HMO for at least 10 years.

Reason

Insufficient information has been submitted to demonstrate that on the balance of probabilities, the premises have been occupied as an HMO for at least 10 years.

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

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

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Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0918**
55-57 Merton Road, Bootle
(Linacre Ward)

Proposal: Continuation of existing use of premises

Applicant: Mr Steve Latham

Executive Summary

The application is for planning permission for the continuation of the existing use of the premises. The applicant maintains that the current use is as a House in Multiple Occupation (HMO). However, it is the opinion of the Planning Director that the accommodation in part constitutes self-contained flats. The site is a detached property and the intensity of use is not considered to be acceptable in terms of the level of accommodation provided and the impact on the surrounding area. The application is recommended for refusal.

Recommendation(s) Refusal

Reasons

1. The existing use of the premises as 18 self-contained flats and an HMO consisting of 3 letting rooms results in low level of residential amenity for occupants of the premises. As such the proposal fails to provide the required level of residential amenity and fails to comply with policies CS3, MD2 and MD3 of the adopted Sefton UDP.
2. The existing use as 18 self-contained flats and and HMO of 3 rooms is detrimental to the character of the surrounding area and fails to preserve or enhance the character and appearance of the Derby Park Conservation Area. It therefore fails to comply with policies CS3, DQ1 and HC1 of the adopted Sefton UDP.
3. The existing use fails to provide for trees and Greenspace, or a commuted sum paid in lieu of on-site provision and therefore fails to comply with policies DQ3 and DQ4 of the adopted Sefton UDP.

Drawing Numbers

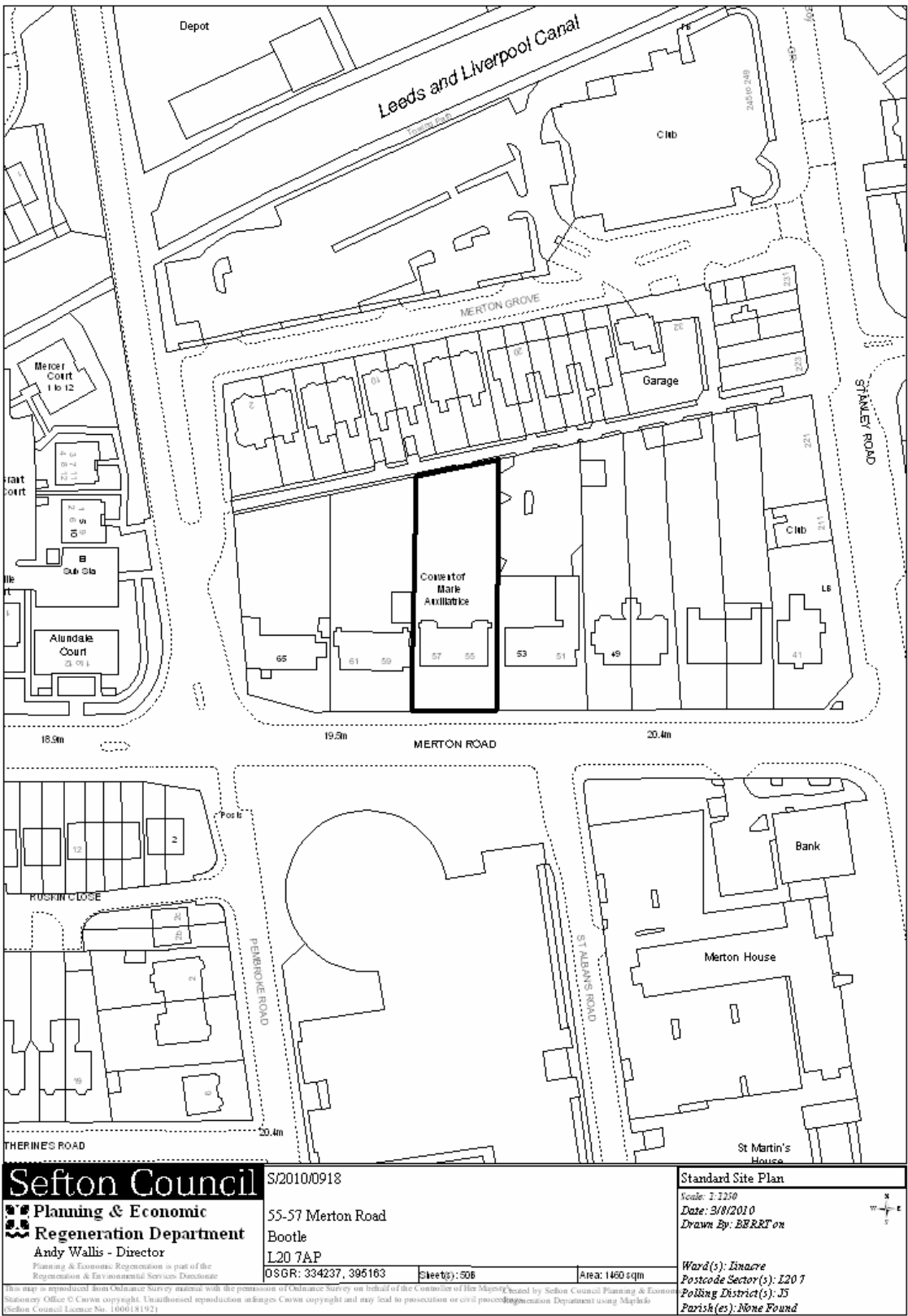
Agenda Item 6f

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/2010/0918		Standard Site Plan	
	55-57 Merton Road Bootle L20 7AP		<small>Scale: 1:1250 Date: 3/8/2010 Drawn By: EBERT on</small>	
OSGR: 334237, 395163		Sheet(s): 506	Area: 1460 sqm	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Planning & Economic Regeneration Department using MapInfo Sefton Council Licence No. 1000181921</small>				
			Ward(s): <i>Innacre</i> Postcode Sector(s): <i>L20 7</i> Polling District(s): <i>J5</i> Parish(es): <i>None Found</i>	

S/2010/0918

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The Site

The site forms a large 3 storey detached Victoria building, formerly occupied as a convent. It is positioned on the northern side of Merton Road. To the rear of the property is a large rear garden, backing onto an alley way at the rear of Merton Grove, a street of residential properties.

Part of the original rear garden of 55-57 Merton Road has been separated from the remainder of the site with a fence dividing the two parts of the site. Planning permission has been granted on appeal on 8 April 2010 for the erection of a two-storey office building (ref S/2009/0624).

The character of the surrounding area is mixed, with a large office building on the opposite side of the road to the south, an office to the east (51-53 Merton Road – check) and a residential institution to the west at 59-61 Merton Road. Known as Bosco House, this provides residential accommodation for individuals aged 17 years or over with a history of drug and alcohol abuse.

Proposal

The continuation of the existing use of the premises.

History

The last lawful use of the premises was as a convent. This use ceased in 2008. Following the closure of the convent the premises were occupied on a temporary basis as a hostel, accommodating residents from the neighbouring building, Bosco House whilst this building underwent major refurbishment works.

S/2009/0624 Erection of 2 storey office building on land to the rear of 55-57 Merton Road Refused 15/10/09, Allowed on appeal

Consultations

Highways – Development Control: No objection as there are no highway safety implications

Environmental Protection Director: no objections

Neighbour Representations

Last date for replies: 29 July 2010
Press Advert expired : 12 August 2010
Site Notice expires : 27 August 2010

Policy

The application site is situated in an area allocated as Bootle Central Area on the Council's Adopted Unitary Development Plan. The site also forms part of the Derby Park Conservation Area.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
HC1	Development in Conservation Areas
MD2	Conversion to Flats
MD3	Housing in Multiple Occupation
EDT10	Bootle Central Area
H10	Residential Development and Development in Residential Areas
H12	Residential Density
UP1	Development in Urban Priority Areas
SPG	New Housing Development
SPD	Trees, Greenspace and Development

Interim Planning Guidance New Housing in South Sefton

Comments

The building has been converted to a mixture of 18 self-contained flats and 3 rooms with shared kitchen and bathroom facilities. This accommodation is laid out as:

Ground Floor	6 self-contained units / flats. These are identified on the accompanying plan as Rooms 1, 2, 3, 4, 5 and 6. There are also additional shared washroom facilities at ground floor.
First Floor	8 self-contained units / flats. These are identified on the accompanying plan as Rooms 7, 8, 9, 10, 11, 12, 13 and 14
Second Floor	4 self-contained units / flats. These are identified on the accompanying plan as Rooms 16, 17, 19 and 20. Also 3 bedrooms with shared kitchen and facilities on the second floor, identified on the plan as Rooms 15, 18 and 21.

Each of the self contained flats (identified on the plans as Rooms 1 to 14 inclusive and rooms 16, 17, 19 and 20) includes a combined bedroom / living area, with an 'Elfin' kitchen unit (a combined unit which contains water supply, sink, drainer, hob, microwave, fridge and extractor fan) and separate washroom facility. The washroom and shower facilities typically contain a shower, toilet and what appears to be a sink. Each of these flats has its own lockable door. It is understood that occupants are single people, each with a separate tenancy agreement with the landlord.

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The units in question contain all the necessary facilities for day-to-day independent domestic existence. Each of these units have secure and separate access ie locks on doors, such that occupants of each unit only have access to their own accommodation. Occupants of these units (all except Rooms 15, 18 and 21) do not share facilities with other people and therefore occupy their accommodation as an individual household. Therefore these units are considered to be self contained units of accommodation, which thereby each constitute a single dwelling.

By contrast, three rooms at second floor level (Rooms 15, 18 and 21) do not include washroom or kitchen facilities. The only private accommodation to which the occupants have secure access (ie a locked door) is a single room providing a combined bedroom and living area. Shared kitchen and bathroom facilities are available on this floor. These rooms are considered to form part of the House in Multiple Occupation.

Therefore whilst the application has been made for a 'Continuation of use as a House in Multiple Occupation', it is considered that the existing layout of the premises as indicated on the submitted plans is in fact as 18 self-contained flats and an HMO of 3 letting rooms. The application is therefore considered on that basis.

Standard of Accommodation

Policy UP1: Development in Urban Priority Areas established the need to pay particular attention to the quality of development in the areas suffering from social and economic deprivation, designated as Urban Priority Areas. The site falls into the Urban Priority designation. Policy UP1 states that development must have regard to 'maintaining and where appropriate increasing the choice of good quality housing to meet the needs of current and future households' (criterion 3 b)

The development at 55-57 Merton Road fails to even maintain a suitable level of quality in the accommodation provided.

