

MEETING: PLANNING COMMITTEE

DATE: 9th February 2011

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 Barry Griffiths (Spokesperson)  
Cllr Ms Carol Gustafson O.B.E.  
Cllr Richard Hands  
Cllr Peter Hough  
Cllr Anne Ibbs  
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 Terry Jones  
Cllr Lord Ronnie Fearn of  
Southport, O.B.E.  
Cllr Denise Dutton  
Cllr Martyn Barber  
Cllr Miss Veronica Webster  
Cllr Andrew Tonkiss  
Cllr Andrew Blackburn  
Cllr Peter Papworth  
Cllr Robert Brennan  
Cllr Simon Shaw  
Cllr David Rimmer

COMMITTEE OFFICER: Olaf Hansen Committee Clerk  
Telephone: 0151 934 2067 / 2788  
Fax: 0151 934 2034  
E-mail: olaf.hansen@sefton.gov.uk or  
ian.barton@sefton.gov.uk

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

# AGENDA

**1. Apologies for Absence**

**2. Declarations of Interest**

Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.

**3. Petitioned Applications**

(Pages 5 - 8)

Prior to consideration of the following reports, petitions will be presented in accordance with Rule 27 of the Council and Committee Procedure Rules.

**A Application No. S/2010/1645 - Shell Garage,  
Liverpool Road, Formby**

(Pages 9 - 22)

**B Application No.S/2010/1677 - 73-75 Kirklake Road,  
Formby**

(Pages 23 - 32)

**C Application No. S/2010/1692 - Chapel House, 603-607  
Liverpool Road, Ainsdale**

(Pages 33 - 46)

**D Application No S/2010/1726 - 4A Liverpool Road,  
Birkdale**

(Pages 47 - 56)

**4. Applications for Planning Permission - Approvals**

(Pages 57 - 60)

Reports of the Planning and Economic Development  
Director

**A Application No. S/2010/1503 - Maghull Central  
Square, Maghull**

(Pages 61 - 74)

**B Application No. S/2010/1605 - Former LA Fitness,  
Fairway, Southport**

(Pages 75 - 84)

**C Application No. S/2010/1617 - Land at 101 Marshside  
Road, Southport**

(Pages 85 - 92)

**D Application No. S/2010/1669 - Land opposite  
Millfield, Powderworks Lane, Melling**

(Pages 93 - 102)

**E Application No. S/2010/1673 - Mortons Dairy,  
Kenyons Lane, Lydiate**

(Pages 103 - 114)

**F Application No. S/2010/1737 - Land rear 43-51 High  
Park Road, Southport**

(Pages 115 - 122)

- G **Application No. S/2010/1742 - 340 Moorhey Road, Maghull** (Pages 123 - 130)
  - H **Application No. S/2010/1748 - Westwood House, Moss Side, Formby** (Pages 131 - 138)
  - I **Application No. S/2010/1768 - 24 Selworthy Road, Birkdale** (Pages 139 - 146)
5. **Applications to be inspected by the visiting Panel - 7 February 2011** (Pages 147 - 150)
- A **Application No. S/2010/1645 - Shell Garage. Liverpool Road, Formby**
  - B **Application No. S/2010/1677 - 73-75 Kirklake Road, Formby**
  - C **Application No. S/2010/1692 - Chapel House, 603-605 Liverpool Road, Ainsdale**
  - D **Application No. S/2010/1768 - 24 Selworthy Road, Birkdale**
  - E **Application No. S/2010/1726 - 4a Liverpool Road, Birkdale**
  - F **Application No. S/2010/1605 - Former LA Fitness, Fairway, Southport**
  - G **Application No. S/2010/1617 - Land at 101 Marshside Road, Southport**
  - H **Application No. S/2010/1673 - Mortons Dairy, Kenyons Lane, Lydiate**
6. **Town and Country Planning Act - Appeals** (Pages 151 - 172)  
Report of the Planning and Economic Development Director
7. **Proposed Increase in Fees and Charges** (Pages 173 - 188)  
Report of the Planning and Economic Development Director
8. **Regulatory Service Development** (Pages 189 - 196)  
Report of the Planning and Economic Development Director

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# Agenda Item 3

**Committee:** PLANNING

**Date of Meeting:** 9 February 2011

**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 3

## **Financial Implications**

None

## **Departments consulted in the preparation of this Report**

See individual items

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

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

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

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

## Petitions Index

<b>A</b>	<b>S/2010/1645</b>	<b>Shell Garage, Liverpool Road, Formby</b>	<b>Ravenmeols Ward</b>
<b>B</b>	<b>S/2010/1677</b>	<b>73-75 Kirklake Road, Formby</b>	<b>Harington Ward</b>
<b>C</b>	<b>S/2010/1692</b>	<b>Chapel House, 603-607 Liverpool Road, Ainsdale</b>	<b>Ainsdale Ward</b>
<b>D</b>	<b>S/2010/1726</b>	<b>4a Liverpool Road, Birkdale</b>	<b>Birkdale Ward</b>

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Committee: **PLANNING**

Date of Meeting: **09 February 2010**

Title of Report: **S/2010/1645**  
**Shell Garage Liverpool Road, Formby**  
(Ravenmeols Ward)

Proposal: Construction of a new petrol filling station including: the erection of a convenience store, forecourt canopy, individual jet wash bays, parking and landscaping

Applicant: The Kay Group

## **Executive Summary**

This application is for the reintroduction of a petrol filling station and associated facilities onto this vacant site. The issues concern the principle of the use in relation to other possible land uses, compliance with UDP policy H10 in respect of amenity and hours of operation and consideration of details of access, design, tree loss, landscaping and lighting.

**Recommendation(s)                      Approval**

## **Justification**

The proposed use reintroduces a petrol filling station with associated facilities onto the site. In respect of UDP Policy H10 the applicant has demonstrated that no significant loss of amenity would occur and the proposals meet the other requirements of relevant UDP policies. Taking these policies into consideration together with local objections and all other material considerations, approval is recommended as set out in the report.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. M-2 Materials (sample)
4. L-1 Protection of trees
5. Con-1 Site Characterisation
6. Con- 2 Submission of Remediation Strategy
7. Con-3 Implementation of Approved Remediation Strategy
8. Con-4 Verification Report
9. Con-5 Reporting of Unexpected Contamination
10. S106 Agreement
11. B-3 Delivery hours
12. All external plant and machinery , including jet washes/vacuum/air/water shall

# Agenda Item 3a

- be operated outside the hours of 0700-2100 unless otherwise agreed in writing by the Local Planning Authority
13. Before such equipment is installed, full details of the plant and equipment associated with the shop operation shall be submitted for approval to confirm noise levels within the criteria of the noise assessment.
  14. The acoustic fence hereby permitted, shall be erected in accordance with the approved detail and shall have no holes or gaps. The fence shall be maintained as such at all future times.
  15. The submitted Supplementary statement in relation to the overnight operation of the site shall be implemented in full at all future times. Fuel sales shall be restricted to the two forward fuel pumps between 11 pm and 7 am.
  16. Before the development is first brought into use the applicant shall set up a local liaison group as outlined in the Supplementary statement and in accordance with details which shall be agreed in writing with the Local Planning Authority.
  17. L-4 Landscape Implementation
  18. L-5 Landscape Management Plan
  19. H-1 Remove existing vehicular/pedestrian access
  20. H-2 New vehicular/pedestrian access
  21. H-5 Off-site Highway Improvements
  22. H-6 Vehicle parking and manoeuvring
  23. H-12 Servicing Areas

## Reasons

1. RT-1
2. RX1
3. RM-2
4. RL-1
5. RCON-1
6. RCON-2
7. RCON-3
8. RCON-4
9. RCON-5
10. R106
11. RB-3
12. In the interests of residential amenity and to comply with policy EP6 in the Sefton Unitary Development Plan.
13. In the interests of residential amenity and to comply with policy EP6 in the Sefton Unitary Development Plan.
14. In the interests of residential amenity and to comply with policy EP6 in the Sefton Unitary Development Plan.
15. RP-4
16. To ensure proper management of the site to prevent unreasonable noise and disturbance to neighbouring occupants in the interests of residential amenity and to comply with polices DQ1, CS3 and EP6 in the Sefton Unitary Development Plan.
17. RL-4

18. RL-5
19. RH-1
20. RH-2
21. RH-5
22. RH-6
23. RH-1

## Notes

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.
2. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or [development.control@technical.sefton.gov.uk](mailto:development.control@technical.sefton.gov.uk) for further information.
3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 5-9 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition 9 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.

## Drawing Numbers

M10-29- 02 rev 01, 04 rev 05, 05 rev 03, M10-34-09

Tree survey and landscape design as amended by email received 28/01/11; lighting and canopy lighting calculations; noise impact assessment; supplementary statement in respect of overnight operation; retail appraisal and DAS.

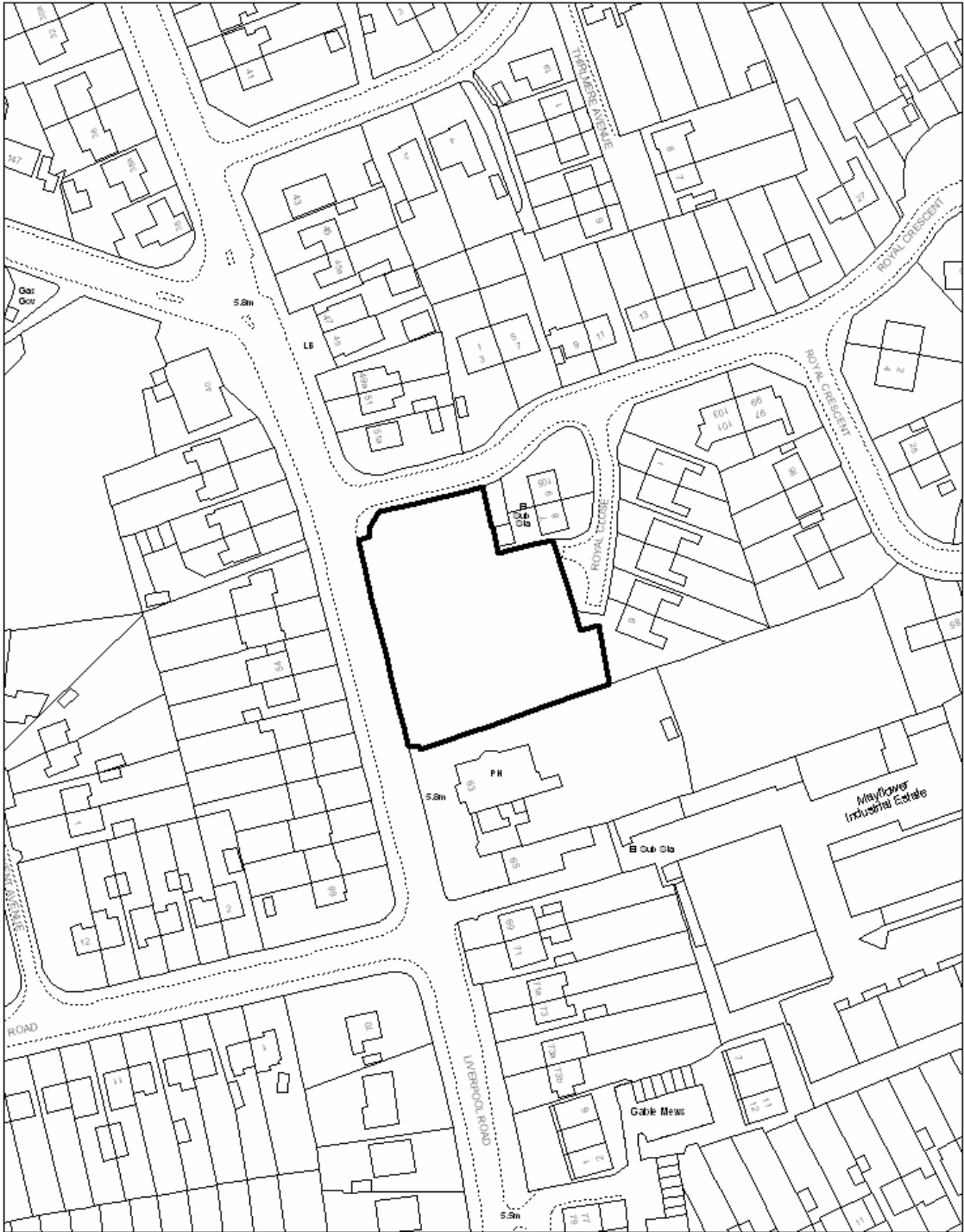
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## Financial Implications

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

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

History referred to  
Policy referred to



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>		S/2010/1645 Shell Garage Liverpool Road Formby L37 6BT OSGR: 330219, 406428		Sheets: 2066 Area: 2649 sqm		<b>Standard Site Plan</b> Scale: 1:1250 Date: 29/12/2010 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>Reproduced by Sefton Council Planning &amp; Economic Regeneration Department using MapInfo</small>				Ward(s): Ravenmeols Postcode Sector(s): L37 6 Polling District(s): P4 Parish(es): Formby Cp	

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S/2010/1645

## The Site

This application concerns the site of the former Shell Garage on the corner of Liverpool Road and Royal Crescent, Formby. The site has been out of use for some while and has now been cleared and secured. 'The Royal' Public House adjoins the site and there are houses to the rear in Royal Close.

## Proposal

Construction of a new petrol filling station including: the erection of a convenience store, forecourt canopy, individual jet wash bays, parking and landscaping.

## History

Several applications concerning developments and advertisements at the former petrol filling station. Most significant are;

N/1987/0822 Erection of extension to canopy, additional pumps, rollover cash wash and lance wash – Approved 27/01/1988

N/1998/0162 Redevelopment of site to include sales building with drive through restaurant, enclosed car wash; new tanks pumps and islands; air/water and vacuum facilities - refused 01/10/98

N/1999/0134 Redevelopment of site to include sales building with drive through restaurant, enclosed car wash; new tanks pumps and islands; air/water and vacuum facilities - refused 13/05/99 Appeal dismissed 11/02/2000

N/2001/0977 ATM on front elevation of sales building -Approved

## Consultations

*Highways Development Control* – The existing footway across the Liverpool Road frontage of the development site is approximately 1.6m and there are a number of lengthy sections of footway crossing which will become redundant once the site has been redeveloped. Given the potential increase in pedestrian traffic along the footway as a result of the large retail element of the development and the need to reinstate the redundant footway crossings, the existing footway across the entire frontage of the site on Liverpool Road should be completely reconstructed and widened to a minimum of 2.0m, incorporating flush kerbs and tactile paving either side of each new vehicular access and either side of Royal Crescent. In addition, there is a redundant footway crossing on Royal Crescent which will need to be reinstated as footway to match the existing. The new area of footway will need to be dedicated as highway and adopted under S228 of the Highways Act 1980.

A total of ten off-street parking spaces (including one which will be marked out for use by disabled persons) will be laid out to the front and side of the shop together

with four 'Sheffield' stands for cycle parking. This level of car and cycle parking is acceptable. There is an also adequate space within the site for drivers of fuel tankers and other delivery vehicles to carry out safe and convenient manoeuvring.

Conditions and informatives should be added to any approval notice.

*Environmental Services* - No objections. The site has previously been a 24 hour petrol station and sporadic complaints about this have been received. Due to the time period involved all physical records have been cleansed.

The noise impact assessment reviews noise impact on nearby dwellings and confirms that subject to operational restrictions during the night time period the 24 hour opening should not be a cause for concern.

The noise impact assessment recommends :

- all deliveries to the shop and fuel to be undertaken 0700-2300
- restrict fuel pumps to the first two bays of pumps from Liverpool Road between 2300-0700
- restrict the use of external plant and equipment – jet wash/vacuum, air/water to 0700-2300
- details of plant and equipment for shop to be approved prior to installation to confirm noise levels
- acoustic fence to be erected and maintained

Signs should request that car radios are turned off and that customers are quiet and respectful of residential neighbours.

I have read through the appeal documents you have sent, the appeal seems to look at the loss of amenity from the A3/A5 use and the auto car wash to the rear of Rolay Terrace. The only further comment I would make concerning the current application would be it may well be worth while further limiting the use of the proposed plant and equipment associated with the petrol station (jet wash, vacuum, air /water etc) to 08:00 to 22:00 hours. Further we need to be satisfied that the new operation will be well managed to minimise disturbance during night time periods of operation.

*Police Architectural Liaison Officer* - In the main, I am satisfied as to the proposed crime prevention measures as detailed in the Design and Access Statement. I am in agreement with the agent in regard to 24 hour trading increasing security. My only concerns are in respect of 'drive-off' offences and safety of ATM users and replenishers.

I realise that in the main, prevention of 'drive-offs' is a management issue for the operator, but reasonable steps can be taken to prevent offences, which could include such measures as customers being required to pay for fuel prior to filling during certain times of the day/night, or CCTV/Automated Number Plate Recognition (ANPR) cameras at both the entrance and exit. I am sure the applicant and agent are well aware of the options available, but I can provide more detailed advice if necessary.

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Safety of ATM users and replenishers is the other concern, and I have attached some guidance

In conclusion, I am supportive of the application

*Merseyside fire and Rescue* – access for fire appliances is considered adequate; water supplies for fire fighting should be risk assessed.

*Environment Agency* - historic contamination reports referred to have not been submitted.

*United Utilities* – no objection but site should be drained on a separate system.

## Neighbour Representations

Last date for replies: 18/12/10

A petition of 47 signatures endorsed by Councillor David McIvor has been received objecting on a number of grounds (set out in full on attachment).

- plans/submissions are inaccurate and out of date
- 24 hour opening is detrimental to amenity
- too close to residential property
- anti-social behaviour is not currently a problem but was when the previous garage was open
- noise and spray from car wash unacceptable
- no parking facilities for staff
- site should be used for housing

*Formby Parish Council* – supports the petition. Welcomes the desire to develop the site but 24 hour retailing is not welcome. Impacts on traffic, environment, safety of pedestrians and values of properties are of concern. Recommends refusal of this application in favour of a new petrol station site nearer to the A595 and allocation of the present application site for housing in the Core strategy.

*Formby Civic Society* - no criticism of layout or design or operation until 9pm. Oppose all night opening as too close to houses (no acoustic measurements made to west side and no acoustic screening there). Concerned that noise from cars and their occupants and pedestrians using the shop at night would be a problem.

Individual objections received from 8 Royal Close, 44, 50, 52, 58 Liverpool Road. These raise objections as follows :

- effect of proposal on livelihood of existing local businesses
- antisocial behaviour has much reduced since the former garage closed
- need for houses
- too close to houses for a petrol filling station
- it seems a backward step to re-contaminate the site after much time has been spent clearing up the contamination.
- retail appraisal is factually inaccurate and out of date.



- congestion and lack of parking
- size is inappropriate and the development is unnecessary
- trees on the site block light from 8 Royal Close and should be heavily trimmed or removed.

A letter has been received from the licensees of the Royal Hotel, next door. They live above the pub. They feel that the closure of the petrol station previously on the site had a detrimental effect on their business and would support the construction of a new one. They are in favour of a 24 hour facility to support general safety and security in the area. Whilst they support the need for affordable housing, they don't think that residential use is the answer here and are concerned that housing construction has stalled on several sites (including that at the rear of the Royal). They would like to see the site developed.

## Policy

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

AD1	Location of Development
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
EP3	Development of Contaminated Land
EP6	Noise and Vibration
EP7	Light Nuisance
H10	Development in Primarily Residential Areas
R1	Retail Development Strategy

## Comments

This proposal is for the redevelopment of this cleared site for its former use as a petrol filling station with associated facilities. The main issues to consider are the principle of the use; impact on residential amenity; highway safety, design/landscaping and impact on trees/ecology. The site has been remediated, but further consideration of the details of this are also required.

### Principle of the use

The site has long been a petrol filling station and it is hard to object to the resumption of that longstanding use, subject to other planning considerations. The proposals introduce a significantly larger retail unit (280m<sup>2</sup>) with an ATM together with replacement petrol pumps, jet wash bays and vacuum bays. 9 customer parking spaces plus 2 for staff are also proposed. The provision of car wash bays and vacuum bays reintroduce former facilities to a more modern standard. These will be considered in more detail in respect of amenity implications.

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In retail terms the proposed unit is of modest size and would not in itself cause any significant concern with regard to retail policy. Corrections/updates have now been made to the retail report.

Some objectors point out that there is a housing need in Formby and consider that this site would be better used for housing. The Director does not disagree and has sought to encourage residential use on the site. However the present applicant has made an application for a petrol filling station and this proposal needs to be assessed in the context of the existing UDP Policies. There is no policy within the adopted UDP which would give preference to housing on this site. The proposed use would be acceptable in principle provided that it meets Policy H10. The present application therefore has to be considered on its own merits. The Queen's Counsel advising the Council's Core Strategy considers that refusal primarily on the basis of preferred residential use is unlikely to be successful at appeal on this site.

## **Amenity**

Amenity considerations are the key concern. UDP Policy H10 states that non-residential development will be permitted in Primarily Residential Areas provided that it can be demonstrated that the proposal

- (a) will not have an unacceptable impact on residential amenity, and
- (b) is otherwise compatible with the residential character of the area.

The site is located on the corner of Liverpool Road with Royal Crescent and directly adjoins dwellings in Royal Close. A block of 4 apartment units is immediately to the rear of the site and semi-detached houses look towards the rear of the site from the other side of Royal Close. There are also houses on the opposite side of Liverpool Road and to the north of the site on Liverpool Road. A public house is located immediately to the south with the access to the car park adjacent to the southern site boundary. New houses are under construction to the rear of the public house

In dismissing an earlier appeal on this site for a redevelopment for a petrol filling station incorporating a number of other activities including a car wash, shop and fast food drive through, the Inspector clearly stated that the amenity considerations were paramount. He concluded that the fast food drive through in particular was likely to result in noise and disturbance which would cause real harm to residential amenity.

The present proposal does not include a drive through or fast food facility and this element of intensification and potential noise and disturbance is therefore removed.

The proposal as now submitted includes 4 car wash bays, but these are adjacent to the Royal Crescent frontage rather than to the rear as previously proposed. There are 2 vac bays included at the rear.

The facilities now proposed except for the increased retail area, are not significantly different from those previously existing, albeit more modern.

In terms of general amenity considerations the applicant has requested 24 hour operation. The previous use as a petrol filling station was not time limited, but it was

established at the time of the previous appeal that a condition could nevertheless limit hours of operation if required. However the applicant has stated that 24 hour opening is part of their business model and has submitted a night time management plan which could be enforced by condition. The applicant has experience of 24 hour working at their other sites and that they have won awards for the quality of their operations. They want to pursue 24 hour opening as they feel this is needed to provide safety and security for the site with more surveillance and less possibility of antisocial behaviour. Overnight trading helps offset the costs of having someone on site overnight. The site is purpose designed to facilitate night management and cctv is proposed. The jet washes would close at 9pm by which time use of all plant/machinery on the site would cease and lighting would be switched off (except canopy) the two forward pumps only would operate at night time.

Their experience at their other sites, they claim, has demonstrated that 24 hour operation improves the safety and security on the site. At one of their other sites they have set up a local liaison group and they are willing to offer this here. This would seem appropriate and is included in the recommended conditions. The Police Architectural Liaison Officer supports 24 hour opening as does the licensee of the pub next door who lives on the premises. Formby Civic Society and other objectors oppose the 24 hour opening on the basis that cars and pedestrians visiting the premises at night could be noisy but FCS recognises the difficulties of quantifying this. The local liaison group would be in a position to manage this if problems arose in the future.

On the basis of the submitted Noise Assessment taken together with the supplementary overnight management statement and the offer of community liaison, the Director considers that refusal on the grounds of noise and disturbance from 24 hour operation could not be substantiated.

In more detail, the noise assessment identifies a number of measures to ensure that noise levels remain at a level which does not cause undue loss of amenity. These are :

- all deliveries to the shop and fuel to be undertaken 0700-2300
- restrict fuel pumps to the first two bays of pumps from Liverpool Road between 2300-0700
- restrict the use of external plant and equipment – jet wash/vacuum, air/water to 0700-2300
- details of plant and equipment for shop to be approved prior to installation to confirm noise levels
- acoustic fence to be erected and maintained (to south and east)

The Director of Environmental Services has examined this assessment and further recommends that the jet/vacuum wash be further limited to 2200 and that signs be erected to ask customers to turn off car radios

Since these comments were made, the applicant has submitted the Supplementary Statement which states that the external plant/equipment including jet/vacuum wash

# Agenda Item 3a

would cease after 9pm and is willing to accept a condition to this effect.

On this basis it is hard to argue that there would be any significant loss of amenity to local residents and the proposal would therefore meet the requirements of UDP Policy H10.

## **Light pollution**

The proposal includes 2 single floodlights and 3 twin floodlights and canopy lighting. The floodlights would be automatically turned off at 9pm. This is considered acceptable in amenity terms.

## **Traffic and access**

Highways Development Control raise no concerns on traffic or access matters. Conditions are recommended including the need to reinstate the footpath on the Liverpool Road frontage. This can be required by condition. Parking space for 9 cars for customers (including one disabled bay) plus two for staff would be marked out on the site and this is considered appropriate.

## **Design and visual impact**

The site is presently vacant and fenced off.

The site layout locates the shop at the southern end of the site adjoining the access to the pub. The shop building would face the forecourt and would be constructed of metallic silver micro rib cladding panels. Some glazing is incorporated on the corner of the building to add some interest to the street elevation. The design of this building and its position and presentation on site is considered acceptable and to comply with UDP Policy DQ1. The south elevation would present a blank elevation to the public house and this boundary would be fenced with an acoustic fence.

The proposed car wash bays are located on the northern part of the site adjoining the Royal Crescent frontage. This would result in a 2.3m high timber screen fence (with profiled sheeting on the inner face to the jet wash) along this frontage. The applicant has sought to mitigate the visual impact of this fence by providing 5 recessed bays along its length with tree and shrub planting adjacent to the pavement.

The use of the site in this way results in a site frontage to Royal Crescent which lacks activity. This is not ideal in visual terms but the introduction of activity in relation to a petrol station on this frontage would not be appropriate in amenity or highway safety terms.

Overall the applicant has produced an acceptable landscaping scheme which would provide an attractive planting area on the frontage to Liverpool road and suitable screening for the rear of the site. Trees are discussed below.

## **Trees**

The site contains a number of existing trees including two protected sycamores towards the southern boundary. The health of the protected trees is being further investigated, but the trees are very one sided due to previous pruning and it was accepted at the time of the previous appeal that their removal to be replaced by good quality new planting on the frontage can be justified in amenity terms. The proposed replacement planting would achieve this with a group of new trees on the Liverpool Road frontage.

In terms of UDP Policy DQ3, 12 trees would be lost and 11 parking spaces proposed, giving a requirement of 35 trees required. 24 are proposed in the scheme so a S106 agreement is required for 11 trees (£5,064 at 2010/11 rates).

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

# Agenda Item 3a

1645

Petition against proposed plans for former Shell Garage, Liverpool Road, Formby

SEFTON COUNCIL  
16 DEC 2010 9F  
REGENERATION BSU

We as residents of Formby and Little Altcar object to the proposed development of the former Shell Garage on Liverpool Road for the following reasons.

- The plans are inaccurate and refer to a study carried out over six years ago. It states there are no convenience stores nearby, One Stop convenience store is only 200 yards up the road and a new convenience store has opened up just four doors away from the proposed site.
- It also states there are no ATM's nearby when there are two, one at the local post office and one at One Stop.
- The application refers to Redgate shops being run-down, they have been redeveloped and now has a large brand new convenience store. The newsagents on Liverpool Road also sells a selection of grocery items.
- The opening of another convenience store would be very harmful to these existing businesses.

Other reasons why this application must be refused

- The application is for twenty four hour opening. This is detrimental to the homes of the people living on the edge of this development. It will greatly reduce the quality of life for the residents who will have to endure, noise pollution, light pollution and it will create an increase in traffic during the night (the traffic on the road is greatly reduced after 11pm).
- The site is too close to residential properties, the gardens of some homes in Royal Close border the proposed site which will detract from the pleasure the residents can get from their gardens.
- There are homes on all four sides of the site, as there are new homes being built on the former beer garden at the back of the Royal Public House.
- The planning application states that there has been an increase in vandalism and anti social behaviour on the site. This couldn't be further from the truth the site has never had any vandalism and the area is very quiet since the Shell Garage was demolished. The former petrol station attracted gangs, drunks coming from local pubs and nightclubs, shouting loudly through the night pay window which meant that residents couldn't sleep with bedroom windows open during hot summer nights
- Noise and Spray from the 4 Car Wash bays would be unacceptable to residents and pedestrians walking past the site.
- Parking on Liverpool Road is already a problem as staff from the Ultimate Dental Laboratory park along the road and according to the plans there doesn't appear to be any parking facilities for people working at the proposed site.
- The press has recently revealed that discussions are taking place for building on Greenbelt land because of the requirement for new build homes – this site would be better suited for housing.
- This site in the middle of a residential area is unsuitable for a development on this scale and opening twenty four hours a day, there are sites close by which have time restrictions and this should not be any different.

Name	Signature	Address	Date
J DONOGHUE	J Donoghue	52 Liverpool Rd, Formby	9.12.10
A. DONOGHUE	A Donoghue	52 Liverpool Road, Formby	9.12.10.
A. KENNY	A. Kenny	48 Liverpool Road Formby	9.12.10.
L. MOORE	L. Moore	64 Liverpool Rd Formby	9.12.10.
S TURLEY	S Turley	66 LIVERPOOL RD FORMBY	9-12-10
J. TOMLINSON	J. Tomlinson	60 LIVERPOOL RD, FORMBY	9-12-10.
J KILDARE	J KILDARE	50 LIVERPOOL RD FORMBY	9-12-10
L GWYHER	L Gwyther	56 LIVERPOOL RD FORMBY.	9-12-10
A GWYHER	A Gwyther	56 LIVERPOOL RD FORMBY	9-12-10
G CALLAGHAN	G Callaghan	58 LIVERPOOL RD	11/12/10
J JACKSON	J Jackson	62 Liverpool Rd.	11/12/10
B ROSE	B Rose	62, Sweetford Road	11-12-10
L FORSLAW	L Forslaw	54 Liverpool Road	11-12-10
GACALAGHAN	G Callaghan	58. Liverpool Road	12.12.10.

Committee: **PLANNING**

Date of Meeting: **9 February 2011**

Title of Report: **S/2010/1677**  
**73-75 Kirklake Road, Formby**  
(Harington Ward)

Proposal: Erection of 2 detached two storey dwellings to the rear of 73 & 75 Kirklake Road with new access onto Kirklake Road

Applicant: Mr Paul Finnegan

## **Executive Summary**

The proposal seeks to provide a pair of two-storey detached dwellings to the rear of Numbers 73 and 75 Kirklake Road, a site that benefits from outline permission for three detached bungalows.

The key considerations in respect of the proposal are the impacts on the amenity of neighbouring residential properties and on any protected species that may be present within the site.

As the proposal will not harm the amenity of neighbours and will enhance biodiversity there is no material reason to warrant refusal and it is therefore recommended that Committee grant approval with conditions.