Policy EDT10: Bootle Central Area in principle allows for a mixture of uses within the designated area, all of which should be consistent with and make a positive contribution to a number of matters including a 'high level of amenity for the residential areas within the Central Area' (criterion 1e). Consequently, the principle of residential use can be acceptable in this location, provided that it meets this test of providing for a high level of amenity'.

The use of the premises as existing does not constitute a high quality development which provides a high level of amenity. Indeed the level of residential amenity for occupants of the dwellings is particularly poor.

Policy H10 allows for residential development where 'it can be demonstrated that such development would be consistent with the aims and objectives of the Plan', in this case notably policy EDT10. However, any proposal for housing must 'demonstrate that 'it would result in an acceptable residential environment' (criterion 2c). Furthermore, supporting paragraph 6.71 to policy H10 maintains that '*All residential development must have certain minimum levels of privacy and amenity, for example in terms of garden space, outlook, light, accessibility ... and a lack of*

disturbance'.

Again, it is contended that the development is of very poor quality in terms of the level of amenity afforded to its residents.

Interim Planning Guidance: New Housing in South Sefton aims to raise the standard of residential accommodation with improved levels of residential amenity and seeks to secure higher quality developments in order to aid the regeneration of the south Sefton area. The development subject of the appeal fails to meet the minimum levels of amenity required by this guidance including the size and number of habitable rooms.

This guidance seeks self-contained flats to have a minimum of 2 bedrooms. Section 3.3 states that: '**In order to provide flexibility to cater for changing circumstances, and to create dwellings with a sustainable long-term future, we will not normally approve one-bedroom units**'.

Paragraph 3.4 goes on to state that new dwellings including flats and houses should have a minimum of 3 / 4 habitable rooms (i.e. kitchen / living area, bedroom, and one other room' and a minimum floor area of 57 sq metres (paragraph 7.11).

Furthermore, 'Dwellings with only one bedroom or with fewer than 3 habitable rooms will only be acceptable in exceptional circumstances and should be fully justified'.

SPG: New Housing Development sets out in detail the minimum standards the Local Planning Authority would expect any new dwelling to achieve, whether a house or a flat. These standards include the level of outlook from habitable rooms and the minimum private garden area capable of being used by occupants of new houses or flats.

As self-contained flats, units 1-14, 16, 17, 19 and 20 have a minimal level of amenities. The bedroom and living room area is combined and includes the kitchen area. As such each flat contains only one habitable room. This is an extremely low level of accommodation, minimal even for single occupation. It clearly fails to comply with the Council's guidance contained in Interim Planning Guidance: New Housing in South Sefton.

The mere fact that all facilities needed for day-to-day existence are crammed into one habitable room in itself provides a level of accommodation more akin to nineteenth century standards. The principle of the formation of self-contained flats in a single room provides a cramped, sub-standard and inadequate levels of accommodation for any resident.

The size of the habitable area of each of these flats ie bedroom, living room and kitchen ranges between approximately 12 and 24 sq metres. The minimum standard for flats set out in Interim Planning Guidance is 57 sq metres. Therefore not only does the number of rooms fail to comply with the minimum for flats in this area, the

Agenda Item 6f

one room that is provided, fails to comply with even the minimum standard of a single habitable room.

Deviations from the standards set in the Interim Planning Guidance have not been justified in any way by the applicant. The mere fact that the development constitutes a conversion of any existing building does not warrant the wholesale disregard of these amenity standards and failure to provide for a minimum level of residential amenity. The development clearly provides a cramped, sub-standard level of accommodation to the detriment of the amenity of any resident.

In addition, the level of outlook from some of the habitable rooms is inadequate.

The following rooms have only a single window in the side elevation of the building

Ground floor	rooms 1 and 4
Second floor	rooms 18 and 21

These windows look directly onto the neighbouring buildings at distances of approximately 4 metres to the east and 2 metres to the west.

In order to achieve a minimum level of outlook, SPG: New Housing Development requires all habitable room windows (including living rooms, bedrooms and kitchens) facing walls of neighbouring properties to have a minimum distance 12 metres. Where there are habitable room windows facing each other, this distance is increased to 21 metres.

The distance of the flats identified on the plans as rooms 1, 4, 18 and 21 between only 2 and 4 metres from the neighbouring buildings fails these recommended standards significantly and provide an abysmally poor outlook from these habitable rooms. The effect of this low level of amenity is exacerbated when it is considered that these rooms are not merely one room of a larger residential unit, but represent the only habitable room for occupants of these flats.

Furthermore, rooms 15, 16 and 17 only have a single rooflight as the only means of outlook from the habitable rooms. These rooflights will provide a view of the sky only. Given that this is this only window available for each occupant ie the only means of outlook from all habitable space, this is regarded as a significant failure to comply with the Council's adopted guidance in SPG: New Housing Development and constitutes a very poor level of residential amenity for the occupants of these units.

SPG: New Housing Development also seeks a minimum garden area of 30 sq metres each for flats. This development would therefore require a minimum of 540 sq metres of private garden space. The appeal site, whilst large, fails to meet this standard, by providing only 418 sq metres, a shortfall of 122 sq metres. Whilst this alone may not constitute a reason for refusal, given the central location of the site, it does add to the body of evidence indicating that the density of development and intensity of use of the site is too great.

Land to the rear has been severed from the application site for an office development, subject to planning application S/2009/0624. The office development

was granted on appeal, the Council having refused planning permission. The decision to allow the office development did not have regard for the potential use of the existing premises at 55-57 Merton Road and effectively divide the plot into two separate halves. This substantially reduces the amount of amenity space available for the occupants of 55-57 Merton Road. The amount of amenity space available for residential properties can be an important factor in assessing the level of amenity to be experienced by occupants of that accommodation and as an indicator of the density of development.

Amenities of Neighbouring Properties

Policy CS3: Development Principles states that development will not be permitted if it would 'cause significant harm to amenity or to the character and appearance of the area' (criterion (bii)).

Of particular concern is the impact on the residential amenities of residents of Bosco House to the west.

The intensity of use of the appeal premises for a minimum of 21 single occupants is considerable and will result in disturbance from comings and goings at any time. The occupation of 18 flats and 3 letting rooms by 21 separate households creates a far more intense use of the site than by a single community of people, living collectively with rules in terms of conduct and a daily timetable. The number of occupants could reach a maximum of 29.

The level of activity on the site, noise from occupation and comings and goings to the site, at any time of day will cause disturbance to the residents of Bosco House and thereby fail to comply with policy CS3.

Character of the surrounding area

Policy CS3 states that development will not be permitted where it would:

(ii) cause significant harm to amenity or to the character or appearance of the surrounding area.

Policy DQ1: Design seeks good quality developments that make a 'positive contribution to the character of the area'

Policy HC1 requires that all development preserves or enhances the character and appearance of the Conservation Area

With regard to the density of development, without including the 3 shared rooms of the HMO, the 18 flats at the site constitute an approximate density of 190 dwellings per hectare (site area 946 sq metres). Policy H12 states that developments with densities of more than 30-50 dwellings per hectare will be allowed in appropriate, central and accessible locations. Nevertheless, paragraph 6.83 supporting this policy states that:

'In all cases, the Council wishes to encourage high quality development and, in

Agenda Item 6f

order to achieve higher densities, an innovative approach to design may be needed’.

The development is far in excess of the recommended range of densities and is a clear indicator that the development represents an over-intensive use of the site, which constitutes over-development.

Recent advice from Government indicates the coalition Government’s preference for lower density development where appropriate by removing the requirement for a minimum of 30 dwellings per hectare as a minimum.

The Derby Park Conservation Area Appraisal describes the site as forming part of Zone 3 ‘Suburbs’ described as larger detached and semi-detached buildings which share common features and give them a uniformity of character such as window surrounds. 55-57 Merton Road is identified as a ‘building which has suffered inappropriate alterations but still makes a positive contribution to the character of the area’.

The development subject of this application threatens the positive contribution this building makes to the Conservation Area.

In respect of the failure of the development to preserve or enhance character and appearance of the Conservation Area, Policy HE7.5 of PPS 5: Planning for the Historic Environment states that ‘Local Planning Authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and *use*. (italics added). Therefore the *use* of a premises can contribute towards or detract from the character of the surrounding area in addition to the external physical appearance.

With regard to physical alterations at the site, the area to the front of 57 Merton Road has been laid with block paving. This extends the hardsurfaced area along the frontage of both properties. This hardsurfaced area effectively provides car parking for a maximum of 6 vehicles, with vehicular access achieved via the frontage to 55 Merton Road.

The formation of 18 self-contained flats and 3 additional letting rooms creates 21 households at these premises. The density of the development will undoubtedly create a pressure for car parking on site which would be reduced if the building contained fewer residential units.

The removal of soft landscaping and its replacement with hard-surfacing has a negative effect on the character and appearance of the surrounding Conservation Area.

The hard-surfacing of front gardens and consequent loss of front boundary walls is

recognised in the Derby Park Conservation Area Appraisal as being a threat to the character of the area (paragraph 8.4). Furthermore, the Conservation Area Appraisal also highlights the volume and speed of traffic having a detrimental effect on the quality of the area (paragraph 8.4). The formation of 21 households in one building will undoubtedly add to the number of vehicular movements within the vicinity, to the detriment of the character of the area.

Whilst it is accepted that the site is in a central location and as such the need to provide on-site car parking should be minimal, 21 separate households will inevitably create a pressure for some car parking to be made available. The availability of space for car parking to the rear has been halved by the severing of the land to the rear and the grant of planning permission for an office development (ref S/2009/0467). This increases the pressure for physical alterations to the front of the premises, exacerbating the impact on the Conservation Area.

Trees and Greenspace

Policy DQ3: Trees and Development requires that 3 trees are planted for each new dwelling. Where these cannot be planted on site, the procedure set out in the adopted SPD: Trees, Greenspace and Development requires the site owner to enter into a S106 legal agreement to secure a payment of £460 per tree (at current rates).

The total number of trees therefore required to be planted is 54 (18 x 3 = 54 trees). At £460 per tree, the total cost of the commuted sum payment sought by the Local Planning Authority is £24,840.

It is accepted that some of these trees could be planted in the rear garden. However, without a submitted plan indicating the species, size and location of trees to be planted, the commuted sum is calculated on the basis of the total number of trees being planted off site.

In this case, the owner of the site has not planted these trees on site nor has he submitted a plan indicating the intention to plant trees or indicated a willingness to enter into a S106 legal agreement. Consequently, the development fails to comply with adopted policy DQ3.