**Recommendation(s)                      Approval**

## **Justification**

When assessed against the Unitary Development Plan and all other material considerations, particularly policies CS3, DQ1, DQ3, H10, NC1 and Supplementary Planning Guidance 'New Housing Development', the proposal complies with policy and is acceptable.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no window or door shall be added to the property to enable access to the flat roof elements of the dwellings unless expressly authorised.
3. M-6 Piling
4. P-5 Plant and machinery
5. a) A scheme of works for the proposed vehicular access shall be submitted to

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and approved in writing by the Local Planning Authority.

- b) No part of the development shall be brought into use until a means of vehicular access to the development has been constructed. These works shall be in accordance with the scheme approved under (a) above.
6. No part of the development shall be brought into use until visibility splays of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 0.9 metres above the footway level of Kirklake Road. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.
  7. H-6 Vehicle parking and manoeuvring
  8. X1 Compliance

## Reasons

1. RT-1
2. In order to protect the character and amenities of surrounding property and to comply with Sefton UDP Policies DQ1 and H10.
3. RM-6
4. RP-5
5. RH-2
6. RH-4
7. RH-6
8. 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 new property numbers.
2. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or [development.control@technical.sefton.gov.uk](mailto:development.control@technical.sefton.gov.uk) for further information.

## Drawing Numbers

907-001, 002A, 003A, 004A, 005A, 006, 010



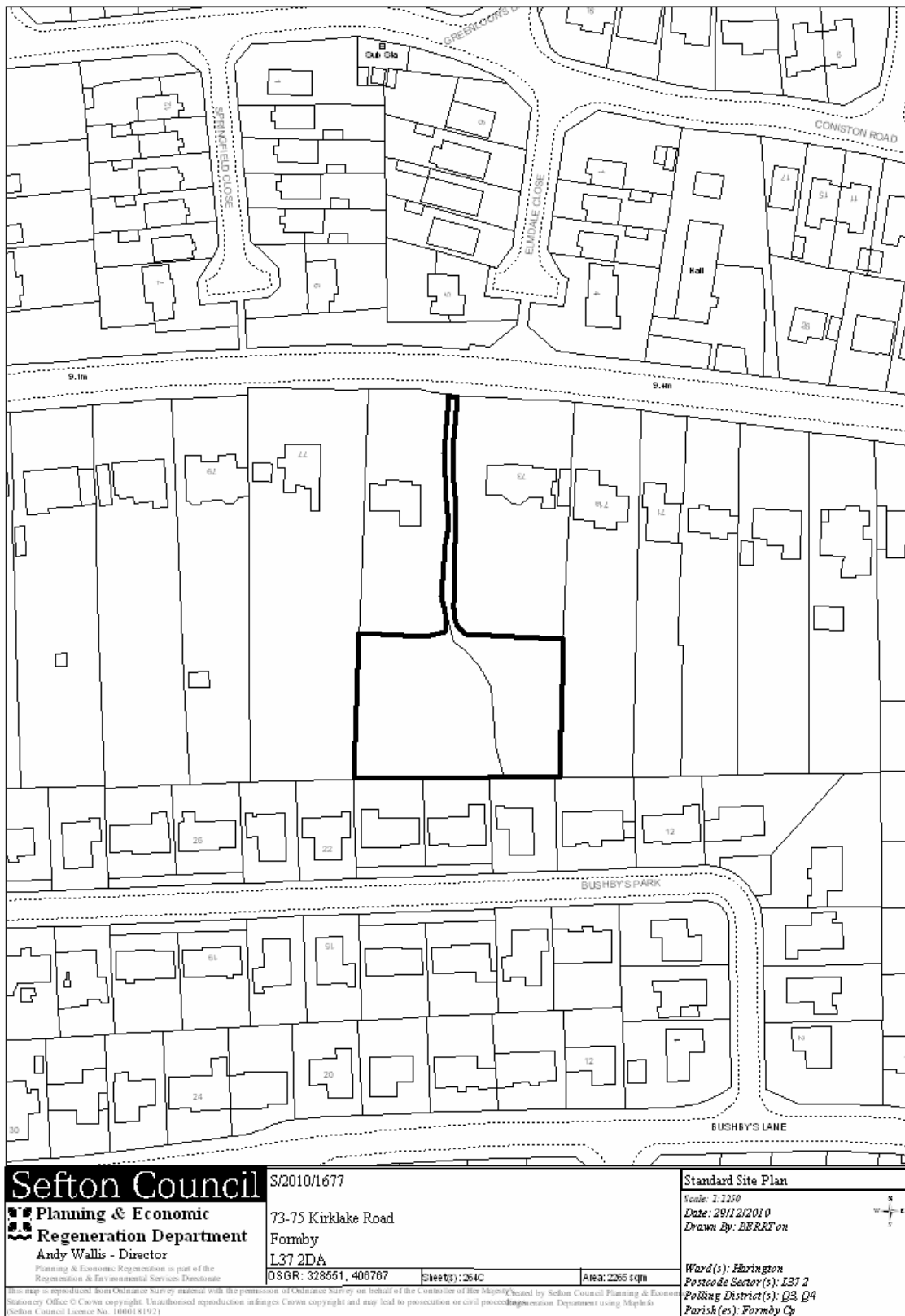
## Financial Implications

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

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

History referred to  
Policy referred to

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S/2010/1677

This item was deferred by Committee at its meeting on 12 January 2011 for a site visit.

## The Site

A backland site within the rear gardens of two large detached houses on the south side of Kirklake Road, Formby. To the south towards the boundary with properties on Bushbys Park is Tree Preservation Order Group 30 (G8).

*Numbers 65 to 89 Kirklake Road benefit from rear garden depths of 52 to 72 metres, while the area to be severed from the rear of Numbers 73 and 75 has a width of 54 metres and a depth of 34 to 36 metres. This plot is of a greater size than that for the cumulative plot of Numbers 20, 18 & 16 Bushbys Park to the south.*

## Proposal

Erection of 2 detached two storey dwellings to the rear of 73 & 75 Kirklake Road with new access onto Kirklake Road.

## History

There have been a significant number of approvals within Numbers 73, 75 & 77 Kirklake Road for backland residential development, the most recent of which are:

- N/2009/0346 - Outline application for the erection of 3 no. 2 storey detached houses. Approved 15 October 2009. *This related to Numbers 73 & 75 and forms the same application site boundary as this application.*
- S/2009/0066 – Outline Application (all matters reserved) for the erection of a two-storey detached dwellinghouse. Approved 17 February 2009. *This related to Number 73.*
- N/2001/0471 – Outline Application for the erection of one dwelling. Approved 5 July 2001. *This related to Number 73.*
- N/1993/0480 – Erection of two detached dwellinghouses (renewal of outline permission N/1990/0612 granted 17 August 1990). Approved 30 September 1993. *This related to Numbers 73 & 75.*
- N/1992/0027 – Erection of two dormer bungalows with garages (Renewal of N/1989/0038 granted 22 March 1989). Approved 27 February 1992. *This related to Numbers 75 & 77.*

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## Consultations

*Highways DC* – There are no objections to the proposal as there are no highway safety implications and that the proposed access and parking arrangements are entirely acceptable.

*Environmental Protection Director* – There are no objections to the proposal subject to two conditions relating to piling and noise abatement for plant and machinery being attached to any approval.

## Neighbour Representations

Last date for replies: 27<sup>th</sup> December 2010.

Representations received: Letter of objection from Number 12 Bushbys Park.

Points of objection relate to loss of privacy and impact on existing wildlife.

Following the above dates, a petition objecting to the proposal with 34 (thirty four) signatories and endorsed by Councillor Dutton has been received. Points of objection relate to a number of non-material considerations in addition to concerns relating to disturbance caused through the residential use of the property in addition to the design of the properties not being in their taste.

## 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
NC2	Protection of Species

## Comments

This application was deferred at the 12<sup>th</sup> January 2011 planning committee to enable members to visit the site.

The principle for residential development to this site has been established by the extant outline permission N/2009/0346 and as such, the main issues to be considered in this application are the reduced number of dwellings and resultant increase in height over that condition in approving N/2009/0346.

The proposal seeks to develop two individually designed two-storey detached dwellinghouses on land to be severed from the rear of Numbers 73 & 75 Kirklake Road.

By virtue of their positioning away from public vantage points, and to the limited views into the site from neighbouring dwellings, the properties will not have a significant impact on the character of the area nor will they be read in conjunction with the form of existing residential properties to Kirklake Road and Bushbys Park.

The properties respond well to one another and to themselves and while they share a common form, there are variations to the arrangement of the elevations and the floor layouts to provide interest and differences between the two. Furthermore, the use of render, brick, glazing, coursed slate and timber boarding ensures that the proposed dwellings will set well within their surroundings.

As such, when considering the scale and appearance of the proposed dwellings the main issue to assess is the impact on neighbouring amenity through the increase in scale over the dormer bungalows of the extant outline permission with particular regards to overshadowing and outlook.

By virtue of the arrangement of the properties, there will be differences within the roof heights across each dwelling, with the maximum height of the roof not exceeding 7.2 metres in the case of Plot 1, and 7 metres in the case of Plot 2, with a chimney at Plot 1 extending to 7.6 metres in height. With ridge heights to the north side of Bushbys Park of approximately 6.5 metres and a 9.5 metre ridge height to No 73 Kirklake Road, it is evident that the scale of the dwellings is not out of character with the residential area.

A separation distance of over 14 metres will be retained from first-floor windows to both properties to the boundary with the neighbouring properties at Bushbys Park, and the distances between first-floor windows will be over 25 metres, both distances comfortably exceeding the requirements of Supplementary Planning Guidance 'New Housing Development'.

The form of the dwellings gives rise to the potential for the use of the sedum roofs to the first-floor as elevated terraces or first-floor gardens with the resulting detrimental impact on neighbouring amenity. As such, it is considered reasonable to attach a condition to any approval restricting access from the first-floor to these open areas.

In respect of the impact of the proposal upon protected species such as bats and red squirrels, an ecological survey was undertaken by the Lancashire Wildlife Trust on behalf of the applicant. The survey found that there was no evidence of bat roosts or suitable roosting positions within the trees to be removed from the site and that there were no signs of red squirrels nesting at the property. As the replacement tree planting to the properties will be of species suitable for red squirrels then there are no issues as to the impact on existing habitats, while the landscaping scheme will aid in improving the habitat for red squirrels.

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With regards to the impact on protected trees and wider landscaping matters there have been proactive discussions between the Council and the applicant in order to achieve suitable natural screening to Bushbys Park and to ensure a variety of planting that are suitable to enhancing biodiversity. Furthermore, an amended plan has been requested in order to clarify the trees to remain and those that are proposed to be removed. These matters will be reported within late representations.

As the proposal complies fully with all aspects of the Unitary Development Plan, Supplementary Planning Guidance, Supplementary Planning Documents and all other material considerations then there is no reason to warrant refusal and the application should be granted consent with conditions.

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

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

S/2010/1677

**PETITION TO REFUSE THE PLANNING APPLICATION No. N3000016  
FOR HOUSES TO REAR OF Nos.73 and 75 KIRKLAKE ROAD**

	NAME (please print)	ADDRESS	SIGNATURE
1	JOYCE A BAILLY	20 BUSHBYS PARK L37 2EF	[Signature]
2	PHILIP E. BAILLY	20 BUSHBYS PARK L37 2EF	[Signature]
3	CHARLES W SOUTHERN	11 BUSHBYS PARK, L37 2EE	[Signature]
4	William Reel	22 BUSHBYS PARK L37 2EF	[Signature]
5	KAREN CONNOR	10 BUSHBYS PARK L37 2EF	[Signature]
6	MARK FORSTER	10 BUSHBYS PARK L37 2EF	[Signature]
7	Hannah Foster	10 BUSHBYS PARK L37 2EF	[Signature]
8	JOHN A. CAMPBELL	8 BUSHBYS PARK L37 2EF	[Signature]
9	PAUL ICELLY	6 BUSHBYS PARK L37 2EF	[Signature]
10	ANITA BENNETT-WARNE	5, BUSHBYS PARK L37 2EE	[Signature]
11	JILL MORRIS	16 BUSHBYS PARK L37 2EF	[Signature]
12	STEVE GREEN	16 BUSHBYS PARK L37 2EF	[Signature]
13	T. HUGHES	13 BUSHBYS PARK L37 2EF	[Signature]
14	P. Wripley	26 Bushbys Park L37 2EF	[Signature]
15	B. Creel	30, BUSHBYS PARK	[Signature]
16	R. PRESCOTT	32. — u —	[Signature]
17	J. — u —	— u —	[Signature]
18	C BURTON	34 Bushbys Park	[Signature]
19	G. O'CONNOR	27 Bushby Park	[Signature]
20	D. S. PIPE	23 BUSHBYS PARK	[Signature]
21	D. SIEBERT	21 BUSHBYS PARK	[Signature]
22	H. A. WILKINSON	14 BUSHBYS PARK	[Signature]
23	Norma Macdonald	14 BUSHBYS PARK	[Signature]
24	JEAN SCOPES	7 BUSHBYS PARK	[Signature]
25	E. STENSON	12 BUSHBYS PARK	[Signature]
26	J. STENSON	12 BUSHBYS PARK	[Signature]
27	R.D. WILLIAMS	9 BUSHBYS PARK	[Signature]
28	S.M.T. WILLIAMS	— u —	[Signature]
29	E. V. MOORE	24 BUSHBYS PARK	[Signature]

This petition is supported by Cllr. Denise Dutton, Hamington Ward - 6.1.11.

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Committee: **PLANNING**

Date of Meeting: **09 February 2011**

Title of Report: **S/2010/1692**  
**Chapel House Liverpool Road, Ainsdale**  
(Ainsdale Ward)

Proposal: Demolition of existing car showroom, vehicle workshops and residential dwelling and erection of replacement building providing showroom, service reception and ancillary office uses, together with improved external vehicle display and car parking provision

Applicant: Chapel House (Southport) Ltd

## **Executive Summary**

The proposal is seeking consent for the demolition of existing car showroom, vehicle workshops and residential dwelling, and erection of replacement building providing showroom, service reception, and ancillary office uses, together with improved external vehicle display and car parking provision.

The main issues for consideration in the assessment of this application are the principle of development, design and visual impact on the street scene and character of the area, impact on residential amenity and highway safety issues.

**Recommendation(s)                      Approval**

## **Justification**

The proposal is not considered to have a significant detrimental impact on residential amenity in terms of overlooking or a loss of outlook and the boundary treatments with No. 619 Liverpool Road, along with the proposed management of the site, will seek to reduce potential noise impact and previous difficulties of access and parking in and around the site. The design of the new building will make a positive contribution to its surroundings and the proposal therefore complies with policies H10, DQ1, DQ3, EP6 and EDT8 of Sefton's Adopted UDP.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. M-6 Piling
4. The proposed development shall not be brought into use until the existing vehicular crossing has been altered in accordance with plans to be approved in writing by the Local Planning Authority.

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5. No part of the development shall be brought into use until areas for pedestrian access, parking, turning and manoeuvring have been laid out, levelled and surfaced in accordance with plans to be approved in writing and these areas shall be retained thereafter for that specific use.
6. No part of the development shall be brought into use until all vehicular accesses on Liverpool Road (with the exception of the main northern vehicular access) have been removed and the footway reinstated in accordance with plans to be approved in writing by the Local Planning Authority.
7. The proposed vehicular access shall not be brought into use until a Traffic Regulation Order (TRO) to introduce a loading bay and restrict parking along Liverpool Road has been made and implemented in full
8. Con-1 Site Characterisation
9. Con- 2 Submission of Remediation Strategy
10. Con-3 Implementation of Approved Remediation Strategy
11. Con-4 Verification Report
12. Con-5 Reporting of Unexpected Contamination
13. Prior to the installation of any external plant and equipment, details of sound power levels (SWL) should be submitted to and approved in writing by the Local Planning Authority.
14. Prior to the first use of the revised parking areas and building erected, a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be subsequently implemented at all times during the operation of the proposal.
15. No part of the proposal shall be brought into operation until the acoustic fence and landscape strip along the southern boundary of the site with 619 Liverpool Road has been erected / planted in accordance with the approved plan.
16. X1 Compliance

## Reasons

1. RT-1
2. RM-2
3. RM-6
4. RH-6
5. RH-6
6. RH-6
7. RH-6
8. RCON-1
9. RCON-2
10. RCON-3
11. RCON-4
12. RCON-5
13. RP-6
14. RP-4
15. RP-4
16. RX1

## Notes

1. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions...(Con-1 to Con-5) above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition Con-5 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.
2. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or [development.control@technical.sefton.gov.uk](mailto:development.control@technical.sefton.gov.uk) for further information.

## Drawing Numbers

05; 06; 07; 08; 11; 12; 13

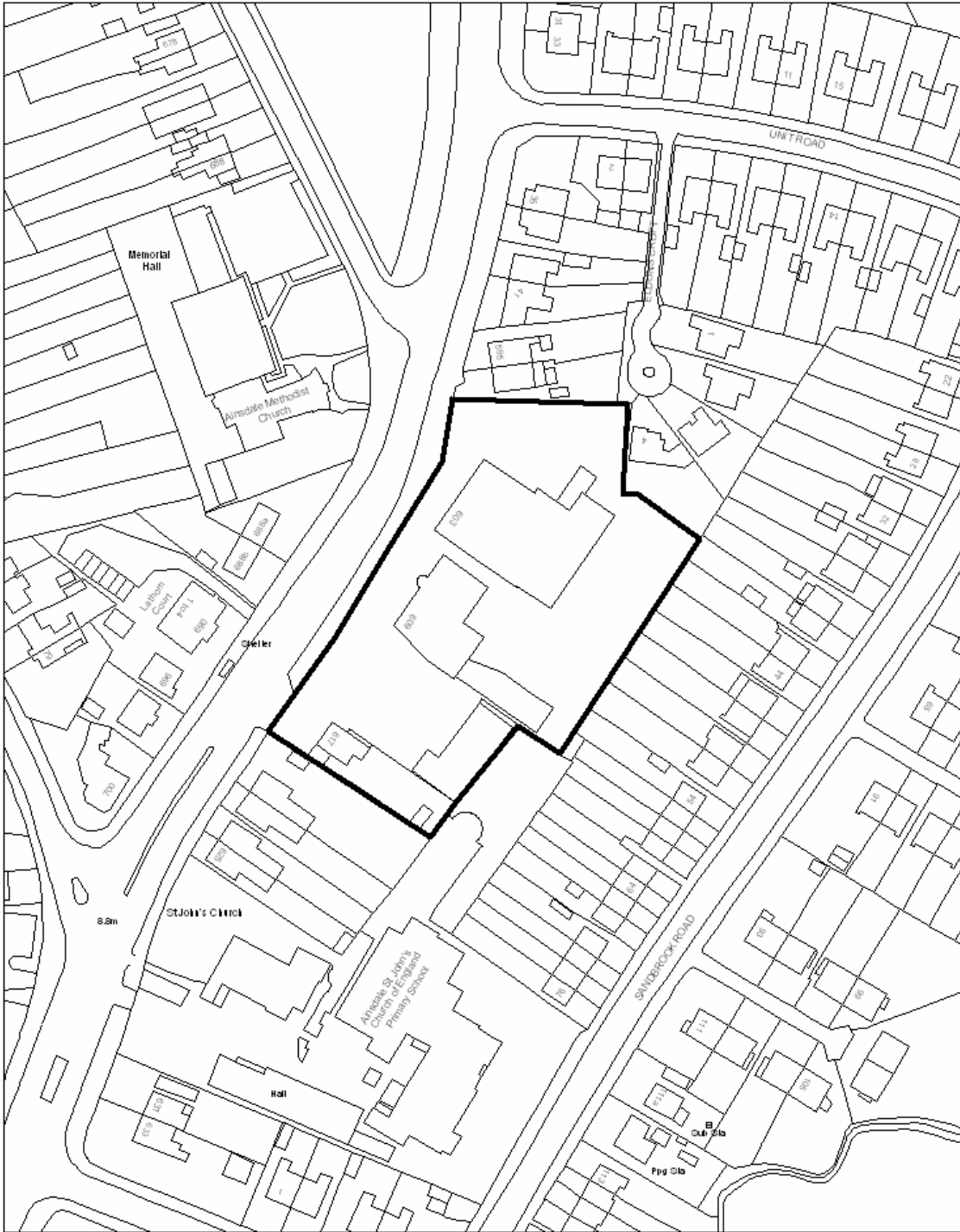
# Agenda Item 3c


## Financial Implications

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

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

History referred to  
Policy referred to



 <p><b>Sefton Council</b>  <b>Planning &amp; Economic</b>  <b>Regeneration Department</b>          Andy Wallis - Director  <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small></p>	<p>S/2010/1692          Chapel House          603-607 Liverpool Road          Ainsdale          PR8 3NG          OSGR: 331730, 411970</p>		<p>Standard Site Plan          Scale: 1:1250          Date: 23/12/2011          Drawn By: BEERTON</p>	
	<p>Sheets: 367C, 367D</p>	<p>Area: 6396 sqm</p>	<p>Ward(s): Ainsdale          Postcode Sector(s): PR8 3          Polling District(s): R4, R6          Parish(es): None Found</p>	

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## The Site

The site comprises an existing car sales dealership and two storey dwelling on the eastern side of Liverpool Road, Ainsdale.

## Proposal

Demolition of existing car showroom, vehicle workshops and residential dwelling and erection of replacement building providing showroom, service reception and ancillary office uses, together with improved external vehicle display and car parking provision

## History

Lengthy history in terms of overall site including adverts and extensions. Most relevant to this application:

- S/03920      Erection of single storey motor vehicle showroom on vacant land at rear of existing petrol station and car showroom. Granted 29/06/1976.
- S/14504      Erection of two single storey buildings for car servicing and valeting within cartilage of petrol station. Granted 23/07/1980.
- S/19995      Erection of single storey car valeting building in connection with existing garage at 609 Liverpool Road. Granted 02/03/1983.
- S/19550      Use of land for display of cars in connection with garage at 609 Liverpool Road. Granted 17/11/1982
- N/1988/0066      Erection of part single part two storey building for use as additional car showroom after partial demolition of existing. Granted 06/07/1988.
- N/2007/0396      Demolition of existing showroom and parts store, erection of extensions and internal alterations to existing workshops, to form vehicle service bays, parts office and parts store. Granted 21/06/2007.
- S/2010/0471      Extension of time application to above (N/2007/0396). Granted 03/06/2010.

## Consultations

*Environment Agency* – No objection in principle but would make the following comments. We concur with the conclusions of the letter of Matt Gardner of 3<sup>rd</sup> November 2010 of Capita Symonds with regard to risks of pollution from contaminated land to inland freshwater, coastal water and relevant territorial waters (controlled waters) only, but would advise that it is possible that the main source of heating for property 617 Liverpool Road or the associated building could have been derived from Heating Fuel. This may have been stored in a tank on the site. It should therefore be borne in mind that unexpected pollution might be possible from the property. We would therefore advise that a condition be applied to any decision

notice that if during development any contamination not previously found is present, no further development shall be carried out until the developer has submitted, and obtained written approval from the LPA, for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

*United Utilities* – No objection.

*Merseytravel* – Note the extra 28 car parking spaces and would wish to be assured that Sefton Council are satisfied that all traffic likely to be generated by such a car parking provision together with all other traffic likely to emanate from the car showrooms could be accommodated within the local highway network without resulting in congestion that could impede the passage of bus services on Liverpool Road and Station Road. Merseytravel would not wish to see approval granted for this application until such time as Sefton Council are satisfied the development would meet the above criteria and that the developer ensures that both during demolition and construction phases, the passage of bus services along this road are not impeded.

*Environmental and Technical Services* – No objection in principle subject to contaminated land and piling conditions. Details of any external plant and equipment including sound power levels (SWL) should be submitted for approval prior to installation. All plant and equipment should be able to operate within the noise criteria recommended in the Noise Assessment Ref R0326 – REP01 – DRG. The recommendation of the above Assessment Section 9 relies on the management of the site to control the noise impact on nearby dwellings. Therefore I would recommend that a noise management plan is submitted for approval and subsequently implemented during the operation of the proposal.

*Highways Development Control* – There are no objections in principle to the proposed development as it is deemed to be an improvement to the current internal management of the site.

**Access** – According to the proposed site layout, the applicant is proposing to retain the northern access only, resulting in a single vehicular access serving the entire site. As a result the remainder of the footway directly adjacent to the site on Liverpool Road will need to be reinstated, with all other existing vehicular access leading to the site removed. I would also require a suitable boundary treatment to be installed along the entire site boundary 'except the singular site access' to obstruct the potential for vehicles to cross over the footway and enter the site illegally.

**Parking** – There are no objections to the increase in car parking provision for customers and staff within the site, with the potential for excessive manoeuvring being reduced, in comparison to the existing site layout. The applicant also needs to be aware that despite a contract being agreed between the applicant and Ainsdale Methodist Church, this provision of staff car parking cannot be taken into account, as it is outside the site boundary as well as the potential for the agreement to cease and no longer be in operation in the future.

**Site layout** – The Design and Access Statement highlights the existing situation at the site, where a number of customers will park on Liverpool Road adjacent to the

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site, despite the possibility of spaces being available, due to the informal arrangement of the site and the excessive manoeuvres that may be required to enter and leave the site. The arrangement improvements within the site and the slight increase in customer car park spaces should reduce this problem.

**Traffic Regulation Orders** – Although the increase in customer and staff parking provision within the site should reduce the need for car parking off site, it is recommended that a scheme of TROs be introduced on Liverpool Road. The extent and specific details of the TRO would be agreed through consultation with Traffic Management. It is recommended that a scheme of TROs should include replacing the existing parking bay with a loading bay, to improve the current difficulties by the applicant when loading / unloading vehicles on/off large car transporter vehicles in Liverpool Road. Despite this I still recommend a scheme of TROs to restrict parking along Liverpool Road. The extent of the TRO would require consultation with Traffic Management.

Despite the applicant trialling a new system for the delivery of new stock, the applicant will be unable to ensure the system is maintained and continues as efficiently as it currently does. This emphasises the requirement for a loading bay to be installed directly opposite the site.

In view of the above, there are no objections to the application on the grounds of highway safety subject to conditions and informatives being applied to any permission.

## Neighbour Representations

Last date for replies: 29 December 2010

Received: Letters of objection received from 597, 621, 625 Liverpool Road raising the following concerns:

- Site is within primarily residential area where non-residential uses are limited by policy EDT8.
- 2007 application was refused on basis that further encroachment into residential area and intensification of use in residential area would be detrimental to amenity.
- Loss of dwelling reduces screening of site. Site could be rationalised without loss of dwelling.
- One access instead of 2 will encourage cars to park onsite but will also cause cars to slow down more than they would if just stopping at side of road.
- One resident does not object to the principle but has concerns due to cars being parked on pavement in past and the business informally spilling into areas outside the site.
- Chapel House does not have any legal entitlement or ownership which would allow them to use the carriageway as part of their business.
- Disruption during construction.

*A petition of objection is expected to be submitted but has not yet been received.*



## Policy

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

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
H10	Development in Primarily Residential Areas
EP6	Noise and Vibration
EDT8	Business and Industrial Development Outside Primarily Industrial Areas

## Comments

Main issues – principle of development, design and visual impact on the street scene and character of the area, residential amenity, highway safety.

### Principle

The proposal seeks consent for the demolition of the existing car showroom, vehicle workshops and residential dwelling, and the erection of a replacement building providing a showroom, service reception and ancillary office uses, together with improved external vehicle display and car parking provision.

The site lies within a primarily residential area and so the main issue is the expansion of a commercial use within a residential area. The existing commercial use will be extended further into the residential area following the demolition of the dwelling at 617 Liverpool Road. This dwelling has no architectural merit and so its retention is not critical. As the redevelopment relates to an existing established use it is considered that the small extension of the site will not have a material impact on the character of the area. The principle of development is therefore acceptable.

### Design, Visual Impact, Character of the Area

The new building to be erected is part single storey and part 2 storey and will provide a new showroom, service reception and ancillary office use. The proposed showroom, with a 4.5m eaves height, will be lower in height than the existing dwelling, no. 617, which has a 5m eaves height, and is set much further back on the site. The scheme involves an overall reduction in floorspace of buildings on the site by approx 30 sq m.

The proposed building is appropriate in scale and, given its position set well back on the site, will not therefore be overly prominent or harmful within the street scene. The two storey element of the proposed building is positioned more centrally within the site, away from the dwelling at 619 and as such has limited impact on surrounding properties in terms of loss of outlook or overlooking. This is assessed below in terms of residential amenity. The existing building is unattractive and its replacement will bring an overall visual appearance to the street which is welcomed and accords with policies DQ1 and EDT8.

# Agenda Item 3c

The demolition of the existing two storey detached dwelling will not have a significant detrimental impact on the street scene on the basis that it is a different, and more modern style to the majority of dwellings on this part of Liverpool Road which are largely Victorian. The dwelling has little architectural merit and its loss is not considered to be significant as is the case for the existing showroom also to be demolished.

## **Trees**

In terms of trees, the amended site plan shows that 1 existing tree will be removed and these are to be replaced on a 2:1 basis in accordance with policy DQ3. Furthermore, policy DQ3 requires 1 new tree to be planted on site per 50 sq m of new floorspace created. In this case 18 new trees are required to be planted on the site and these are shown on the amended landscape plan submitted.

## **Residential Amenity**

No windows are proposed on the new building on the rear elevation or side elevations adjacent to residential dwellings and the building is sufficient distance from dwellings fronting Sandbrook Road to prevent any overlooking or loss of outlook issues arising for these dwellings.

The greatest potential impact on residential amenity is recognised as being on No. 619 Liverpool Road given that the site will be extended to be adjacent to their boundary where previously there was a two storey residential dwelling. However, 619 has a large detached double garage with a maximum ridge height of 3.8 metres which is situated between the dwelling and the proposed site. The gable of the dwelling itself is therefore some 8.8metres from the site boundary with the outrigger section being approx 11.3 metres away. This degree of physical separation between the dwelling and the extended site is considered to help in retaining reasonable levels of amenity for the occupants of 619.

Furthermore, a new 2 metre high timber close boarded acoustic fencing is proposed to parts of the site, namely the south-western boundary with 619 Liverpool Road which also extends round the rear of the proposed building and site. This fencing is teamed with a 2 metre wide strip of landscaping which will provide a buffer along the boundary with the residential dwelling at 619 and the school field to the rear. This is in accordance with policy EDT8.

In terms of noise, the Noise Assessment submitted states that maximum noise levels would be below the existing maximum noise levels due to vehicles passing along Liverpool Road. Potential noise would be more than 10dB below the existing background noise level. Environmental Protection have confirmed that there are no objections to the proposal subject to sound power levels of any external plant and equipment to be installed being submitted for approval prior to their installation. It is considered prudent, to ensure that the noise impact on neighbouring dwellings is kept to a minimum, that a noise management plan be submitted for approval and subsequently implemented. This is on the basis that the recommendation of section 9 of the noise assessment relies on the correct management of the site. The applicant has carried out a pre-application consultation exercise with residents and,

according to the applicant, concerns raised have been addressed within this submission.

It is also important to note that the new building has no workshop element / functions taking place. Whilst the site is closer to No 619, it partly replaces existing open-fronted workshops which generate greater potential noise impact than the new building would.