Furthermore, the Derby Park Conservation Area Appraisal highlights that 'the contribution which planting makes to the character of the area is .. considerable. Certain roads are particularly wide and would visually benefit from trees. The planting of trees within the pavement zone on these roads might therefore be considered. This would be particularly effective along . Merton Road - trees either side of the road would help to reduce the harshness of the road, deaden the noise and would help to signify the 'specialness' of the road (as part of a Conservation Area). It would also help to unite the whole road either side of Stanley Road and minimise the impact of the more modern buildings on the view of Christ Church' (paragraph number 8.6).

In addition, policy DQ4: Greenspace and Development seeks either the provision of greenspace on site or a contribution towards off site Greenspace. This is an addition

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to private amenity space. For development containing between 5 and 50 dwellings, the Council expects a contribution to be made, secured by a S106 legal agreement at a rate of £1,734.50 per dwelling. In this case, the Council would seek a contribution of £31,221. Details of the relevant procedure and the method of calculating the commuted sums are set out in SPD: Trees, Greenspace and Development.

Other Regulations

Regulations contained in the Housing Act 2004, the Planning Acts and Building Regulations must all be complied with individually and independently. Thus any premises classified for the purpose of the Housing Act as constituting a House in Multiple Occupation will not necessarily be regarded as an HMO for the purposes of the Planning or Building Control Regulations. The issuing of an HMO license in accordance with the Housing Act does not necessarily result in the premises being classified as an HMO in respect of Planning legislation, advice and case law, such as in this case.

Conclusion

In conclusion, the development as undertaken constitutes a change of use from a convent to a mixed use of 18 self-contained flats and a House in Multiple Occupation consisting of 3 letting rooms.

The principle of the conversion of 55-57 Merton Road to a House in Multiple Occupation may be acceptable in this central location. However, the plans as submitted do not indicate a HMO but rather a mixture of 18 self-contained flats and an HMO consisting of 3 letting rooms. The level of amenity for occupants of the premises is poor and the physical alterations to the front of the building fail to preserve or enhance the character and appearance of the Conservation Area.

However, the intensity of use; the extremely low level of amenities for occupants of the flats and letting rooms; the impact on the amenity of neighbouring occupiers; the failure to plant trees in accordance with policy DQ3 or make a payment towards offsite Greenspace in accordance with policy DQ4 and the effect of the development on the character of the surrounding area, including the Derby Park Conservation Area combine to produce a development which provides for cramped, sub-standard residential accommodation which has a significantly negative effect on the amenities of neighbouring properties and the character of the surrounding area.

Recommendation

Delegated authority to refuse subject to the expiry of the site notice.

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

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

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Agenda Item 7

Committee: PLANNING

Date of Meeting: 18 AUGUST 2010

Title of Report: Visiting Panel

Report of: Andy Wallis
Planning & Economic Regeneration 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

To enable the Visiting Panel to visit the sites of the planning applications in order to help them reach a decision on whether to grant, refuse or visit for information only.

Recommendation

As set out in each item

Corporate Objective Monitoring

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

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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.

**PLANNING COMMITTEE
VISITING PANEL SCHEDULE**

Monday, 16 AUGUST 2010

Start: 9.30 am Bootle Town Hall

Item	Time	Application Site	Ward
1.	9.30	Briefing and visits to sites arising from recent Core Strategy Workshops Sefton East	
2.	10.45	S/2010/0907 & 0908 Plot 3 & Plot 2 Land to rear of Oak Hey, Lambshear Lane, Lydiate	Park
3.	11.05	Formby	
4.	11.30	S/2010/0853 Maryland, 5-7 School Lane, Formby	Ravenmeols
5.	11.50	Ainsdale	
6.	12.15	S/2010/0801 61-63 Albert Road, Southport	Cambridge

LUNCH (Southport)

7.	14.00	S/2010/0671 99 Marshside Road, Southport	Cambridge
8.	14.20	Southport	
9.	15.30	S/2010/0707 72 Sonning Avenue, Litherland	Ford

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Agenda Item 7d

Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0853**
Maryland Home, 5-7 School Lane, Formby
(Ravenmeols Ward)

Proposal: Erection of a part single, part two storey extension to the rear of the care home

Applicant: Mr Kelvin Bacon Maryland Care Home Limited

Recommendation(s) For Information Only

Drawing Numbers

SK20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41

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Financial Implications

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

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

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/0853 Maryland Home, 5-7 School Lane Formby L37 3RW OSGR: 329980, 407337		Sheets: 2850	Area: 2004 sqm	Standard Site Plan Scale: 1:1250 Date: 3/8/2010 Drawn By: EBERT on
	<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921.</small>		<small>Created by Sefton Council Planning & Economic Regeneration Department using MapInfo</small>		Ward(s): Ravenmeols Postcode Sector(s): L37 3 Polling District(s): P2 Parish(es): Formby Cp

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S/2010/0853

The Site

The Maryland Care Home that occupies a double plot to the north side of School Lane, Formby set within a residential area, but adjacent to Formby District Centre.

Proposal

Erection of a part single, part two storey extension to the rear of the care home.

History

N/1999/0643 – Erection of a conservatory and access ramp at front after demolition of existing conservatory. Approved 13 October 1999.

N/1993/0071 – Single-storey extension to the rear. Approved 18 March 1993.

N/1992/0749 – Part single, part two-storey extension at the rear. Withdrawn 4 February 1993.

Consultations

Highways Development Control – No objections to the proposal as there are no highway safety implications.

Environmental Protection Director – No objection to the proposal. However, it is noted that if the kitchen extraction system needs to be renewed as a consequence of the proposed changes, details of the new extraction/ventilation system should be submitted for approval.

Neighbour Representations

Last date for replies: 20th July 2010.

Representations received: Letters of objection received from Numbers 8 & 9 School Lane and Number 4 Ashcroft Road. The points of objection relate to the scale, siting and appearance of the two-storey element of the proposal as it will introduce an overly dominant feature that will cause harm to neighbouring residential amenity due to introducing a poor outlook, contribute to increased overshadowing of rear gardens and lead to a loss of privacy through overlooking. Points of objection also focus upon the proposed intensification of use of the care home and the detrimental impact this will have upon highway safety as objectors consider there to be insufficient car parking within the site to serve the operational needs.

Councillor Ibbs requested that this application be called in and determined by Planning Committee.

Policy

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

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

Comments

The proposal is for a part-two, part single storey extension to the rear of the existing Maryland Care Home, to a maximum height of six metres, with the two-storey element to be positioned 6 (six) metres from the boundary to Number 8 School Lane to the east.

An additional twelve bedrooms are to be created by the proposal, to result in a cumulative number of thirty five bedrooms for residential care and a total development footprint of 357 square metres, with 203 of that being to the ground floor.

The external appearance of the proposal departs from the established form of the red brick building in that it will consist of a green flat roof with a sedum base, with cladding panels to the first-floor and facing brick and render to the ground floor, with a brick built external staircase to the north elevation.

The issues to be considered are:

- The scale, siting and appearance of the proposed extension.
- The impact of the development upon neighbouring residential properties.
- The amenity afforded to future occupiers of the new bedrooms.
- The impact upon highway safety.

A full report and recommendation will be presented to Planning Committee at a later date.

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

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

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APPENDIX

Committee: PLANNING

Date Of Meeting: 18th August 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		
		Positiv e	Neutra l	Negati ve
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 Items Received and Decisions Made

From 08 July 2010 to 05 August 2010

Decisions

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: Dismissed

Decision Date: 21 July 2010

34 Roe Lane, Southport

S/2010/0223 - 2129251

Retrospective application for the erection of a front boundary fence to a maximum height of 2.08m

Appeal Type: Written

Lodged Date: 07 June 2010

Decision: Dismissed

Decision Date: 20 July 2010

40 Matlock Road, Birkdale

S/2010/0374 - 2129982

Erection of a first floor extension at the rear of the dwellinghouse

Appeal Type: Written

Lodged Date: 10 June 2010

Decision: Dismissed

Decision Date: 20 July 2010

New Appeals

4 College Avenue, Formby

S/2009/1192 - APP/M4320/A/10/2131855

erection of a detached two storey dwelling after demolition of the attached outbuilding together with a new access onto College Path, access gates and a new front boundary wall to a maximum height of 1.8 metres

Appeal Type: Written

Lodged Date: 12 July 2010

Decision:

Decision Date:

First Floor Flat 170 Lord Street, Southport

S/2010/0393 - 2132596

Retention of a timber decking area/balcony to the rear of the first floor flat together with 1.1m high railings and a proposed 1.9m high translucent sheeting to the side of the decking area.

Appeal Type: Written

Lodged Date: 27 July 2010

Decision:

Decision Date:



The Planning Inspectorate

Environment Appeals Team Direct Line 0117-372-8192
 Room 4/04, Kite Wing Switchboard 0117-372-8000
 Temple Quay House Fax No 0117-372-6241
 2 The Square
 Temple Quay
 Bristol BS1 6PN

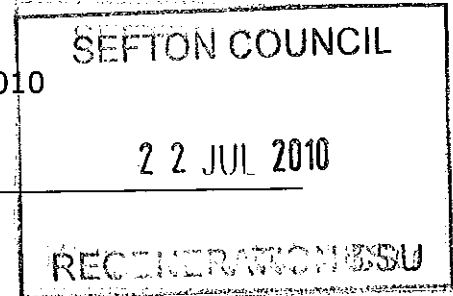
e-mail: environment.appeals@pins.gsi.gov.uk
<http://www.planning-inspectorate.gov.uk>

Ms C Robertson
 Sefton Council
 Monitoring at Planning
 Magdalen House
 30 Trinity Road
 Bootle
 Merseyside L20 3NJ

Your Ref: S/2009/0804

Our Ref: APP/TPO/M3420/980

Date: 21 July 2010



Dear Ms Robertson

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), SECTION 78
 APPLICATION FOR CONSENT TO CARRY OUT WORKS TO PROTECTED TREES
 APPELLANT: Mr & Mrs Staines
 SITE: 18 York Close, Birkdale, Southport, PR8 2TX

I enclose a copy of our Inspector's decision on the above appeal following the hearing on 29 June 2010.

The appeal decision is final unless it is quashed following a successful challenge in the High Court on a point of law (see enclosed leaflet). If the challenge is successful the decision may be quashed but the case will probably be returned to the Secretary of State for re-determination. However, if it is to be re-determined, it does not necessarily follow that the original decision on the appeal will be reversed.

An application under Section 288 of the Town & Country Planning Act 1990 must be made to the High Court promptly and in any event within 6 weeks of the decision in question. This is an absolute time limit that cannot be extended by the Court.

A challenge must be made on one or both of the following grounds:

- (1) the decision is not within the powers of the Town and Country Planning Act 1990;
- (2) any of the relevant statutory requirements have not been complied with.

A decision will not be overturned by the Court merely because someone does not agree with an Inspector's judgment. It would need to be shown that a serious mistake was made by the Inspector when reaching his or her decision or, that the site visit was not handled correctly, or that the appeal procedures were not carried



Agenda Item 8

out properly. Even if a mistake has been made, the Court may decide not to quash the decision if it is decided that the interests of the person who has sought to challenge the decision have not been prejudiced.

If you have any complaints or questions about a decision, or about the way we have handled the appeal write to:

Quality Assurance Unit
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

Or visit:

http://www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm

The Quality Assurance Unit will investigate your complaint and will endeavour to reply within three weeks.

Yours sincerely

Lee Richards

Mr Lee Richards
Environment Appeals Administration

Enc





Appeal Decision

Hearing held on 29 June 2010
Site visit made on the same day

by **Jacqueline North BSc MSc**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@plins.gsi.gov.uk

Decision date:
21 JUL 2010

Appeal Ref: APP/TPO/M3420/980 18 York Gardens, Birkdale, Southport, PR8 2TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent to fell a tree protected by a Tree Preservation Order.
- The appeal is made by Mr & Mrs Christopher Staines against the decision of Sefton Council.
- The application Ref: S/2009/0804, dated 24 September 2009, was refused by notice dated 23 November 2009.
- The work proposed is felling one oak tree.
- The relevant Tree Preservation Order (TPO) is TPO 142, 35-39 York Road, Southport, which was confirmed on 22 August 1994.

Decision

1. I dismiss the appeal.

Main issues

2. I consider that the main issues are: (a) the amenity value of the tree and the likely impact of felling on the character and appearance of the area; and (b) in the light of the assessment above, to consider whether or not the felling is justified, having regard to the reasons put forward in support.

Reasons

(a) The amenity value of the tree and the likely impact of felling on the character and appearance of the area

3. The oak tree (T2 on the TPO) is sited in the front garden of 18 York Gardens, approximately 5.5 metres from the front of the dwelling. It is a mature tree, around 15 to 20 metres in height, with an overall canopy spread of 13 metres and a single main trunk up to a height of around 1.8 metres from where it becomes multi stemmed. The tree is visible from the highway and footway along York Gardens and contributes to the green, leafy and pleasant residential character of the area. The oak appears healthy, with no obvious signs of disease, decay or any other significant damage.
4. I accept that there are many trees in the area and that this tree is not prominent in the street scene as it is sited towards the head of a cul-de-sac, but this does not make the oak any less important. It is visible from public viewpoints, helps screen the York Gardens development from the dwellings to the rear on York Road and is a mature tree with a well balanced canopy.

5. In my view the loss of the oak would harm the street scene even though there are other trees present as it forms a backdrop to the residential development and contributes to the leafy character and mature landscape of the area.

(b) Whether or not the felling is justified, having regard to the reasons put forward in support.

6. The appellants argue that the tree is too large for its position in a front garden and that the house was constructed too close to the oak. The five houses in this part of York Gardens were built in 1999. Prior to their construction the oak tree stood in the long rear garden of 37 York Road. The 1999 new housing development complied with the minimum distance between a tree of this size and maturity and a dwelling specified in British Standard (BS) 5837: *Trees in relation to construction*. The relationship between the tree and the dwelling would also accord with the root protection area specified in the 2005 updated BS5837.

7. Whilst I appreciate that the tree is relatively close to the dwelling, its canopy does not come into contact with the house frontage, although there is a slight overhang over the nearest point of the dwelling, the garage roof. There is no evidence that the tree is causing any physical damage to the fabric of the building.

8. The appellants consider that they can no longer cope with cleaning up debris from the tree due to their age and declining health. They also consider that the presence of twigs, leaves, acorns and other debris is a potential trip/slip hazard. Both these concerns are causing the appellants considerable distress. All trees shed debris throughout the year. I accept that clearing up debris such as twigs, fallen fruit and leaves from the garden and guttering can involve year-round effort, and that this may be difficult for people in poor health. However, this is part of normal garden and property maintenance and does not justify removal of a protected tree. Similarly whilst I appreciate that bird droppings may be a nuisance, this is not a sufficient reason to fell a protected tree.

9. In addition, they are concerned about the amount of sap which falls onto their cars. At the site visit the Council's tree officer suggested that the sap may be due to the presence of whitefly on the tree. Sap production tends to be a seasonal occurrence, and cleaning sap from car paintwork and driveways is also part of routine property maintenance when living in proximity to a tree and provides no justification for removing a healthy protected tree.

10. The appellants are also concerned about potential damage to the drains and foundations. Whilst it is possible that there are roots from the tree under the foundations of the house or close to the drains, I saw no signs of any structural damage, such as movement or cracks in the driveway or damage to drains, during my site visit and the appellants did not submit any evidence in support of these concerns. Therefore I give this argument little weight.

11. Lastly the appellants are agreeable to planting a replacement tree. However a replacement tree would take time to establish and in the short term would not replace the amenity value of the existing oak.

Conclusion

12. In respect of (a) I conclude that the oak tree has a positive impact on the local environment and its enjoyment by the public. Felling of this tree would be harmful to the character and appearance of the area. With regard to (b), having taken account of all the matters raised above, insufficient reasons have been provided to justify felling the tree.

Jacqueline North

Inspector

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APPEARANCES

FOR THE APPELLANT:

Mr & Mrs Staines

Appellants

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Eaude

Tree Officer, Sefton Council

Mr W Moody

Sefton Council

DOCUMENTS

- 1 Notification of the hearing and a list of persons notified



Appeal Decision

Site visit made on 6 July 2010

by **Clive Sproule** BSc MSc MSc
MRTPI MIEEnvSc CEnv

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
20 July 2010

Appeal Ref: APP/M4320/D/10/2129251
34 Roe Lane, Southport, Merseyside PR9 9DZ

- 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 Anil Mittal against the decision of Sefton Council.
- The application Ref S/2010/0223, dated 6 February 2010, was refused by notice dated 15 April 2010.
- The development proposed is a retrospective application for the erection of a front boundary fence to a maximum height of 2.08m.

Decision

1. I dismiss the appeal.

Procedural matters

2. In the interests of clarity and precision I have used the description of the development proposed that is included on the Council decision notice.
3. This appeal seeks retrospective planning permission for a fence that photographs within the appeal documentation confirm to have been constructed. However, at the time of my site visit only the frame of the fence panel between the gateway and No.36 and mounting blocks on the boundary wall between the site access and No.32 remained.

Main issues

4. The effect of the proposed development on: (a) the character and appearance of the locality; and (b) highway safety.

Reasons

5. Policy DQ1 of the Sefton Unitary Development Plan (UDP) seeks a planning proposal to respond to the character and form of its surroundings and make a positive contribution to them. It is supported by Supplementary Planning Guidance entitled *House Extensions* (SPG) which indicates that new fences along front boundaries should take account of the character of the area and the design of similar boundaries at surrounding properties. The guidance states that fences or walls that are 2m or more in height will generally not be allowed unless they are a characteristic of the area.
6. Roe Lane is a busy suburban thoroughfare. No.34 is a large house that is set back from the highway in an area with many similar dwellings and a number of more recently constructed apartment buildings.

7. Dwellings in this locality are typically set within mature gardens. Boundary treatments vary within the street scene, but often contain substantial gate posts with lower sections of brick walling. Vegetation provides an element of screening to dwellings on Roe Lane and in some instances wood fencing and railings are also fixed to the frontage boundary walls. These wooden fences often differ in height, which contributes to the diversity of the frontage boundary treatments in this townscape.
8. The proposal is noted to be over 2m in height. It would be next to fencing of similar height at No.32 and near to that at No.46. However, these existing fences are in corner locations and whilst others of a similar height may be present in the locality, it is the variety in boundary treatment that is a characteristic of this area.
9. Whilst the proposed design would be sympathetic to the neighbouring structure at No.32, by their scale and similarity of appearance the fences would consolidate the visual impact of these structures in the street scene. I find the proposed development would conspicuously erode the characteristic variety of boundary treatments within the townscape. I conclude on the first main issue that it would do so in a manner that would be unacceptably harmful to the character and appearance of the locality and in this respect conflicts with UDP Policy DQ1 and the SPG.
10. Turning to the second main issue, UDP Policy AD2 seeks development proposals to ensure a minimum level of accessibility that will include, amongst other things, safe and adequate connections to the highway. Additionally, in seeking good quality design UDP Policy DQ1 is only permissive of development proposals that ensure safe and easy movement into and out of a site.
11. No.34 has an existing access flanked by gate posts and a perimeter wall. The Council Officer report on the application notes the boundary wall to be in the region of 1.22m high and the Grounds of Appeal state the gate posts to be 1.64m. Advice in respect of visibility splays is provided within *Manual for Streets*, which indicates that the eye height for car drivers can be assumed to be 1.05m and higher for the drivers of taller vehicles. Whilst it would be possible for the drivers of some vehicles to see over the gate posts, in the absence of the proposed fence these existing characteristic features would still restrict the visibility of the drivers of many domestic vehicles. In addition, any mature garden planting to the side of the gate posts would be likely to further restrict visibility at this access.
12. The access at No.34 is typical of many in this locality. Whilst the visibility for drivers leaving some of these accesses may be limited, it has not been demonstrated that the accident record associated with their use is unusually high. Consequently, I conclude that it has not been established that the appeal scheme would fail to provide safe and adequate connections to the highway and in this respect it complies with the relevant parts of UDP Policies AD2 and DQ1.