Commercial uses in a residential area can cause problems in terms of noise and disturbance. On the basis that this use is existing, the main consideration is whether the increase in size of the site and buildings proposed will have a detrimental impact on amenity over and above the current situation. The applicant states that the greatest improvement resulting from this scheme is the general access and highway improvements that are proposed, including the widening of the main access and an increase in on-site parking provision, which is also in accordance with the requirements of policy EDT8.

Objections received refer to an application in 2007 which was refused. This application was actually withdrawn, not refused and so is not relevant to this application.

Given the proposal includes a management plan for the operation of the site which states that measures will be taken to ensure the site operates in such a way to limit noise and disturbance, it is considered that the proposal will not result in significant detrimental harm to residential amenity and will potentially improve existing amenity levels. The proposal therefore complies with policy H10.

## **Highway Issues**

A major part of the redevelopment of this part of the site is the rationalisation of the car parking and access. The demolition of the existing buildings and removal of the southern access allows the site to become operationally more simplified, particularly for vehicles and pedestrians using the site.

The parking alterations will provide 19 additional service bays and staff demonstrator spaces, 1 additional disabled space, 4 additional cycle spaces, 2 additional motorcycle spaces. The proposed layout of the site is considered largely acceptable in terms of parking and access. There are currently two access points to the site, one serving the southern part and one the northern part. The northern access will be widened to 5 metres allowing two-way traffic flows and dedicated areas for sales vehicles, demonstrator and staff vehicles are provided to the front of the proposed building. Dedicated customer parking will be positioned centrally within the site and away from the boundary with 619, thus limiting the level of activity which would potentially cause harm to amenity.

The reconfiguration within the site assists in the internal operation of the site and also addresses the important issue of deliveries and the interaction of the site with traffic movements on Liverpool Road. Historically many cars have been parked on the pavement which has caused obstruction problems for pedestrians and this, in

# Agenda Item 3c

addition to deliveries of vehicles via large transporters, has hampered visibility and movements in and around the site.

The proposal seeks to provide a parking / loading bay on Liverpool Road which will be created via Traffic Regulation Orders for both the loading bay and also to provide parking restrictions along the stretch of Liverpool Road between Unit Road and Staveley Road (double yellow lines). These will ensure that the bay will remain free of traffic and allow for safe and efficient off-loading and loading of vehicles onto the transporters used for deliveries. This will be achieved via conditions which will ensure the applicant agrees a satisfactory scheme with the Council prior to development commencing. Furthermore, the applicant has stated that they intend to reduce the frequency of deliveries, although this is clearly difficult to enforce in busier periods for example.

The provision of a boundary wall along the front of the site between the footway and the parking areas for the display of sales vehicles will prevent these vehicles encroaching onto the footway which has caused problems previously. Pedestrian routes will be retained without obstruction and visibility into and out of the site retained.

It is therefore considered that the overall scheme will bring benefits to the operators of the site but also for the surrounding area in terms of a simplified access arrangement, more comprehensive parking provision, a dedicated loading bay to the front of the site on Liverpool Road and parking restrictions along the stretch of Liverpool Road in front of the site. The erection of a boundary wall to the front of the site will also prevent sales vehicles being parked unlawfully on the footway and causing pedestrian obstruction.

Ecological surveys submitted have concluded that there is no residual negative impact on any protected species, plants or animals and no loss of any important habitats.

## **Conclusion**

The overall increase of the site is 0.65 hectares and will extend an existing commercial use within a residential area. The proposal will, however, allow a more coherent layout of the site than the existing disjointed layout which will improve the operation of the site and have less potential detrimental impact on residential amenity. The rationalised access, parking areas and demolition of existing buildings and siting of the new building will have a positive impact on the surrounding area by creating additional parking for customers and generally improving the appearance of the site. Traffic restrictions will be put in place to ensure the successful delivery of vehicles with minimum detrimental impact. The proposal is not considered to have a significant detrimental impact on residential amenity in terms of overlooking or a loss



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Committee: **PLANNING**

Date of Meeting: **09 February 2011**

Title of Report: **S/2010/1726**  
**4a Liverpool Road, Birkdale**  
(Birkdale Ward)

Proposal: Construction of an external terrace with screening at the first floor level to the rear of the premises. (Alternative to S/2010/0864 withdrawn 29/07/2010)

Applicant: Mr R Adams FC Thwaites Will Trust

## **Executive Summary**

The proposal is seeking consent for the construction of an external terrace with screening at the first floor level to the rear of the premises. (Alternative to S/2010/0864) withdrawn 29/07/2010).

The main issues for consideration are the principle of development in a Local Centre, impacty on residential amenity and impact on the character and appearance of the Conservation Area.

**Recommendation(s)            Approval**

## **Justification**

The proposal will not have a significant detrimental impact on residential amenity given the mitigation measures proposed and will not affect the character and appearance of the Birkdale Village Conservation Area. The proposal therefore complies with policies R6, MD6 and HC1 of Sefton's Adopted UDP.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. Prior to the first use of the terrace hereby permitted, the proposed sound lobby, 2.3m high wall and box hedge surrounding the terrace shall be erected and planted as per the approved plan ref: 01E, and retained as such thereafter.
3. M-1 Materials (matching)
4. The first floor terrace / external seating area hereby approved shall not be used outside the hours of 08.00 to 22.00.
5. No live music, amplified music or live entertainment shall take place on the external terrace hereby approved.
6. X1 Compliance

# Agenda Item 3d

## Reasons

1. RT-1
2. To protect the residential amenity of neighbouring residential properties and to comply with Policies CS3 and MD6 of the Sefton UDP.
3. RM-1
4. To protect the residential amenity of neighbouring residential properties and to comply with Policies MD6 and CS3 of the Sefton UDP.
5. To prevent noise and disturbance to nearby residents and to comply with policy EP6 in the Sefton Unitary Development Plan.
6. RX1

## Drawing Numbers

01E; 02



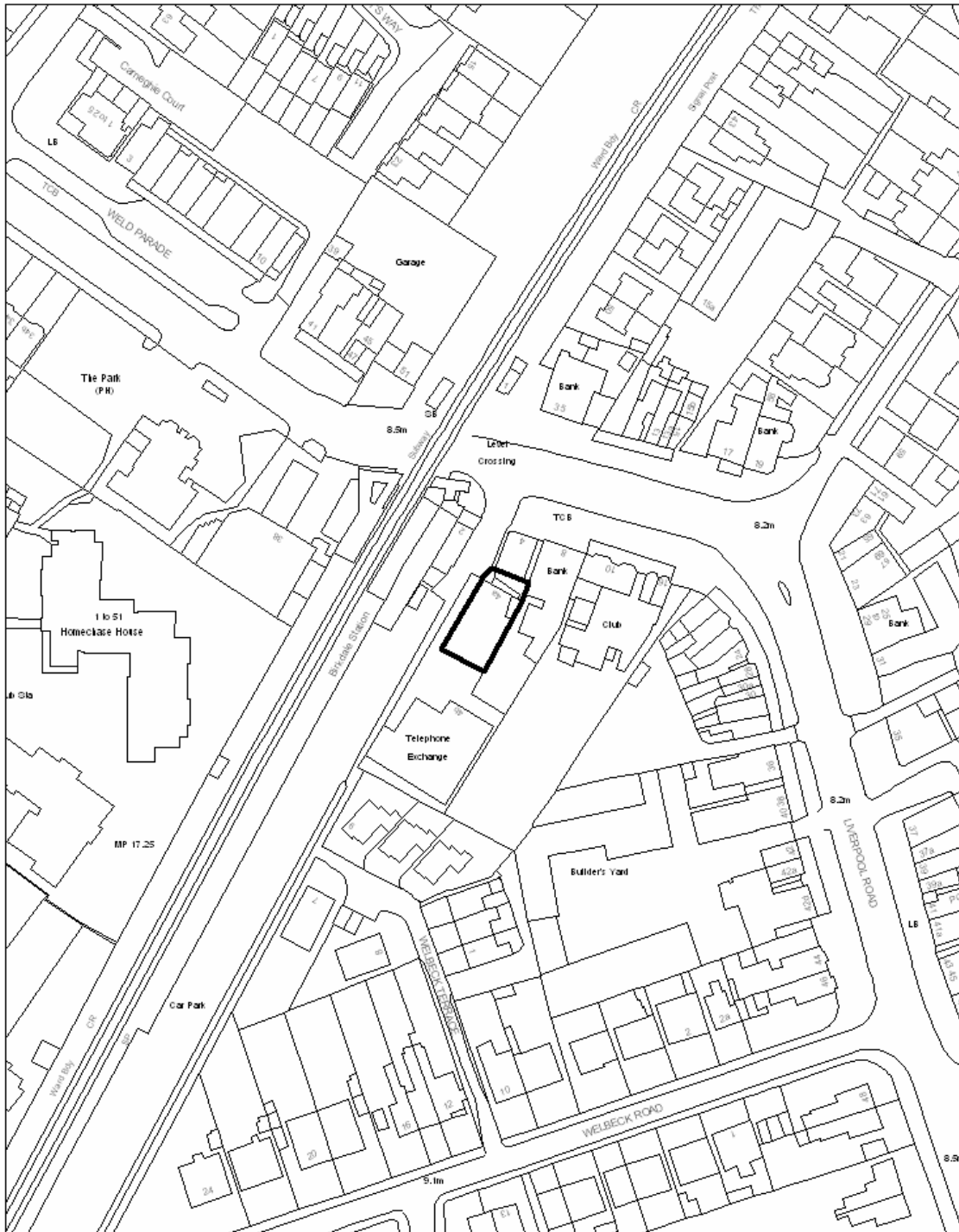
## Financial Implications

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

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

History referred to  
Policy referred to

# Agenda Item 3d



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>		S/2010/1726 4a Liverpool Road Birkdale PR8 4AR OSGR: 333041, 416733 Sheets: 449A Area: 285 sqm	Standard Site Plan Scale: 1:1250 Date: 23/12/2011 Drawn By: EBERTON Ward(s): Birkdale Postcode Sector(s): PR8 4 Polling District(s): S1 Parish(es): None Found
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S/2010/1726

## The Site

The proposed terrace is at first floor level at the rear of an existing bar at 4a Liverpool Road. The site is at the rear of frontage units fronting Liverpool Road and is adjacent to the access to the car park serving Birkdale rail station. There are residential properties close to the site at 2 Liverpool Road and also above the frontage units at 4 and 6.

## Proposal

Construction of an external terrace with screening at the first floor level to the rear of the premises. (Alternative to S/2010/0864 withdrawn 29/07/2010)

## History

S/2008/0514 Change of use from retail (A1) to wine bar (A4) involving alterations to the elevations. Granted 14/08/2008.

S/2009//0301 Retrospective application for a change of use from retail unit (A1) to restaurant / wine bar (A3/A4), comprising an external seating area to the front at ground floor level, replacement roof and exterior cladding, new external doors and external refurbishment. Granted 23/09/2009

S/2010/0733 ADV for retention of 2 externally illuminated fascia signs to the side and rear of the premises. Granted 10/09/2010.

## Consultations

*Highways Development Control* – No objections as there are no highway safety implications.

*Environmental and Technical Services* – I have some concerns with the use of the proposed external terrace to the operational hours of the A4 use of the premises. The house at no. 2 Liverpool Road and the residential accommodation at 4 and 6 Liverpool Road are substantially closer to the terraced area than indicated in the acoustic report. Noise levels from patrons using this kind of facility can be annoying to local residents especially in summer months when windows are likely to be open and the occupation of the terrace is likely to be high. It is acknowledged that this type of establishment benefits from the use of an outside area such as a the proposed terrace. I would confirm that the proposed barrier and sound lobby to the bar area will minimise the noise impact on residential amenity. In conclusion, I would have no objection to the use of the terrace if restricted to 22.00 hours.

## Neighbour Representations

Last date for replies: 8<sup>th</sup> January 2011

# Agenda Item 3d

A petition of 36 signatures endorsed by Councillor Shaw is attached.

Letters of objection received from 1, 2, 6, 8 Welbeck Terrace; 2, 16, 22 Welbeck Road; letters from apartments 1, 3, 10, 16, 19, 20, 26, 32, 37, 40, 44, 50, Wardens Flat, Homechase House, Chase Close; 3, 18 Weldale, Chase Close; 36B Liverpool Road and a letter from an unknown address raising the following concerns:

- Fails to comply with policies MD6, H10 and EP6 in terms of noise and disturbance especially at weekends and during the summer.
- Would cause significant harm to residential amenity.
- Acoustic report is not credible for number of reasons – survey carried out on a Monday evening which is probably the quietest evening. Fridays and Saturdays would give a very different picture.
- Acoustic report may be biased as it was not commissions by the Council
- Report only considers noise receptors at flats above shops on Liverpool Road and not dwellings in Welbeck Terrace and has ignored the request of the Planning Department previously which was for a review of the operation as a whole and take into account noise propagation from the building envelope in all directions.
- Rail noise is not worse than noise from Birkers according to residents as report suggests.
- Noise from Birkers is already a problem and this terrace would worsen the situation.

Representation received from Conservative party nominated candidate for Birkdale Ward, Alastair McNair who acts on behalf of residents of Welbeck Terrace:

- Terrace would be grossly unfair invasion of the lifestyle and comfort of residents in Welbeck Terrace, a number of whom are retired, not fully mobile, or both.
- Terrace will create amount of noise and have negative and unnecessary effect on quiet unassuming community.
- Would be supportive of the management team of Birkers in developing their plans for the business but in an alternative and creative manner which will not disturb and harm the local residents.

## Policy

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

CS3	Development Principles
EP6	Noise and Vibration
HC1	Development in Conservation Areas
R6	Development in District and Local Centres

## Comments

Main issues – principle of development in a Local Centre; impact on residential amenity and impact on character and appearance of Conservation Area.

The site lies within the boundary of Birkdale Local Centre where food and drink uses

are acceptable provided they (among other things) would not cause significant harm to amenity. In this case the use of the property as a food and drink use is already established and is not therefore up for debate at this time. The only issue in terms of policy MD6 is whether the proposed external terrace at first floor level is acceptable in terms of residential amenity.

The previous application for this terrace was withdrawn to allow the applicant time to prepare an acoustic report on the potential noise associated with the terrace proposed. A noise report has been submitted with this application and concludes that noise can be controlled by creating sound lobby from the bar area to the terrace with two self-closing acoustic doors and the erection of a 2.3m high wall surrounding the terrace lined internally with 2m high box hedging.

It is accepted by the Council's Environmental and Technical Services Department that the proposed barrier and sound lobby to the bar will sufficiently minimise noise impact on residential amenity. Noise breakout from the bar area inside the building will be limited and given that no amplified music is played externally on the terrace, this is considered on balance to be appropriate.

There are residential dwellings at 2 Liverpool Road and also above shops fronting Liverpool Road at 4 and 6. Concerns have been raised by residents relating to noise and disturbance. The acoustic report suggests that as the terrace is at the rear of the building, the building itself acts as a barrier for noise carrying to the properties. On the basis that the site lies within a Local Centre and not a quiet residential area, it is accepted that residents living close to such centres can expect an increased level of noise than those living in a quiet residential street for example. Whilst Welbeck Terrace is a residential street not within the Local Centre boundary, the closest dwelling (no. 6) is over 40 metres from the proposed terrace. Furthermore, the two storey telephone exchange building acts as a physical barrier between the terrace and residential properties which will help to mitigate noise pollution.

Environmental Protection have concluded that given the proximity of residential dwellings and, bearing in mind that the dwellings closest to the site are within a Local Centre, it is reasonable to accept this use by restricting the hours to a closing time of 22.00. It is considered that this hours restriction will also be possible to enforce on the basis that the terrace is isolated from the main bar area, and is only accessible from the bar area via the sound lobby. It will be a simple management task to ensure that the sound lobby doors are locked at 22.00 and the use of the terrace will cease at that time. Conditions will be used to ensure that the use of the terrace is restricted and that its use will not begin until the sound lobby, wall and hedging are erected in situ.