Other matters

13. Occupiers of vehicles and pedestrians travelling along Roe Lane have views of the front garden and windows at the appeal site, as do people waiting at the bus stop outside No.34. The appellant seeks increased privacy through the

- proposed development. Nevertheless, No.34 is set back from the highway which gives the occupiers of the house a similar potential degree of privacy to that of neighbouring dwellings. This includes access to private amenity space at the rear of the property.
14. The appeal scheme would restrict many of the views into No.34. However, this could also be achieved by vegetative screening along the front boundary of the property, which could be supplemented by the use of window blinds and curtains to provide the level of privacy sought. Such measures are evident in the vicinity of the appeal site, including recent planting at No.34.
 15. This is a suburban area where a certain degree of overlooking from the highway can be expected and already occurs. Given the specific circumstances that pertain to this location, the level of overlooking of the front of No.34 is not unusually high for a residential environment of this kind. Nor has it been demonstrated that in the absence of the development proposed, the appellant would be unable to achieve higher levels of privacy at the front of the property. I find the levels of overlooking on Roe Lane to not be unacceptably harmful to the living conditions of the occupiers of No.34.
 16. Representations have been made to the effect that the appellant's family's rights under Article 8 of the European Convention on Human Rights would be violated if this appeal were to be dismissed. I consider them to be not well-founded because the levels of overlooking on Roe Lane are not unacceptably harmful to the living conditions of the occupiers of the appeal site. Also, the effect of the suggested conditions would not be sufficient to mitigate the harm that would occur to the character and appearance of the street scene. As a result, there will be no violation of the appellant's family's human rights.
 17. My attention has been drawn to a number of the Council's planning decisions in relation to boundary fences in the locality around the appeal site. My conclusions in respect of the effect of the appeal scheme on the character and appearance of the locality were reached following consideration of the existing street scene, which includes the fences referred to. Each application and appeal is determined on its own merits and that is how I have dealt with this case. Therefore, whilst the appellant considers the Council to have been inconsistent in its decision making, the examples raised do not set a precedent that I feel obliged to follow.
 18. I note the proposed fence would be a means of reducing the amount of litter entering the front garden of the dwelling. However, other methods could be used to control litter and provide increased security. Consequently, I consider that these matters do not outweigh the identified harm. In addition, rather than the lack of harm in respect to highway safety weighing in favour of the proposal, it simply adds no additional weight against it.
 19. For the reasons above and having considered all other matters raised, I conclude the appeal should be dismissed.

C Sproule

INSPECTOR

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Appeal Decision

Site visit made on 6 July 2010

by Clive Sproule BSc MSc MSc
MRTPI MIEnvSc CEnv

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
20 July 2010

Appeal Ref: APP/M4320/D/10/2129982

40 Matlock Road, Birkdale, Southport, Merseyside PR8 4EL

- 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 Michael Leamey against the decision of Sefton Council.
- The application Ref S/2010/0374, dated 10 February 2010, was refused by notice dated 20 May 2010.
- The development proposed is a first floor bedroom extension.

Decision

1. I dismiss the appeal.

Main issue

2. The effect of the development proposed on the living conditions of the occupiers of 40 Matlock Road in relation to outlook.

Reasons

3. The Council's reason for refusal refers to Policy MD1 of the Sefton Unitary Development Plan, which is only permissive of house extensions that comply with the policy's criteria. However, these criteria do not explicitly address the living conditions of the occupiers of a proposed development in relation to outlook.
4. The Council's *House Extensions* Supplementary Planning Guidance (SPG) contains design principles for all house extensions, but these also do not clearly address the aspects that would be available from extension windows. I therefore turn to national policy within Planning Policy Statement 1 - *Delivering Sustainable Development* (PPS1). It states that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.
5. No.40 is a semi-detached house in an area with similar properties. The layout of development on the opposite side of Matlock Road enables vehicular access to the rear of a number of dwellings on that side of the street. In contrast, the gable ends of the semi-detached blocks that include No.40 are in much closer proximity to each other.
6. The existing two first floor rear bedrooms at No.40 have windows with views toward the back garden of the dwelling. The works for the proposed first floor extension would modify the layout of these rooms. Whilst the proposed master bedroom window would have an open aspect to the rear of the house, the enlarged second rear bedroom would only have a gable window.

7. Room windows contribute to the living conditions of a dwelling by providing both light and outlook. A poor outlook can create a sense of enclosure within a room and this can have a significant effect on the living conditions of the occupiers of a dwelling. The provision of adequate outlook is especially important to habitable rooms where people would reasonably be expected to spend longer periods of time.
8. The proposed bedroom gable window would serve a habitable room and the proximity of the neighbouring semi-detached block to this opening would cause it to have a very restricted outlook. Obscure glazing this window would further limit the outlook from it. Whilst the current occupiers of No.40 wish to construct the appeal scheme, I must consider the living conditions of all of the people who may reside at this house in the future. I find the constraints on the aspect from the proposed bedroom gable window would be sufficient to be unacceptably harmful to the living conditions of the occupiers of No.40.
9. I note the personal circumstances of the appellant's family and that the proposed development would provide additional living space and facilities for them. However, these matters do not outweigh the harm that I have identified and by failing to improve the quality of the accommodation in this area, the appeal scheme conflicts with PPS1.
10. My attention has been drawn to a gable window at the other side of the semi-detached block, but I have few details regarding the background to the installation of this window and the living space that it serves. In any event, each application and appeal is determined on its own merits and that is how I have dealt with this case. Consequently, the neighbouring window does not set a precedent that I feel obliged to follow.
11. For the reasons above and having considered all other matters raised, I conclude the appeal should be dismissed.

C Sproule

INSPECTOR

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Agenda Item 9

REPORT TO: PLANNING
CABINET MEMBER – REGENERATION
CABINET

DATE: 18 AUGUST 2010
1 SEPTEMBER 2010
2 SEPTEMBER 2010

SUBJECT: INFORMED ASSESSMENT OF THE ECONOMIC VIABILITY OF
AFFORDABLE HOUSING IN SEFTON

WARDS AFFECTED: All

REPORT OF: Andy Wallis, Planning & Economic Development Director
Alan Lunt, Neighbourhoods & 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:

To report the comments received during consultation on the draft Informed Assessment of the Economic Viability of Affordable Housing (available to view online at www.sefton.gov.uk/affordablehousing)

To seek approval of the final Informed Assessment of the Economic Viability of Affordable Housing (available to view online at www.sefton.gov.uk/affordablehousing) as part of the evidence base for the Local Development Framework, taking into account consultation comments.

REASON WHY DECISION REQUIRED:

To comply with national planning guidance on the need to provide a robust evidence base for Sefton's affordable housing policies in the Local Development Framework

RECOMMENDATION(S):

That:

- (i) Planning Committee and Cabinet Member - Regeneration note the comments received during consultation process into the draft study, the responses to those comments, endorse the final Informed Assessment of the Economic Viability of Affordable Housing and recommend that Cabinet approves them to inform the emerging Core Strategy for Sefton;
- (ii) Subject to (iii) below, Planning Committee adopts the key findings of the study to inform the emerging Core Strategy process for Sefton; and
- (iii) Cabinet notes the comments received during consultation process, the responses to those comments and approves the final Informed Assessment of the Economic Viability of Affordable Housing to inform the emerging Core Strategy process for Sefton.

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KEY DECISION: YES

FORWARD PLAN: YES

IMPLEMENTATION DATE: Following expiry of call in period after Cabinet meeting on 2nd September 2010

ALTERNATIVE OPTIONS:

None

IMPLICATIONS:

Budget/Policy Framework:

Financial:

The cost of the study (£25,000) has been covered by an existing agreed budget line in the Housing Capital Programme.

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2013/ 2014 £
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
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

Affordable Housing Viability Assessment Final Report, Three Dragons, July 2010

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INFORMED ASSESSMENT OF THE ECONOMIC VIABILITY OF AFFORDABLE HOUSING IN SEFTON

BACKGROUND:

- 1.1 Members may recall earlier this year (i.e. Planning Committee 10th March 2010, Cabinet Member – Regeneration 17th March 2010) that a draft Informed Assessment of the Economic Viability of Affordable Housing was reported before going out for public and stakeholder consultation. The need to carry out such an assessment is set out in Planning Policy Statement 3 and reinforced by the landmark Blyth Valley Legal Decision. This essentially concluded that a Core Strategy could be found unsound if its affordable housing policies were not supported by such an assessment. This line has subsequently been firmly supported by the Planning Inspectorate at Core Strategy public inquiries.
- 1.2 The assessment was produced on the Council's behalf by its retained specialist consultants Three Dragons (the commissioning of whom was reported to Planning Committee on 6th May 2009, Cabinet Member – Regeneration on 6th May 2009, and Cabinet on 14th May 2009). The assessment was informed by a range of evidence (such as data on past affordable housing projects, residential land values and house prices) and through information gathered from an initial workshop held with representatives from developers, registered social landlords, private sector landlords, neighbouring authorities and government housing and development agencies in August 2009.
- 1.3 In line with best practice the draft assessment was made available for wider public and stakeholder consultation, before being finalised.

CONSULTATION UNDERTAKEN:

- 2.1 The consultation period for comments to be made on the draft Assessment began on 25th March 2010. In line with our Statement of Community Involvement the draft Assessment was made available to view in a number of locations throughout Sefton, including the Planning offices in Bootle, at Bootle, Crosby, Formby, Maghull and Southport libraries and on the Sefton website. The availability of the draft Assessment was advertised in the local press, in the London Gazette and on the Sefton website. We also sent letters to over 200 organisations our Local Development Framework database.
- 2.2 Additionally we held a further workshop, hosted by our consultants Three Dragons during the consultation period. The workshop was held on 17th May 2010 in Bootle Cricket Club and was attended by representatives from developers, registered social landlords, private sector landlords and neighbouring authorities. At the workshop the discussions centred on the key findings of the draft assessment, including the level of affordable housing we should seek in different locations, the size of developments that we should apply affordable housing policies to and the potential use of commuted sum

payments in lieu of affordable homes that cannot be provided on site as part of a development.

- 2.3 Overall the consultation period ran for 9 weeks and concluded on Friday 28th May 2010. This was longer than our usual 6 week consultation but allowed the consultation to straddle the Easter holidays and for comments to be made following the second workshop to be taken into consideration. In total we received comments from 9 organisations. These comments are set out in a report of consultation available to view at www.sefton.gov.uk/affordablehousing along with our response and changes made to the assessment as a result.

SUMMARY OF COMMENTS RECEIVED DURING CONSULTATION:

- 2.4 The comments received to the draft assessment were wide-ranging and detailed but some common themes were identified.

(i) Study Methodology

- 2.5 It was questioned whether there was too much reliance on findings that are based primarily on a model. Given the wealth of information that Sefton has from its recently completed Strategic Housing Land Availability Assessment (SHLAA) and Strategic Housing Market Assessment (SHMA) couldn't the assessment be based more on empirical evidence?
- 2.6 *Three Dragons Response – In their experience of undertaking these studies an approach that is based on actual sites will inevitably suffer from lack of detailed information. It is very difficult to draw policy conclusions in a systematic way based on a sample of sites. Rather a more generalised approach is needed to draw out the key policy lessons. Analysis of actual sites may also undersell policy where the sample is often, in their experience, weighted too heavily towards high abnormal development costs. Using a High Level testing approach allows policy to be assessed on the basis of normal costs and revenues across a range of sub markets. Nonetheless, those sites that have particular issues that would affect the viability of affordable housing would be subject to detailed discussions using the assessment as a starting point.*
- 2.7 The methodology assumes that higher levels of affordable housing do not affect market house prices. Anecdotal evidence shows that there is a correlation between higher levels of affordable housing and a decrease in market prices. The methodology should factor in this when determining viability.
- 2.8 *Three Dragons Response – We are unaware of any systematic body of evidence that suggest that prices change in line with the percentage of affordable homes and accordingly do not accept this point. This information was requested from the workshop but none was forthcoming. It is the consultants' view, in line with similar studies carried out elsewhere, that a 'stigma' effect should not be attached to the analysis, particularly where housing needs are pressing. If a developer can prove such an impact on a particular site, then this should be evidenced in the site specific data provided.*

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(ii) Impact of section 106 requirements

- 2.9 The assessment assumes a standard level of section 106 contributions of £5000 per unit. It isn't clear what this includes, for instance the requirement to build homes to meet the Code for Sustainable Homes Standard. In many cases the contributions can be significantly greater and this may be exacerbated by the future introduction of a tariff-based system such as Community Infrastructure Levy (CIL). The level of contributions and other associated costs are important factors in assessing viability of affordable homes.
- 2.10 *Three Dragons Response – We accept that in some cases costs are greater than £5000 per unit. A per unit levy was tested in the report and acts as a proxy for any form of CIL or tariff. In addition, the assessment commented on a level of £10,000 per unit. Notwithstanding this, the Council will have to be flexible in weaker market locations to ensure costs do not make affordable housing unviable.*

(iii) Financial assumptions and modelling

- 2.11 The assessment needs to establish the actual land values at which land will be brought forward for development. Judgement will need to be made about the uplift over and above existing land use values and how this 'planning gain' will affect the viability of affordable homes.
- 2.12 *Three Dragons Response – There is a difference between land value and residual value. The market process will settle the value of land. Where the market does not discount land for the policy then what is paid for land could be higher than what it is worth. Uplift will not necessarily be the whole basis of the process in setting policy. The consultants would not wish to prescribe this uplift too tightly as it will vary for different types of sites. The workshop did not provide any standard assumptions for uplifts although the consultants have taken into account the experience of other similar authorities when recommending the policy target options.*
- 2.13 The assessment does not differentiate between the financial assumptions of small sites (those below 15 homes) and larger sites. Small sites are self evidently unable to benefit from the economies of scale and fixed costs are likely to represent a larger share of the development budget.
- 2.14 *Three Dragons Response – Numerous workshops have been held in most parts of the country where small sites have not been seen as being systematically more expensive to develop than large ones. The consultants accept the argument about economies of scale and costs may be higher on smaller sites. However, evidence from the Valuation Office tends to support the argument that smaller sites, in general, tend to generate higher land values than larger ones. This is likely to suggest that although costs may be higher, values are also higher (and 'exclusivity' factor).*

- 2.15 The assessment does not assume any costs relating to the acquisition and holding of land. Land is an 'upfront' cost in the development process and the cost of holding land throughout the development process can be significant.
- 2.16 *Three Dragons Response – There is a land finance deduction of 10% off residual to take account of this. Inevitably this may not be enough in some instances but will be too much in others. Site by site testing for negotiations will discover the actual scale of this cost in any given location.*
- 2.17 The assessment assumes a reasonable developer profit as 15% but it should be noted the level of profit a developer would expect is reflective of the risk involved. Other well established residual land valuation models advise 17.5 – 20% developer profit with some other specialist types of accommodation expecting a profit of 20-25%.
- 2.18 *Three Dragons Response – A 15% margin has recently been held (at the Hinckley and Bosworth Core Strategy Development Plan Inquiry) as being a reasonable figure for plan making purposes. However the Council may possibly be prepared under very difficult market conditions to accept a higher margin subject to justification. It is always important in these situations to make a distinction between profit on (gross development) value and cost. In our experience a 15% margin on value will usually generate a 20% return on cost. In higher value areas this will be higher still. Recent developments in the Sefton area have gone ahead with a margin below 15%. The Council may be prepared, according to market circumstances, to accept a higher margin in site-specific cases.*

(iv) Site specific issues

- 2.19 Formby should not have higher affordable housing targets than elsewhere. There should be a single target for the whole of Sefton set at the indicative national standard of 15 homes.
- 2.20 *Three Dragons Response – The sites with the greatest potential for affordable housing are the higher value areas. The report underlines the difficulty in delivering affordable housing in lower value areas. A large amount of Sefton's available land for development is on small sites. By not lowering the threshold for affordable housing it would limit the amount that would be delivered.*
- 2.21 Is the absence of any mention of Melling due to the lack of sites in the area and therefore the affordable housing policy is not applicable?
- 2.22 *Three Dragons Response – The assessment refers to the main settlement areas only. Melling, for the purposes of this assessment, is included in the Maghull area. Although there may not be identified sites in Melling at present, such sites could become available in the future and affordable housing policies should therefore cover the whole of Sefton.*

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KEY FINDINGS AND POLICY RECOMMENDATIONS OF FINAL ASSESSMENT

3.1 Although changes have been made to the draft Assessment as a result of comments made, essentially the key findings remain unchanged in the final assessment (available to view at www.sefton.gov.uk/affordablehousing). The key findings set out in the assessment 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, the study advises that 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.

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) suggests that smaller sites (less than 15 units) make 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' in the report) 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, the report suggests that the Council could consider a more location specific based approach, 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.
- Importantly 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. (Members may be aware that this is currently the approach that Sefton applies where the viability of a proposal to deliver affordable housing is in question).

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- 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.

Implications of Assessment and Key Conclusions

- 4.1 The final assessment will be a key piece of evidence for the Core Strategy and when taken together with the already completed Strategic Housing Market Assessment (and any updates to it that may be produced) will underpin our affordable housing policies. In short, the findings of the assessment will be evaluated in combination with evidence on housing need and will enable future policies to seek affordable housing in the areas where it is most needed and most viable.
- 4.2 At this point in time and ahead of the potential development of any new affordable housing policies through the emerging Core Strategy process, it is **not** proposed to make any immediate changes to the Council's current negotiating position with regard to affordable housing, as set out on the website at www.sefton.gov.uk/planningstudies
- 4.3 In this regard, Members will be aware that where there is a disagreement about the economic viability of a scheme, with regard to affordable housing, consistent with PP3 advice, Three Dragons, are normally instructed to undertake a site specific viability assessment (e.g. the former Leaf site at Virginia Street, Southport, is a case in point). This is in full recognition of the key point that the Council can only seek an affordable housing contribution (either in terms of on site provision or an off-site commuted sum in lieu) where it is economically viable to do so.
- 4.4 To conclude, this very important further study reaffirms the importance and prudence of the transparent viability approach we are currently adopting with regard to negotiating affordable housing in Sefton. Whilst providing a thorough overview of the viability of affordable housing at the Borough and sub-Borough level as a basis for affordable housing policy development, the study recognises that individual sites may vary from the norm. Accordingly, it further anticipates, notwithstanding any new affordable housing policy framework that may emerge through the Core Strategy process, that the current 'bespoke' viability approach will need to continue in the future on a site specific basis where economic viability is in question. This will ensure that the Council's position is protected at potential planning appeal and will also ensure that development viability is not prejudiced by unrealistic affordable housing requirements. In this regard, what we are doing closely accords with PPS3 advice on affordable housing.

Recommendations

That:

- (i) Planning Committee and Cabinet Member - Regeneration note the comments received during consultation process into the draft study, the responses to those comments, endorse the final Informed Assessment of the Economic Viability of Affordable Housing and recommend that Cabinet approves them to inform the emerging Core Strategy for Sefton;
- (ii) Subject to (iii) below, Planning Committee adopts the key findings of the study to inform the emerging Core Strategy process for Sefton; and
- (iii) Cabinet notes the comments received during consultation process, the responses to those comments and approves the final Informed Assessment of the Economic Viability of Affordable Housing to inform the emerging Core Strategy process for Sefton.

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REPORT TO: Planning
Cabinet

DATE: 18th August 2010,
2nd September 2010.

SUBJECT: The Building (Local Authority Charges) Regulations 2010

**WARDS
AFFECTED:** All wards.

REPORT OF: A Wallis, Director of Planning & Economic Development

**CONTACT
OFFICER:** Frank Egerton
Telephone 0151 934 4619

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To advise the Committee of the enactment of the Building (Local Authority Charges) Regulations 2010, the need for Sefton Council to make a new Scheme of Building Regulation Charges and to seek Committee approval to introduce such a Scheme from 1st October 2010.

REASON WHY DECISION REQUIRED:

The Building (Local Authority Charges) Regulations 2010 requires the Council to make and implement a new Scheme of Building Regulation Charges by 1st October 2010. The aim of the Scheme is to ensure that, taking one financial year with another, the income derived from performing the chargeable Building Control functions, as near as possible, equates to the costs incurred in performing these functions i.e a break-even position.

RECOMMENDATION(S):

It is recommended that:

- i. Planning Committee:
 - a) Note the proposed Scheme of Charges under the new 2010 Building Regulations for operation from 1st October 2010.
 - b) Recommends Cabinet to approve the new Scheme of Charges from 1st October 2010.
- ii. Cabinet agrees the new Scheme of Charges from 1st October 2010.

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KEY DECISION: No

FORWARD PLAN:

IMPLEMENTATION DATE: 1st October 2010

ALTERNATIVE OPTIONS: None

IMPLICATIONS:

Budget/Policy Framework: The setting of fees and charges falls outside the main budget setting process.

Financial: Modelling of the proposed new Scheme and Charges as outlined in this report has revealed that, subject to the in-house service retaining its market share and levels of economic activity remaining similar to that in 2009/10, an additional £10,000 of income could be generated in the current financial year, allowing for the new charging regime commencing from 1st October 2010. In 2011/12 the estimated additional income may rise by £20,000 in a full year.

It is still anticipated however, that the overall income levels achieved by the Building Control Section will continue to fall short of budget due to the current levels of economic activity despite the anticipated increase in income generated under the new charging regime.

<u>CAPITAL EXPENDITURE</u>	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
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 NO	When?			
How will the service be funded post expiry?	N/A			

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Legal:

Risk Assessment:

Not to set a new Scheme of Charges would be in breach of the Building (Local Authority Charges) Regulations 2010.