It is therefore considered that the proposal will not have a significant detrimental impact on amenity, given the mitigation measures proposed, and as such complies with policies MD6 and R6.

In terms of the Conservation Area, it is considered that the proposed terrace and



**We the undersigned, object to the planning application S/2010/1726 for an external roof terrace to 4a Liverpool Road (Birkers bar)**

Name	Address	Signed	Date
K C Lawrence	4 WELBECK TERRACE	K Lawrence	20.1.11
Rhonda Lawrence	4a Welbeck Terrace	Rhonda Lawrence	20-01-11
KAREN MCMURDO	22 WELBECK ROAD	Karen McMurdo	20.1.2011.
Alistair McMurdo	22 Welbeck Road	A McMurdo	20/1/11
S. Moriarty	20 WELBECK RD	S Moriarty	20/1/11
M. Murphy	20 WELBECK RD	M Murphy	20/1/11
LUCY FLETCHER	7 Welbeck Terrace	LFC	20/1/11
GEO FLETCHER	7 Welbeck Terrace	GF	20/1/11
GEO WRIGHT	2 WELBECK TERRACE	GW	20/1/11
Jo Wright	2 Welbeck Terrace	Jo Wright	20-1-11
AMANDA TAYLOR	1 WELBECK TERRACE	Amanda Taylor	20 <sup>th</sup> Jan '11
HOWARD TAYLOR	1 WELBECK TERRACE	H Taylor	20/01/11
JON DUFFIN	1 Welbeck Terrace	J Duffin	20/1/11
V Rizzuto	2 Welbeck Road	V Rizzuto	21/1/11
F Rizzuto	2 Welbeck Road	F Rizzuto	21/1/11
E Webster	3 Welbeck Terrace	E Webster	2/1/11
N Baldwin	8a Heyland Road	M Baldwin	21/1/11
J. Flanagan	6, Welbeck Terrace	J. Flanagan	21/1/11

# Agenda Item 3d

We the undersigned, object to the planning application S/2010/1726 for an external roof terrace to 4a Liverpool Road (Birkers bar)

Name	Address	Signed	Date
JOHN JONES	FLAT 37 HOMIE CHASE HOUSE	<i>[Signature]</i>	24.1.11
MARIE EDITH JONES	FLAT 37 HOMECHASE HOUSE CHASE CLOSE BIRKDALE SOUTH	M E Jones	24.1.11
MARY WILDMAN	WARDENS FLAT HOMECHASE HOUSE CHASE CLOSE BIRKDALE	M Wildman	24.1.11
HARRY WILDMAN	WARDENS FLAT HOMECHASE HOUSE CHASE CLOSE BIRKDALE PR8 2DG	H Wildman	24.1.11
BERYL McDONALD	39, HOMECHASE HOUSE CHASE CLOSE, BIRKDALE PR8 2DG	B. McDonald	24.1.11
<i>[Signature]</i>	19 HOMECHASE HOUSE PR8 2DG	<i>[Signature]</i>	24.1.11
P McDONALD	39 HOMECHASE HOUSE CHASE CLOSE PR8 2DG	P McDonald	24.1.11
L. WRIGHT	26 HOMECHASE HOUSE CHASE CLOSE PR8 2DG	L Wright	24.1.11
<i>[Signature]</i>	51 HOMECHASE HOUSE PR8 2DG	<i>[Signature]</i>	24.1.11
B. HOSKER	FLAT 43 PR8 2DG.	B. Hosker	24.1.11
M. WILLIAMS	FLIT 23 HOMECHASE HOUSE PR8 2DG	M Williams	24.1.11
F. J. WILLIAMS	FLAT 23 HOMECHASE HOUSE PR8 2DG	F J Williams	24.1.11
J CLARKE	APT 1 HOMECHASE HOUSE BIRKDALE PR8 2DG	J Clarke	24.1.11
A. M. UNSWORTH	45 HOMECHASE HOUSE BIRKDALE, PR8 2DG	A M Unsworth	24.1.11
Mrs C POLLARD	APT 38 HOMECHASE HOUSE PR8 2DG	C Pollard	24.1.11
MR JB ANKER	APT 40 HOMECHASE HOUSE PR8 2DG.	<i>[Signature]</i>	24.1.11
MR D O'BRIEN	APT 33 HOMECHASE HOUSE CHASE CLOSE PR8 2DG	<i>[Signature]</i>	24.1.11
Mrs M. A. BOOK	17 WARDENS BIRKDALE PR8 2DG	M A Book	24.1.11



# Agenda Item 4

**Committee:** **PLANNING**

**Date of Meeting:** **9 February 2011**

**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 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, 30 Trinity Road, Bootle, up until midday of the Committee Meeting. Background Papers can be made available at the Southport Office (9-11 Eastbank Street) by prior arrangement with at least 24 hours notice.

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

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

## Approvals Index

<b>A</b>	<b>S/2010/1503</b>	<b>Maghull Central Square, Maghull</b>	<b>Sudell Ward</b>
<b>B</b>	<b>S/2010/1605</b>	<b>Former LA Fitness, Fairway, Southport</b>	<b>Cambridge Ward</b>
<b>C</b>	<b>S/2010/1617</b>	<b>Land at 101 Marshside Road, Southport</b>	<b>Cambridge Ward</b>
<b>D</b>	<b>S/2010/1669</b>	<b>Land opp Millfield, Powderworks Lane, Melling</b>	<b>Molyneux Ward</b>
<b>E</b>	<b>S/2010/1673</b>	<b>Mortons Dairy, Kenyons Lane, Lydiate</b>	<b>Park Ward</b>
<b>F</b>	<b>S/2010/1737</b>	<b>Land rear 43-51 High Park Road, Southport</b>	<b>Norwood Ward</b>
<b>G</b>	<b>S/2010/1742</b>	<b>340 Moorhey Road, Maghull</b>	<b>Sudell Ward</b>
<b>H</b>	<b>S/2010/1748</b>	<b>Westwood House, Moss Side, Formby</b>	<b>Ravenmeols Ward</b>
<b>I</b>	<b>S/2010/1768</b>	<b>24 Selworthy Road, Birkdale</b>	<b>Dukes Ward</b>

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Committee: **PLANNING**

Date of Meeting: **09 February 2010**

Title of Report: **S/2010/1503**  
**Central Square, Maghull**  
(Sudell Ward)

Proposal: Partial redevelopment and refurbishment of Central Square comprising: the construction of five new retail units with mezzanine floors after demolition of Units 8 - 16, external refurbishment of Units 1 - 7 and 17 - 33, layout of a new 41 space staff car park to the west of the site, re-configuration of the existing customer car park creating an additional 20 spaces, change of use of Unit 1 from retail (A1) to Café / Restaurant (A3) with outside seating area, alteration and extension to the service yard layout and erection of electricity sub-station to the rear, hard and soft landscaping and new boundary treatments

Applicant: Maghull Investments (Maghull Town Centre) Limited

## **Executive Summary**

The proposal seeks to replace and refurbish units within Maghull Town Centre at Central Square, rationalising car parking and offering public realm improvements.

The scheme meets policy requirements and is recommended for approval.

**Recommendation(s)          Approval**

## **Justification**

The scheme complies with the aims and objectives of the Sefton UDP, promoting safer and more secure environment, an improved retail offer to enhance vitality/viability, and design and public realm improvements reaffirming Maghull Town Centre as a key destination with the Sefton hierarchy.

In the absence of other overriding material considerations the granting of planning permission is therefore justified.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. S-106 Standard S106
4. P-5 Plant and machinery
5. P-8 Kitchen Extraction Equipment

# Agenda Item 4a

6. M-2 Materials (sample)
7. M8 Boundary Treatment
8. L-1 Protection of trees
9. L-2 Method Statement
10. L-4 Landscape Implementation
11. L-5 Landscape Management Plan
12. B-2 Hot Food takeaways (opening hours)
13. B-3 Delivery hours
14. P-1 Demolition
15. a) A plan detailing measures for the gating of the rear service yard including other security measures for surveillance shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the new retail units.  
b) The gating shall be implemented prior to the use of the rear service yard in conjunction with the new units as constructed.
16. D-5 Renewable Energy
17. R3 PD Removal - garages/extensions
18. E-1 Sustainable Drainage
19. H-1 Remove existing vehicular/pedestrian access
20. H-2 New vehicular/pedestrian access
21. H-5 Off-site Highway Improvements
22. H-6 Vehicle parking and manoeuvring
23. H-7 Cycle parking
24. H-9 Travel Plan required
25. H-10 Mud on carriageway
26. H-11 Construction Management Plan
27. H-12 Servicing Areas
28. Unless otherwise agreed in writing, Units A-E shall not be occupied until the Traffic Regulation Order (TRO) for the main Central Square car park has been revoked.
29. a) Prior to occupation of Units A-E 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.
30. M-8 Employment Charter

## Reasons

1. RT-1
2. RX1
3. RS-106
4. RP-5
5. RP-8
6. RM-2

7. RP-1
8. RL-1
9. RL-2
10. RL-4
11. RL-5
12. RB-2
13. RB-3
14. RP-1
15. RM-3
16. RD-5
17. RR1
18. RE-1
19. RH-1
20. RH-2
21. RH-5
22. RH-6
23. RH-7
24. RH-9
25. RH-10
26. RH-11
27. RH-1
28. RH-1
29. RH-1
30. RM-8

## Notes

1. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or [development.control@technical.sefton.gov.uk](mailto:development.control@technical.sefton.gov.uk) for further information.
2. Planning permission is granted subject to an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in relation to trees and greenspace.
3. Prior to the commencement of any work that is likely to generate dust, grit or chemicals in solution, there must be suitable and adequate methods in place to minimise any release to atmosphere. Such methods may include sheeting out the work area, utilising water suppression or any other method recognised by the building industry.
4. The applicant is advised of the requirement for a "stopping up order" to any land which forms part of the public highway. For further information please contact the Highways Development Control team on 0151 934 4175.

# Agenda Item 4a

## **Drawing Numbers**

7267-80C, 81C, 82B, 83B, 84B, 85B, 86B, 87A, 88E, 89B, 90B, 91C, 92B, 93B, 94A, 95L, 97B, 100;

Refuse Vehicle Tracking Diagram 26 January 2011, 1189-01A, 02K, 03D, 04D, 05C, 06A, External Works Image Sheets 1, 2, 3.

Flood Risk Assessment, Planning Statement, Phase I Desktop Study, Transport Statement.



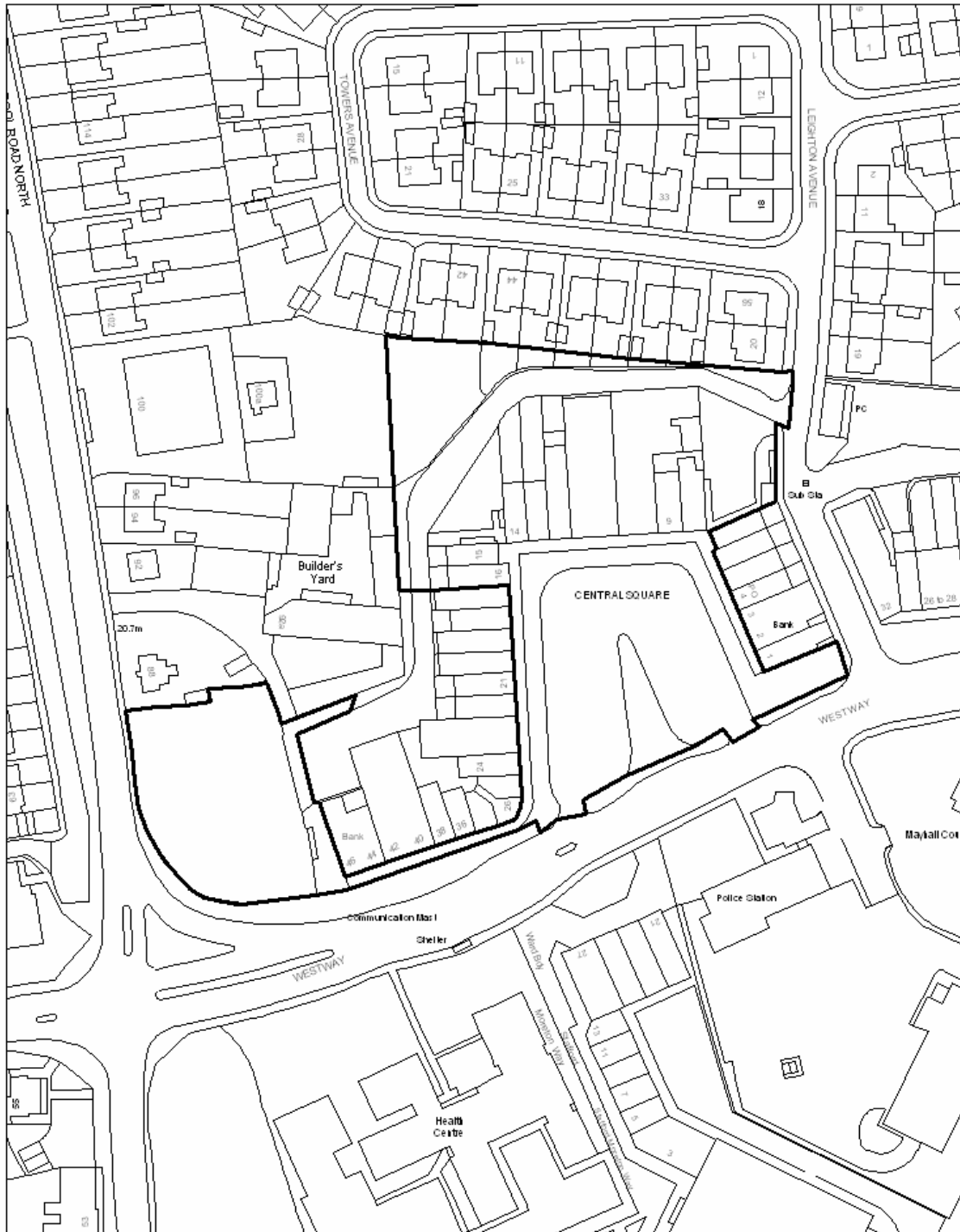
## Financial Implications

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

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

History referred to  
Policy referred to

# Agenda Item 4a



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2010/1503		Standard Site Plan	
	Central Square Maghull		Scale: 1:1250 Date: 2/12/2010 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>	OSGR: 337499, 402616	Sheets: 193C, 193A	Area: 10967 sqm	Ward(s): Sudell Postcode Sector(s): L31 0, L31 2 Polling District(s): A4 Parish(es): Maghull Cp

## The Site

The site comprises a 1960s purpose built shopping development, with central parking provision. There is a builders yard and a mix of other commercial/residential properties in the near vicinity. The A59 runs north-south to the eastern side of the centre.

## Proposal

Partial redevelopment and refurbishment of Central Square comprising: the construction of five new retail units with mezzanine floors after demolition of Units 8 - 16, external refurbishment of Units 1 - 7 and 17 - 33, layout of a new 41 space staff car park to the west of the site, re-configuration of the existing customer car park creating an additional 20 spaces, change of use of Unit 1 from retail (A1) to Café / Restaurant (A3) with outside seating area, alteration and extension to the service yard layout and erection of electricity sub-station to the rear, hard and soft landscaping and new boundary treatments

## History

Properties within the site have been subject to many applications in recent years mostly for advertisement consent. None have a direct bearing on these proposals.