The forecast additional income in the current financial year and the subsequent year is based upon a model that assumes similar workload, and construction activity to that in 2009/10.

Asset Management:

CONSULTATION UNDERTAKEN/VIEWS

FD476 – The Interim Head of Corporate Finance and ICT Strategy has been consulted and his comments have been incorporated within this report.

CORPORATE OBJECTIVE MONITORING:

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

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

Buildings and Buildings, England and Wales. SI 2010 No. 404. The Building (Local Authority Charges) Regulations 2010.

Department for Communities and Local Government – General Guidance on the Implementation of the Building (Local Authority Charges) Regulations 2010.

The Chartered Institute of Public Finance & Accountancy – local authority building control accounting – Guidance for England and Wales, Fully Revised Second Edition 2010.

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1. BACKGROUND

- 1.1 In 1998 responsibility for setting Building Regulation Charges was devolved to the Council with the aim of ensuring that over any three year rolling period, income received covered the costs incurred.
- 1.2 In the years since, income has fluctuated significantly and whilst surpluses were generated in the early years, the recent economic down turn has had a negative impact, resulting in reduced income, such that income has been insufficient to cover costs, particularly in respect of household extensions and alterations.
- 1.3 In an attempt to address this imbalance, Sefton's Building Regulation charges were reviewed and increased in April 2010. Since this review, new legislation in the form of The Building (Local Authority Charges) Regulations 2010, has been enacted (by the previous Government) which re-emphasises the key principle of devolved charging, which is that the user should pay for the actual service they receive.

2. REQUIREMENTS OF THE 2010 REGULATIONS

- 2.1 The overriding objective of the 2010 Regulations is that the Council must ensure that, taking one financial year with another, the income derived from performing chargeable functions and providing chargeable advice as near as possible equates to the costs incurred by the authority in performing those functions i.e that a break-even position is achieved.
- 2.2 In practice, the Regulations require the Council to adopt a new Scheme of Building Regulations Charges for its Building Regulation function. This Scheme should seek to arrive at appropriate charging schedules, reflecting the typical work input of Building Control staff, and be reviewed annually with the aim of addressing any deficits or surpluses arising.
- 2.3 Statutory Guidance issued to accompany the Regulations recognises that inevitably there will be variations over time in the level of building activity and the fluctuating demands on the Building Control Service. As such it is suggested that Councils may wish to balance income and costs over a 'reasonable period' of between 3 & 5 years.

3. DETERMINING THE CHARGES

- 3.1 In determining Building Control's input into a project and therefore the charge, it is suggested in the Regulations that a range of factors may be taken into consideration, including the size and complexity of the project, the type of construction and whether detailed plans are to be provided. To reduce the complexity of administering the Scheme, however, local authorities are

authorised to establish 'standard' charges for repetitive designs or typical building projects.

4. RESPONSE TO REGULATIONS

4.1 In response to the Regulations, a detailed assessment of the work / time input required for a range of typical building projects has been undertaken to determine an average hourly charging rate which, for the current year is around £50.00 per hour. This assessment has been conducted in line with the 2010 accounting guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) to all Local Authorities.

5. THE REVISED SCHEME

5.1 It is proposed to adopt standardised charges for repetitive or typical work types, in particular for new build dwellings, extensions and alterations to domestic premises and for other works with an estimated value of less than £5,000.

5.2 A sample showing a few of the charge variations arising from the new assessments, are demonstrated in the table below.

	<u>Existing Full Plans</u> <u>Charge</u> <u>excl. VAT</u>	<u>Proposed Full</u> <u>Plans Charge</u> <u>excl. VAT</u>
Single storey extension of a dwelling floor area <10m ² ,	254.49	330.00
Single storey extension of a dwelling floor area between 10m ² and 40m ² ,	373.62	450.00
Any extension of a dwelling by the addition of rooms within the roof space incl. dormer.	483.40	420.00
Replacement of windows in a dwelling house.	100.00	80.00

5.3 Full details of the proposed 2010/2011 charges for repetitive or typical work are set out in Annex 1 to this report. These charges have been determined from an estimation of the hours required to assess/inspect the building work multiplied by the average hourly rate.

5.4 Whilst standardised charges will reduce the complexity of the Scheme, such an approach will not be possible for all building work activity, in particular large complex buildings. In such circumstances it will be necessary for each building project to be assessed individually.

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- 5.5 Charges are usually subject to VAT. Work to provide facilities for disabled people will continue to remain exempt from Building Regulation charges under the new regulations.

6. FINANCIAL IMPACT OF THE PROPOSED SCHEME

- 6.1 Modelling of the proposed new Scheme and Charges has revealed that, subject to the in-house service retaining its market share and levels of economic activity remaining similar to that in 2009/10, an additional £20,000 of income could be generated in 2011/12, on a pro rata basis this would equate to £10,000 in the current financial year assuming approval is given to the new charging regime from 1st October 2010.
- 6.2 Despite the potential for an increase in income, it is apparent that the proposed charges may be insufficient in the current financial year to meet the objective of covering costs.
- 6.3 In line with the requirements of the Regulations and Statutory Guidance it is therefore proposed to conduct annual reviews, the first being due in April 2011 with the intention of reducing any forecast deficit and to work towards bringing chargeable work income and expenditure into balance within the timetable allowed.

7. OTHER PROCEDURAL MATTERS

- 7.1 The Regulations require the Council to publish a notice 7 days prior to the Scheme coming into effect advising that it has made a new Scheme. For clarity and accountability it will also be necessary, at the on-set of a building project, to advise applicants what the Building Regulation charge will be and the standard of service they can expect. This will ensure transparency of the revised charging mechanism.
- 7.2 The Regulations also make provision for supplementary charges to be levied where more work has been required than was initially envisaged, similar provisions allow for refunds where the input has been less than anticipated. Examples may include the need to; carry out additional inspections or appoint a specialist to assess some element of the works.
- 7.3 Whilst it is the responsibility of each local authority to publish a Scheme of Charges for its area, Building Control Managers across the Merseyside area have sought to develop a model that can be used across the sub-region while allowing flexibility to take account of local circumstances such as different hourly rates. Sefton has taken a lead in this respect, believing that such an approach will promote collaboration, reduce effort & duplication and assist understanding of the Scheme by those undertaking building work.

8. RECOMMENDATIONS

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It is recommended that:

- i. Planning Committee:
 - a) notes the proposed Scheme of Charges under the new 2010 Building Regulations for operation from 1st October 2010.
 - b) Recommends Cabinet to approve the new Scheme of Charges from 1st October 2010.
- ii. Cabinet agrees the new Scheme of Charges from 1st October 2010.

Schedule 1
Plan charge: New dwellings

	Number of house types (design)																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	240																			
2	246	336																		
3	252	342	432																	
4	258	348	438	528																
5	264	354	444	534	624															
6	270	360	450	540	630	720														
7	276	366	456	546	636	726	816													
8	282	372	462	552	642	732	822	912												
9	288	378	468	558	648	738	828	918	1008											
10	294	384	474	564	654	744	834	924	1014	1104										
11	300	390	480	570	660	750	840	930	1020	1110	1200									
12	306	396	486	576	666	756	846	936	1026	1116	1206	1296								
13	312	402	492	582	672	762	852	942	1032	1122	1212	1302	1392							
14	318	408	498	588	678	768	858	948	1038	1128	1218	1308	1398	1488						
15	324	414	504	594	684	774	864	954	1044	1134	1224	1314	1404	1494	1584					
16	330	420	510	600	690	780	870	960	1050	1140	1230	1320	1410	1500	1590	1680				
17	336	426	516	606	696	786	876	966	1056	1146	1236	1326	1416	1506	1596	1686	1776			
18	342	432	522	612	702	792	882	972	1062	1152	1242	1332	1422	1512	1602	1692	1782	1872		
19	348	438	528	618	708	798	888	978	1068	1158	1248	1338	1428	1518	1608	1698	1788	1878	1968	
20	354	444	534	624	714	804	894	984	1074	1164	1254	1344	1434	1524	1614	1704	1794	1884	1974	2064

N.B. The above rates may be subject to surcharges- see Surcharge. If the new dwellings have type approval (LANTAC)- plan charge= £180 +£6 per dwell

Number of dwellings

**Schedule 1
Site Inspection Charge – New dwellings**

No. of Dwellings	Detached Dwelling houses £	Semi-Detached Dwelling houses £	Terraced/Town Houses or Flats £
1.	390.00	-	-
2.	648.00	540.00	-
3.	888.00	-	750.00
4.	1110.00	906.00	904.00
5.	1314.00	-	1040.00
6.	1500.00	1236.00	1158.00
7.	1668.00	-	1258.00
8.	1818.00	1530.00	1358.00
9.	1950.00	-	1458.00
10.	2064.00	1788.00	1558.00
11.	2178.00	-	1658.00
12.	2292.00	2010.00	1758.00
13.	2406.00	-	1858.00
14.	2520.00	2214.00	1958.00
15.	2634.00	-	2058.00
16.	2748.00	2418.00	2158.00
17.	2862.00	-	2258.00
18.	2976.00	2622.00	2358.00
19.	3090.00	-	2458.00
20.	3204.00	2826.00	2558.00

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Schedule 2
Charge for repetitive or typical building work to dwelling houses

Schedule 2	Full Plans			Building Notice Charge
	Plan Charge	Inspection Charge	TOTAL Payable	
Category				
1. Single storey extension less than 10m ²	150.00	180.00	330.00	360.00
2. Single storey extension between 10 and 40m ²	180.00	270.00	450.00	480.00
3. Single storey extension between 40 and 100m ²	210.00	330.00	540.00	600.00
4. Two storey extension less than 40m ²	180.00	270.00	450.00	480.00
5. Two storey extension between 40 and 100m ²	210.00	360.00	570.00	630.00
6. First floor extension less than 40m ²	150.00	210.00	360.00	420.00
7. First floor extension 40 and 100m ²	180.00	270.00	450.00	510.00
8. Loft conversion no dormer and less than 40m ²	150.00	210.00	360.00	420.00
9. Loft conversion with dormer and less than 40m ²	180.00	240.00	420.00	480.00
10. Detached garage less than 60m ²	105.00	180.00	285.00	285.00
11. Attached garage less than 60m ²	120.00	180.00	300.00	300.00
12. Garage conversion less than 40m ²	105.00	180.00	285.00	285.00
13. Detached habitable building less than 40m ²	210.00	270.00	480.00	510.00
14. Detached habitable building between 40 and 100m ²	240.00	360.00	600.00	660.00

15. Basement extension less than 100m ²	180.00	270.00	450.00	510.00
16. Structural and internal alterations with a commercial value of less than £1000	100.00*	-	100.00	100.00
17. Structural and internal alterations with a commercial value of less than £2000	150.00*	-	150.00	150.00
18. Structural and internal alterations with a commercial value of less than £5000	200.00*	-	200.00	200.00
19. Replacement windows < 10 units	80.00*	-	80.00	80.00
20. Replacement windows > 10 units	150.00*	-	150.00	150.00
21. Installation of heat producing appliance	175.00*	-	175.00	175.00
22. Underpinning of existing foundations with a commercial value of less than £5000	250.00*	-	250.00	250.00
23. Renovation of an existing roof, wall or floor	150.00*	-	150.00	150.00
24. Replacement of existing roof covering	200.00*	-	200.00	200.00
25. Installation of cavity wall insulation by an un-licensed installer	150.00*	-	150.00	150.00
26. Installation of cavity wall insulation by a licenced installer	10.00	N/A	10.00	10.00
27. Electrical work carried out by a person <u>NOT</u> Part P registered (#see surcharges)	100.00*	-	100.00	100.00

Schedule 3

Charge for repetitive or typical building work to buildings other than dwelling houses

Schedule 3 Category	Full Plans			Building Notice Charge
	Plan Charge	Inspection Charge	TOTAL Payable	
28. Replacement windows up to 10 units	30	100	130	150.00
29. Replacement windows up to 50 units	40	175	215	240.00
30. Replacement windows over 50 units	50	215	265	290.00
31. New / replacement shop front	40	110	150	175.00
32. Renovation of a roof, wall or floor	75	100	175	225.00
33. Structural and general alterations < £2000	100	100	200	220.00
34. Structural and general alterations < £5000	125	150	275	300.00
35. Any work not described in Schedules 1, 2 or 3	Charge to be subject to project specific negotiation			

NB For any building work not found within Schedules 1, 2 or 3 – please consult the Building Control Team

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REPORT TO: Planning Committee

DATE: 18 August 2010

SUBJECT: **Revenue Expenditure and Performance – 2009/10 Portfolio Final Accounts**

WARDS AFFECTED: None directly

REPORT OF: Planning and Economic Development Director – Andy Wallis
Interim Head of Corporate Finance & ICT Strategy – John Farrell

CONTACT OFFICER: David Gant – 0151 934 2378
Kevin McBlain – 0151 934 4049

EXEMPT/CONFIDENTIAL: No

PURPOSE/SUMMARY:

To notify the Committee of the final 2009/10 outturn position for the Planning Portfolio.

REASON WHY DECISION REQUIRED:

To allow the Committee to consider whether there are any issues arising from the 2009/10 accounts for the portfolio which should be referred to the Overview and Scrutiny Committee (Regeneration and Environmental Services).

RECOMMENDATIONS:

The Committee is asked to:

- a) Note the Portfolio's revenue expenditure outturn for 2009/10;
- b) Note the Portfolio's actual performance indicators and data for 2009/10; and
- c) Consider whether any issues should be referred to the Overview and Scrutiny Committee (Regeneration and Environmental Services) for consideration.

KEY DECISION: No

FORWARD PLAN: Not appropriate

IMPLEMENTATION DATE:

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ALTERNATIVE OPTIONS:

None

IMPLICATIONS:

Budget/Policy Framework:

Financial:

This report identifies a revenue budget over spend of £0.092m for 2009/10 for this Portfolio which has been met from the general balances of the Council.

	2010/11 £	2011/12 £	2012/13 £	2013/14 £
CAPITAL EXPENDITURE				
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?				

Legal: Not appropriate

Risk Assessment: Not appropriate

Asset Management: Not appropriate

CONSULTATION UNDERTAKEN/VIEWS

FD 479 – The Interim Head of Corporate Finance and ICT Strategy has been consulted and his comments have been included in this report
 The Planning and Regeneration Department was involved with the Finance Department in the closure of the 2009/10 accounts.

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

None

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Revenue Expenditure and Performance – 2009/10 Portfolio Final Accounts

1 Introduction

- 1.1 The Audit and Governance Committee considered the Council's full Statement of Accounts on 30 June 2010. This report outlines the 2009/10 revenue and capital outturn for the Planning Portfolio and identifies the major variations. The report also contains details of the Portfolio's operational performance in 2009/10 against its relevant indicators, together with comments by the Service Director who is responsible to this Portfolio for their revenue, capital and performance issues, highlighting any that have ongoing implications for later years.
- 1.2 A separate report will be presented to the Overview and Scrutiny Committee to allow an independent review of all Portfolios' outturn positions.

2 Revenue Expenditure 2009/10

- 2.1 The closure of the 2009/10 Revenue Accounts has now been completed, however the detail is still subject to examination by Price Waterhouse Coopers, the Council's auditors. The provisional outturn for the Council indicates that General Fund Balances will increase to £3.661m owing to an overall net under spending of £0.021m. The final outturn position for this portfolio, when compared to the 2009/10 Revenue Budget plus any additional resources approved by Cabinet during the year, indicates a net over spend of £0.092m.
- 2.2 Annex A summarises the divisions of service provided by this Portfolio and compares the original estimates with provisional outturn figures. The main variations within the net over spend are analysed below:

	£m	£m
Main variations on the Revised Budget:		
a) Direct Pay costs	- 0.324	
b) Planning Application Fees	0.180	
c) Building Control Fees	0.203	
d) Planning Delivery Grant shortfall against budget	0.145	
e) Local Plans	- 0.021	
f) Consultancy costs	- 0.077	
g) Other minor variations	- 0.014	
		0.092
Net Portfolio Overspend		0.092

This overspend of £0.092m represents 3.48% of the Portfolio's 2009/10 Revenue Budget.

- 2.3 The Planning and Economic Regeneration Director comments:-

Given a very difficult year, with reducing activity in both Planning and Building Control applications as a result of the economic downturn, and a reduced level of Housing and Planning Delivery Grant support from the Government, the Department has done exceptionally well to contain overspending to the level recorded at the financial year end (£0.092m). This represents a very significant reduction in the overspend forecast at the start of the financial year and has been achieved through a reduction in staff resources and tight control of all other controllable expenditure.

Members may recall some early actions taken from April 2009, when a report was brought to Cabinet, seeking to reduce the workforce as a result of the downturn in the economy. This action together with some targeted budget savings helped to significantly reduce the early forecast level of overspend which was in excess of £200k.

3 Performance in 2008/9

- 3.1 Planning performance is shown at Annex B. This consists of the new National Performance Indicators relating to this Department for 2009/10 compared with a regional and nation performance average where available.
- 3.2 These figures maintain the excellent performance achieved by the Department in recent years and in part reflect the value of the investments made in staff and other resources from Planning Delivery Grant.

4 On-going issues for later financial years

- 4.1 The Planning and Economic Regeneration Director has identified the following ongoing issues as a result of this Portfolio's outturn position for 2009/10
 - 1. The worsening national (and international) economic situation has seen development activity reduce at an alarming rate and this trend is expected to continue for some time.
 - 2. Whilst the rate of change so far has not been as pronounced there is nevertheless a similar trend in the numbers of applications for Building Regulation approval. Given economic forecasts it must be assumed that volumes will continue to decrease. At the same time, it is expected that pressure on fee bids for work open to the private sector will become increasingly competitive.
 - 3. As part of Public Sector cuts to budgets, the Department has been informed that the Government has stopped its support to Local Authorities in respect of the Housing and Planning Delivery Grant for 2010/11. The Department therefore now has an unfunded grant income budget in the year of £253k.

5 Recommendations

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5.1 The Committee is asked to:

- a) Note the Portfolio's revenue expenditure outturn for 2009/10;
- b) Note the Portfolio's performance indicators and data for 2009/10; and
- c) Consider whether, in the light of the comments made by the Planning and Economic Regeneration Director, any issues should be referred to the Overview and Scrutiny Committee (Regeneration and Environmental Services) for consideration.

Planning Portfolio

Final Accounts 2009/10 – Revenue Expenditure Summary

Details	Actual 2008/9	Revised Estimate 2009/10	Actual 2009/10
<u>PLANNING DEPARTMENT</u>			
<u>SUMMARY</u>			
<u>PLANNING AND DEVELOPMENT</u>			
Development Control	1,002,757	798,200	705,828
Service Delivery Grant	-54,477	-14,250	-110,701
Planning Policy	919,002	983,750	808,732
Environmental Initiatives			
- Environmental/Conservation Grants	689,998	521,250	705,869
- Other Environmental Improvement and Conservation	22,446	18,750	4,734
- Sefton Coast Management Scheme	19,505	84,500	25,770
- Environmental Advisory Service	134,430	135,150	152,118
- Contaminated Land	27,543	25,000	3,487
- Waste Development Plan	0	0	0
Service Management And Support Services	0	0	40
Building Control	250,039	302,950	434,488
Destination Kirkby Public Enquiry	103,471	0	0
Vacancy Management Savings	0	-195,800	0
Provision for Price Inflation 2007/8	0	5,600	0
Provision for Price Inflation 2008/9	0	7,000	0
Corporate Savings	0	-34,150	0
Application of LABGI	-91,714	0	0
Total Net Expenditure	3,023,000	2,637,950	2,730,365

ANNEX B

FINAL ACCOUNTS 2009/10 - PLANNING PORTFOLIO

Data taken from the Places Analysis Tool (PAT)

<u>Code Name</u>	<u>Polarity</u>	<u>2009/10 Actual values</u>	<u>PAT Regional Average</u>	<u>10% Variance</u>	<u>PAT National Average</u>	<u>10% Variance</u>
NI 157a Processing of planning applications as measured against targets for 'major' 'minor' and 'other' application types - Major Applications	Higher %	83.33	76.09 😊	9.52%	70.75 😊	17.78%
NI 157b Processing of planning applications as measured against targets for 'major' 'minor' and 'other' application types - Minor Applications	Higher %	85.71	80.15 😊	6.94%	79.16 😊	8.27%
NI 157c Processing of planning applications as measured against targets for 'major' 'minor' and 'other' application types - Other Applications	Higher %	92.47	88.8 😊	4.13%	88.25 😊	4.78%
NI 158 % non-decent council homes	Lower %	32.40	32.5 😞	-0.31%	35.8 😊	-9.50%
NI 197 Improved local biodiversity – active management of local sites PSA 28	Higher %	28.10	25 😊	12.40%	35 😞	-19.71%

Note : The above list of National Indicators may not include all Indicators relevant to this Department, as items with 'Nil' actual values for 2009/10 have been excluded.