## Consultations

*Highways Development Control* - comment as follows:

### Traffic Generation and Impact

The Transport Statement submitted with this application includes estimates of the additional vehicular traffic likely to be generated as a result of this development, established by analysing the TRICS 2010a database.

In the busiest hour on a weekday it has been estimated that an additional 21 and 20 vehicles respectively would arrive and depart the site and on the busiest hour on a Saturday an additional 27 and 28 vehicles respectively would arrive and depart the site. This would equate to approximately 1 or 2 additional vehicles entering or leaving the site per minute. As such, the proposed development will not result in any significant impact on the operation of the surrounding highway network.

### Vehicular Access

The two vehicular accesses off Westway (one IN only and one OUT only) which serve the customer car park will remain as existing. There is a right turn lane on Westway so that traffic waiting to turn into the car park does not block traffic travelling in a westbound direction

# Agenda Item 4a

There is a separate vehicular access off Leighton Avenue for servicing/delivery vehicles and staff car parking which will be widened and improved as part of the proposed development.

## Parking

A total of 105 car parking spaces (including 9 marked out for use by disabled persons and 4 'parent & child' spaces) are proposed in the customer car park. In addition a new staff car park containing 40 spaces is proposed.

The overall level of car parking is within the maximum standards for a development of this type and size as set out in the Supplementary Planning Document "Ensuring Choice of Travel".

Four additional cycle stands for use by customers are located in the corner of the main car park and separate secure cycle parking for staff is provided in the form of a new 14 space cycle shelter. This is also in accordance with the requirements of the SPD.

## Servicing

All of the existing and proposed retail premises have the capability of being serviced from the rear which eliminates any potential difficulties that servicing traffic would cause by manoeuvring within the customer car park. Drawings showing a tracking output for both articulated and rigid delivery vehicles have been submitted which demonstrate that the existing and proposed retail premises can be serviced without the need for excessive manoeuvring within the service yard/access road.

## Accessibility for non-car modes

### *Pedestrians*

There are safe crossing facilities for pedestrians in the form of a 'Puffin' crossing across Westway and a subway under Northway, which is in a well maintained condition and as such is well used. The provision of flush kerbs and tactile paving either side of both accesses to the customer car park and either side of the junction of Westway/Leighton Avenue will further enhance pedestrian accessibility.

### *Cyclists*

Leighton Avenue forms part of the strategic cycle network and adequate cycle parking will be provided as part of the development.

### *Public Transport*

The location of the proposed development provides excellent access to public transport facilities. There are two bus stops adjacent to the development site on Westway, one on each side of the road. These will be improved with access kerbs, raised footway areas and enhanced carriageway markings.

## *Travel Plan*

A Travel Plan has been submitted and is generally acceptable include specific measures to encourage sustainable travel choices by both employees and customers. The implementation and development of the Travel Plan will be secured by condition.

As identified in the comments above, a modest package of off-site highway improvements will be required. To summarise this will consist of:-

- a. Scheme of traffic signs indicating IN, OUT, NO EXIT, NO ENTRY in accordance with diag. 833, 834, 835 & 836 to be located at the access and egress to the customer car park;
- b. Upgrade of two existing bus stops on Westway with access kerbs, raised footway areas and enhanced carriageway markings incorporating a bus stop clearway;
- c. Flush kerbs and tactile paving either side of both accesses to the customer car park and either side of the junction of Westway/Leighton Avenue; and,
- d. Take down double sided traffic signs and post indicating 'Car park' at the junction of Westway and Leighton Road.

## 'Stopping up' and Traffic Regulation Orders

As a result of the developer taking control of the car park and the intention to introduce an outdoor seating area adjacent to Unit 1, a 'Stopping up' Order will need to be made. There is some street furniture within the area to be 'Stopped up' which will need to be removed/relocated, including a telephone call box, public information pillars, street lighting columns, traffic signs and posts, planters, a information boards, seating bench and 'Sheffield' cycle stands.

In addition, all Traffic Regulation Order (TRO) covering the main Central Square car park will need to be revoked.

*Environmental Protection Director* – no objections subject to specific conditions.

## **Neighbour Representations**

Last date for replies: 24 November 2010.

Representations have been received from 46, 48, 56 Towers Avenue, 13 Leighton Avenue, and 34 Green Lane. These raise the following issues:

- Query over land used for staff parking – within applicant's ownership?
- Query over land ownership to rear gardens.
- Increased traffic from service vehicles and increased pedestrian movements causing loss of privacy.
- Concern over landscaping adjacent to the service road at the rear and possible anti-social behaviour.
- Potential parking problems and congestion in nearby residential areas – the possibility of residents parking should be considered, or double yellow lines, in accordance with full consultation strategy.

# Agenda Item 4a

- Will works cover rear of buildings facing Leighton Avenue?
- Concern that no windows be inserted to the rear of buildings facing Towers Avenue.

Maghull Town Council comment on a variety of matters:

- Size of car park too large and oppose it,
- Difficulties of crossing Leighton Avenue next to junction with Westway,
- Close working requested with 'Maghull in Bloom',
- Management of all car parks in area required to be consistent,
- Consideration of existing businesses and tenants in move,
- Consideration of potential development elsewhere,
- Secure car parks,
- Larger bus shelter,
- Use of vacant shop unit to inform public of plans.

## Policy

The application site is situated in an area allocated as Town Centre on the Council's Adopted Unitary Development Plan. The portion to the south west corner is Urban Greenspace.

AD1	Location of Development
AD2	Ensuring Choice of Travel
AD3	Transport Assessments
AD4	Green Travel Plans
CS1	Development and Regeneration
CS2	Restraint on development and protection of environmental assets
CS3	Development Principles
DQ1	Design
DQ2	Renewable Energy in Development
DQ3	Trees and Development
DQ4	Public Greenspace and Development
DQ5	Sustainable Drainage Systems
EP6	Noise and Vibration
G1	Urban Greenspace Systems
R1	Retail Development Strategy
R6	Development in District and Local Centres

## Comments

The proposal seeks to refurbish two sides of the Square, with the other (rearmost) being demolished to make way for new retail units. The frontage car parking would be reorganised and staff parking would be provided at the junction of Liverpool Road North and Westway. There are other public realm improvements proposed.

The principle of retail development is acceptable. The proposal also seeks to revert 1/1a Westway to an A3 restaurant, incorporating outdoor seating. The first floor is in the ownership of the ground floor user and therefore no issue arises with regard to amenity of the first floor occupier.

The rebuilt shops would be positioned around 7 metres further from the rear elevations of Towers Avenue than those existing. It is slightly closer to the side elevation of a dwelling on Leighton Avenue but there is adequate separation. The existing arrangement comprises an undistinguished mix of flat roof buildings between 8 and 11 metres in height. The new building will comprise a ridge of 9.2 metres and eaves of 7.5 metres. Generally the impact will be better in terms of sunlight and general outlook for residents.

The new buildings will provide a fresh and vibrant retail offer and be a major catalyst for future investment. The design is lively and contributes a very active retail frontage.

Garden areas for residents on Towers Avenue are reduced to varying degrees to afford improved servicing arrangements, but these were on lease to those residents and are in the full ownership of the applicant.

There are no identifiable impacts on highway safety. Existing accesses are utilised in the main and the car park layout will be much improved. Conditions are attached to ensure appropriate parking provision and a car parking traffic management plan will ensure that 2 hours free parking is available for all centre users.

Servicing is currently unrestricted. The applicant has agreed that a number of rear areas require better security and to this end has agreed in principle to gating of the service yard and the gate off Westway which will still enable those requiring access to remaining flats to do so. The full details to be subject to planning condition.

An acoustic fence will be constructed to the rear of Towers Avenue, at the applicants expense, and agreement has been reached for servicing between 0600-0700 to be restricted to smaller refrigerated vehicles. A finalised specification for this is currently under discussion.

Moreover, the loading/unloading areas are to be marked out directly adjacent to the buildings. Given the current situation is unrestricted entirely, whilst the service road is nearer to the rear of premises at Towers Avenue, there is far more control over vehicle deliveries and a more secure environment for those occupiers. Overall it is considered that the servicing arrangements are acceptable.

Defensive planting is provided to reinforce the rear boundaries of these properties and maintain distance between the new fence and vehicular movement.

The proposal includes specific provision for 40 staff parking spaces to the junction of Westway and Liverpool Road North. This layout has been amended to increase the landscape buffering to the latter in the order of around 15 metres.

# Agenda Item 4a

57 trees would be removed from this corner, but the landscape structure remains fully intact. The parking will have no substantive impact on landscape character and will assist in a coherent and organised parking format for the centre.

The area in question is a small quadrant of public greenspace and the area affected is in the order of 700 square metres. A compensatory provision of £22,075.45 is to be secured via Section 106 towards improving public greenspace locally. There is an area adjacent to the development site on which this may be spent.

The overall tree provision is 187 trees based on 114 to be replaced plus 73 calculated from total new floorspace. Revised plans have been produced to secure all the necessary tree planting on site.

There are excellent public realm works proposed including a sculpture and feature seating. Their implementation is covered by condition. Provision is also made for the Christmas Tree over the festive period. It is felt that these works acceptably offset the sum of £24,283 that would have been required under the floor space criteria.

The plans have been discussed at a meeting of the Sefton Access Forum and the applicant has agreed some of the suggestions; there will now be nine car parking spaces (five existing for disabled users). Staff will be given the chance to use these disabled spaces adjacent to the new shops. Where mezzanines are taken up by new occupiers within the scheme, platform lifts will be required in accordance with Building Regulation/DDA requirements. Discussion is ongoing relating to the need for colour coded tactile materials around the car park to assist the visually impaired.

## **Response to representations**

No works to the rear of existing buildings other than that required to accommodate existing first floor occupiers are proposed, however, the applicant has advised that further survey work is required to inform on the level of refurbishment to be carried out and this will form part of a separate application.

The scale of the staff car park has been reduced to reflect comments made by Maghull Town Council. The applicant has also agreed to maintain free parking for 2 hours. This would remove any need to pursue residents parking on Towers Avenue or Leighton Avenue (the number of spaces increases by around 40 on the existing), but the applicant is content that the management plan will allow the possibility to remain open for review post-completion, which is considered a more than fair compromise.

It is expected that the required servicing, landscape car park management plans will promote better security and an overall safer environment than at present. The scale of investment in itself demands that this be achieved.



# Agenda Item 4a

It is not possible to assess the development in the context of future potential nearby proposals; each must be assessed on their own individual merits.

Issues of land ownership are not a matter for the application; the applicant has confirmed that they have served the correct certification. This must be resolved through independent legal adjudication.

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

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

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Committee: **PLANNING**

Date of Meeting: **09 February 2011**

Title of Report: **S/2010/1605**  
**Former LA Fitness site, Fairway, Southport**  
(Cambridge Ward)

Proposal: Construction of a church hall adjacent to the existing church building including café area, creche, landscaping and parking

Applicant: Rev Malcom Hathaway Elim Foursquare Gospel Alliance

## **Executive Summary**

The application is seeking consent for the erection of a church hall adjacent to the existing church building including cafe area, creche, landscaping and parking.

The main issues for consideration are the principle of development, impact on residential amenity, design and impact on the street scene and character of the area.

## **Recommendation(s)            Approval**

### **Justification**

The proposal is an appropriate use in this location and the overall design is that of a quality modern building which will bring visual benefits to the area. The proposal will not have a significant detrimental impact on residential amenity and complies with tree planting requirements. The application therefore complies with Sefton's adopted UDP policies CS3, DQ1, DQ3, EDT13, EDT15 and H10.

### **Conditions**

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. L-4 Landscape Implementation
4. E-1 Drainage
5. X1 Compliance

### **Reasons**

1. RT-1
2. RM-2
3. RL-4
4. RE-1
5. RX1

# Agenda Item 4b

## Notes

1. Bats may be present in your building. Bats are protected species. If you discover bats you must cease work immediately, contact Batline on 01704 385735 for advice.
2. This development requires a Site Waste Management Plan under the Site Waste Management Plan Regulations 2008, advice on the requirements of the SWMP can be sought from the Principal Policy Officer, Merseyside Environmental Advisory Service, Bryant House, Liverpool Road North, Maghull, L31 2PA. Tel 0151 934 4958.

## Drawing Numbers

Drgs. 1277-001/001, 002, 003/01, 110/01, 111/01, 112/01, 130/03, 131/01, 200, 203/01, 204, 205, 206, 230/01, 231/02

## Financial Implications

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

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

History referred to  
Policy referred to

# Agenda Item 4b



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2010/1605 Former LA Fitness site, Fairway Southport PR8 1RY DSGR: 334104, 418583		Sheets: 510A Area: 6499 sqm		Standard Site Plan Scale: 1:1250 Date: 29/12/2010 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>		Ward(s): Cambridge Postcode Sector(s): PR9 0 Polling District(s): X6 Parish(es): None Found		

**S/2010/1605**

This item was deferred by Committee at its meeting on 12 January 2011 for a site visit.

## **The Site**

The site comprises the car park area adjacent to an existing 2 storey building occupying a corner plot at the junction of Promenade and Fairway. The existing building has recently changed use from a private fitness club to a place of worship / church hall with ancillary D2 use (assembly and leisure).

## **Proposal**

Construction of a church hall adjacent to the existing church building including café area, creche, landscaping and parking

## **History**

- S/00243 Extension of car park by 20 spaces - Granted 31/07/1974
- S/08978 Erection of extension to squash rackets club - Approved 25/07/1978.
- S/17543 Erection of 9ft high post and chain link fencing surrounding two proposed tennis courts fronting the Promenade - Granted 16/09/1981.
- S/21165 Erection of an extension to beer store at front and extension to clubroom / lounge at side of premises - Granted 14/09/1983.
- S/22122 Erection of 2 storey extension at front of squash club facing Fairway - Granted 11/04/1984.
- S/24395 Layout of an all-weather playing area and provision of extra car parking spaces - Granted 03/07/1985.
- S/25149 Display of eleven advertisement hoardings around the perimeter of the all-weather football pitch.
- N/1988/0508 Erection of a sports hall and covered swimming pool to be used as an extension to existing squash club, extension to car - Granted 17/08/1988.
- N/1999/0273 Retention of 4m high fence and poles along west boundary of all-weather sports pitch - Granted 24/06/1993.
- N/2000/0563 Erection of single storey extension at rear - Granted 02/10/2000
- N/2001/0795 ADV retention to display various illuminated free standing and fascia signs - Granted 23/10/2001

# Agenda Item 4b

## Consultations

*Highways Development Control* – Comments awaited.

*Environmental Protection and Technical Services* – Comments awaited.

*Merseyside Environmental Advisory Service* –

- Advise the Council asks the EA to confirm their position in respect of the FRA particularly the accuracy of the flood zone but also that the finished floor levels are acceptable as they appear to be lower than the EA recommendations for FFL.
- Run off should not be discharged directly into the Marine Lake unless the implementation of SUDS techniques is not feasible.
- Ground investigation should be carried out to establish the potential of using soakaways by using a suitably worded condition.
- Detailed method statement required describing how the applicant intends to prevent pollution of controlled waters prior to any construction activities taking place. This can be secured by suitably worded condition.
- Contractors should be made aware that if any bats are found, work must cease and advice must be sought from a licensed bat worker.
- Applicant must prepare a Site Waste Management Plan.

## Neighbour Representations

Last date for replies: 11/12/2010

Received: 1 letter of objection from 71 Promenade raising the following concerns:

- Views across the Marine Lake will be affected as the building is directly opposite their holiday apartment business, business will be affected as views lost.
- 500 seater hall and ancillaries will cause significant problems in terms of numbers of people visiting the site, loss of car park spaces, congestion in surrounding roads and parking in surrounding roads will worsen.
- Increase in cars will affect tranquil area.
- Building to the front would destroy Southport's ambience in terms of wide spacious and airy streets where buildings are not close to the road.
- Promenade elevation is a side elevation and should be the most prominent.
- Scale of development excessive and would not be allowed on other properties in the area.

## Policy

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

CPZ1 Development in the Coastal Planning Zone  
CS3 Development Principles



DQ3	Trees and Development
EDT13	Southport Central Area - Development Principles
EDT15	Southport Seafront
H10	Development in Primarily Residential Areas

## Comments

The main issues for consideration in the assessment of this application are the principle of the development, impact on residential amenity, design and impact on the street scene and character of the area.

The site lies within an area designates as Primarily Residential on the adopted UDP, and also within the Southport Seafront and Southport Central Areas. The site is adjacent to Urban Greenspace.

### Principle

Policy EDT13 permits development which makes positive contribution to the economic function of the area in the retail, commercial, entertainment, cultural, civic, public and professional service and education sectors. This proposed change of use is considered appropriate within the remit of this Policy.

Policy EDT15 permits new or improves leisure and recreation facilities; hotel and other similar accommodation and facilities for conferences, events and exhibitions. The Policy states that permanent residential development, further retail development or other development which would harm the character of the seafront or its function as a regular visitor attraction will not be permitted. This proposal cannot be considered to harm the character of the seafront or its function and is therefore in accordance with policy EDT15.

### Residential Amenity

Policy H10 permits non-residential development in the Primarily Residential Area provided it can be demonstrated that the proposal will not have an unacceptable impact on residential amenity and is otherwise compatible with the residential character of the area.

The existing building on site was granted consent for a change of use to place of worship in June 2010 and has been in operation on the site since then without any significant amenity issues being reported. This proposal to erect a new building to provide a new church hall will be used in conjunction with the existing buildings.

The proposed new building will be closer to residential dwellings on the opposite side of the Promenade as the building will be within 4 metres of the site boundary on the Promenade side. However, this is still 40 metres from the front of residential properties on the Promenade and so no amenity issues arise from proximity to dwellings. In terms of the intensification of the current use on the site by the proposal, this is considered appropriate in this location and given the site's isolated position and distance from dwellings, the proposal will not have a significant detrimental impact on residential amenity.

# Agenda Item 4b

## **Design and Impact on Street Scene**

Given the site is in a prominent location at the northern end of the Marine Lake, the building will be clearly visible from the surrounding area. However, the site levels are such that the building will sit lower than the surrounding roads thus reducing the overall visual impact.

The building will be part single storey and part double height for the church hall element which will seat up to 500 people. The single storey element will be render and the double height hall will be clad in phosphor bronze architectural mesh rainscreen. This will provide a strong and welcome contrast with the render and will change visually in time when exposed to coastal conditions.

The existing fence to the Marine Lake slipway will be removed and will introduce a stepped entrance and 'amphitheatre' type seating to allow the building to become part of the public realm.

The design concept for the building proposed includes linking the proposed building to the existing buildings with courtyard gardens which will be hard and soft landscaped and used for a variety of purposes including seating, breakout space and play areas for the crèche facility.

The overall design of the building is appropriate in this location and will make a positive contribution to the character of the area and therefore complies with policy DQ1.

## **Trees and Greenspace**

Policy DQ3 requires the provision of 1 tree to be planted on the site per 50 sqm of floorspace and the replacement of any trees to be removed as part of the proposal on a 2:1 basis. In this case, a total of 19 trees are required and are shown to be planted on the site. The proposal complies with policy DQ3.

There is no requirement for a financial contribution towards public greenspace provision under policy DQ4 on the basis of the proposed type of use and floorspace.

The requirement for renewable energy provision on site has been included as a condition for the original change of use.



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Committee: **PLANNING**

Date of Meeting: **02 February 2011**

Title of Report: **S/2010/1617**  
**Land to the side 101 Marshside Road,**  
**Southport**  
(Cambridge Ward)

Proposal: Erection of a detached dormer bungalow in the garden to the side of the dwellinghouse

Applicant: Mr A Beattie

## **Executive Summary**

This application is seeking consent for the erection of a single storey dwelling with side dormer.

The main issues for consideration are the impact on residential amenity, impact on street scene and character of the area, highway and flood risk issues.

**Recommendation(s)                      Approval**

## **Justification**

The proposed dwelling is appropriate to the street scene of Knob Hall Lane and 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. M-2 Materials (sample)
3. M-6 Piling
4. X1 Compliance
5. The first floor side facing dormer window shall not be glazed otherwise than with obscured glass and fixed shut or top hung, and thereafter be permanently retained as such.
6. H-2 New vehicular/pedestrian access
7. H-6 Vehicle parking and manoeuvring

# Agenda Item 4c

## Reasons

1. RT-1
2. RM-2
3. RM-6
4. RX1
5. RM-3
6. RH-2
7. RH-6

## Notes

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

## Drawing Numbers

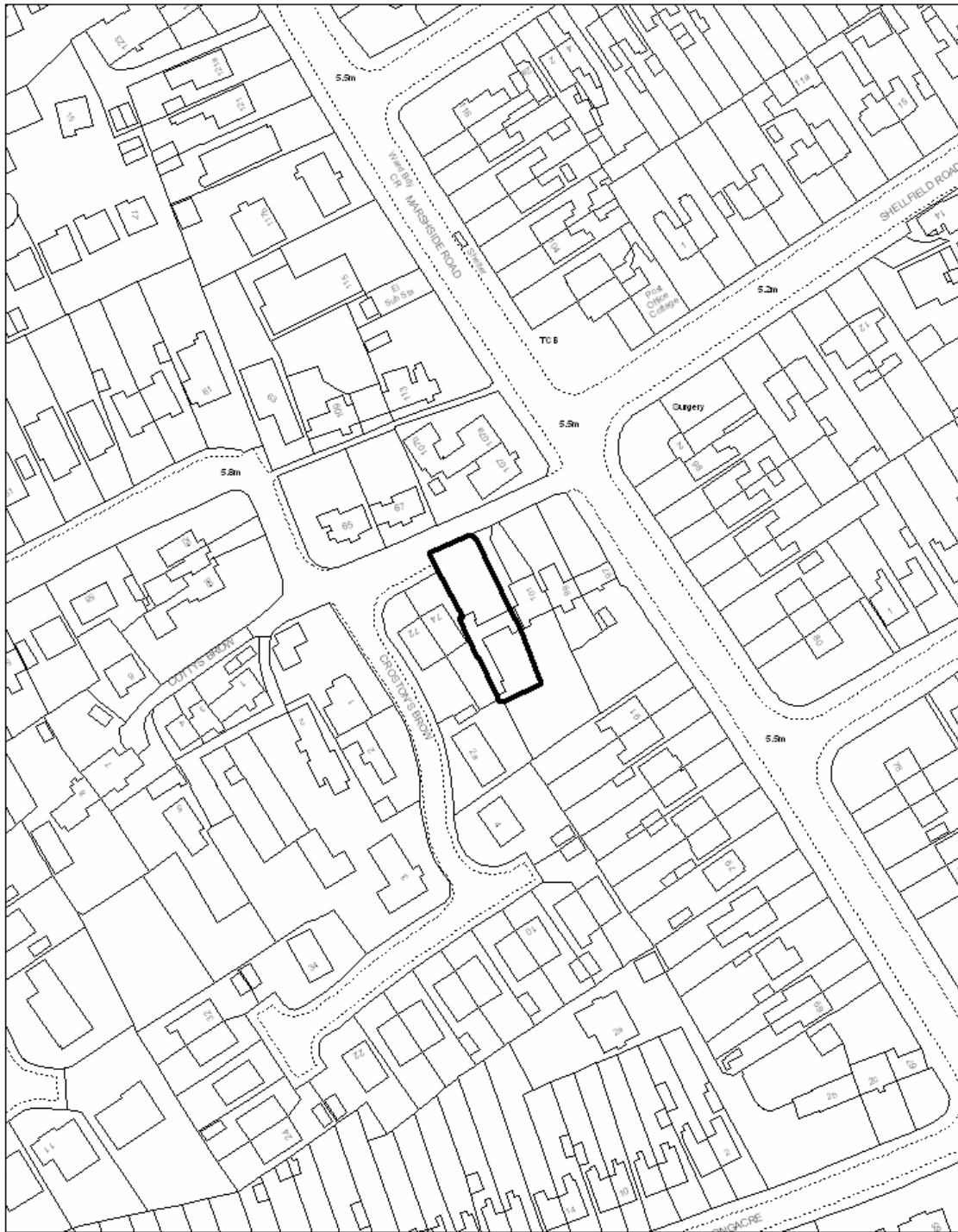
## Financial Implications

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

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

History referred to  
Policy referred to

# Agenda Item 4c



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2010/1617 Land to the side 101 Marshside Road Southport PRO 9TA OSGR: 336972, 419349		Standard Site Plan Scale: 1:1250 Date: 29/12/2010 Drawn By: BEERTON
	Sheets: 531D	Area: 512 sqm	Ward(s): Cambridge Postcode Sector(s): PR9 9 Polling District(s): XI, X2 Parish(es): None Found



S/2010/1617

This item was deferred by Committee at its meeting on 12 January 2011 for a site visit.

## The Site

The site is currently a vacant plot which has been severed from the garden of 101 Marshside Road.

## Proposal

Erection of a detached dormer bungalow in the garden to the side of the dwellinghouse

## History

S/2010/0284          Erection of detached dormer bungalow in the garden to the side of the dwellinghouse - Withdrawn 30/04/2010.

## Consultations

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

The proposed layout makes provision for the section of existing adopted footway and carriageway in front of nos. 72 & 74 Knob Hall Lane to be extended across the frontage of this development site, including the plot on which 101 Marshside Road is sited. This affords an improved level of access for both vehicles and pedestrians.

*Environmental and Technical Services* – No objection in principle subject to piling condition.

*Environment Agency* – No objection but the Local Authority should satisfy itself that the sequential test has been adequately undertaken.

## Neighbour Representations

Last date for replies: 13<sup>th</sup> December 2010

Received: 1 letter of objection from 67 Knob Hall Lane on the grounds of safety as the proposed vehicle entry is directly opposite their gate. Traffic can only flow in single file at this point. Any proposed driveway should be linked to the existing double width driveway at 101 Marshside Road.

## Policy

The application site is situated in an area allocated as primarily residential on the

# Agenda Item 4c

Council's Adopted Unitary Development Plan.

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

## Comments

Main issues – principle of development, design and visual impact on the street scene and character of the area, residential amenity, highway issues.

### Principle

The site lies within the primarily residential area and the principle of the erection of a new dwelling is therefore acceptable.

### Design and visual impact

The proposed dwelling is very small scale and of simple design. Given that there is no prevailing architectural style in the street scene, the dwelling does not have to conform to a particular style, however, it should be in keeping with the overall character and form of development in the surrounding area. Knob Hall Lane has evolved over a considerable period of time and there are many unusual shaped plots with cottages and two storey dwellings present. The spacing around the proposed dwelling is sufficient and appropriate to its setting and whilst the scale of the dwelling is very small and the site could perhaps accommodate something slightly larger, given the variety of dwellings in the area it is considered that the proposed dwelling is acceptable.

### Residential amenity

Given the position and scale of the proposed bungalow, the proposal will not have a detrimental impact on residential amenity for surrounding neighbours. There is spacing either side of the dwelling and it does not appear to be 'squeezed' into the site.

The proposed dwelling itself provides a reasonable standard of amenity with each habitable room having an outlook and the rear garden is in excess of the 70 sq m minimum requirement set out in SPG New Housing Development.

### Highway issues

**Highway Development Control raise no concerns.** The proposed layout makes provision for the section of existing adopted footway and carriageway in front of nos. 72 & 74 Knob Hall Lane to be extended across the frontage of this development site, including the plot on which 101 Marshside Road is sited. This will improve both pedestrian and vehicle access.

### Trees

Policy DQ3 requires the provision of 3 trees to be planted on the site. The plan shows three trees to be planted within the rear garden of the site and the proposal therefore complies with policy DQ3.

### **Flood risk and sequential test**

The Environment Agency has confirmed that they have no objection to the proposed development but the Council should satisfy itself that the sequential test has been adequately undertaken. In this respect, the Sequential Test is passed for an urban site as there are not enough sequential alternatives to meet the Council's medium to long term housing supply.

### **Conclusion**

The principle of the erection of a dwelling is acceptable in this location. Whilst the design of the dwelling proposed is limited in its positive impact on the surrounding area given its very small scale, the proposal does not cause significant harm to the character of the area or the street scene. No residential amenity issues occur as a result of the proposal and as such the proposal is considered acceptable and the application is recommended for approval.

Contact Officer:	<b>Mrs S Tyldesley</b>	<b>Telephone 0151 934 3569</b>
Case Officer:	<b>Andrea Fortune</b>	<b>Telephone 0151 934 2208 (Tues- Fri)</b>

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Committee: **PLANNING**

Date of Meeting: **09 February 2011**

Title of Report: **S/2010/1669**  
**Land And Premises Opposite Millfield**  
**Powderworks Lane, Melling**  
(Molyneux Ward)

Proposal: Conversion of redundant building to form three Class B1 business units, involving external alterations/renovation, landscaping, parking and access onto Powderworks Lane

Applicant: Samlouis Properties Ltd.

## **Executive Summary**

This application involves the conversion of a disused building in the Green Belt to form 3 Class B1 business units. The main issues to consider include compliance with Green Belt policy, impacts on residential amenity and highway safety, as well as ecological and landscaping considerations.

**Recommendation(s)                      Approval**

## **Justification**

The proposal is acceptable in terms of compliance with Green Belt policy, its impacts on residential amenity and highway safety as well as ecological and landscaping issues therefore approval is recommended.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. M-2 Materials (sample)
4. L5 Landscaping (scheme)
5. NC-3 Biodiversity enhancement
6. a) Before the development is commenced, a scheme for the disposal of all asbestos-bearing materials shall be submitted to and approved in writing by the Local Planning Authority.  
b) The scheme shall then be implemented in accordance with the details approved under (a) above.
7. E-1 Drainage
8. L-4 Landscape Implementation
9. H-6 Vehicle parking and manoeuvring
10. H-7 Cycle parking
11. The adjacent land to the east of the site shall be converted to grazing land in

# Agenda Item 4d

accordance with the approved plans before any part of the development hereby approved is occupied.

12. No building works shall take place during the period 1st March to 31st August inclusive unless the building has first been checked internally and externally by a qualified ecologist to ensure no breeding birds are present.
13. B-2 (opening hours)
14. B-6 Storage as per plan
15. R-1 Use Classes Limitation
16. R-2 PD removal garages/ extensions/outbuildings
17. R-2 PD removal garages/ extensions/outbuildings

## Reasons

1. RT-1
2. RX1
3. RM-2
4. RL1
5. RNC-3
6. To ensure the proper disposal of hazardous waste and to comply with Sefton UDP Policy EP1.
7. RE-1
8. RL-4
9. RH-6
10. RH-7
11. In order to protect the character of the area and to accord with Sefton UDP Policies CS3 and GBC2.
12. RNC-4
13. RB-2
14. RB-6
15. RR-1
16. RR-2
17. RR-2

## 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. Bats may be present in your building. Bats are protected species. If you discover bats you must cease work immediately, contact Batline on 01704 385735 for advice.

3. This development may require a Site Waste Management Plan under the Site Waste Management Plan Regulations 2008, advice on the requirements of the SWMP can be sought from the Principal Policy Officer, Merseyside Environmental Advisory Service, 1st floor Merton House, Stanley Road, Bootle L20 3DL. Tel 0151 934 4958.

## **Drawing Numbers**

PWL-001 rec 07/01/11, 002 rec 06/01/11, 003 rec 19/01/11 & 004 rev A rec 21/01/11

# Agenda Item 4d

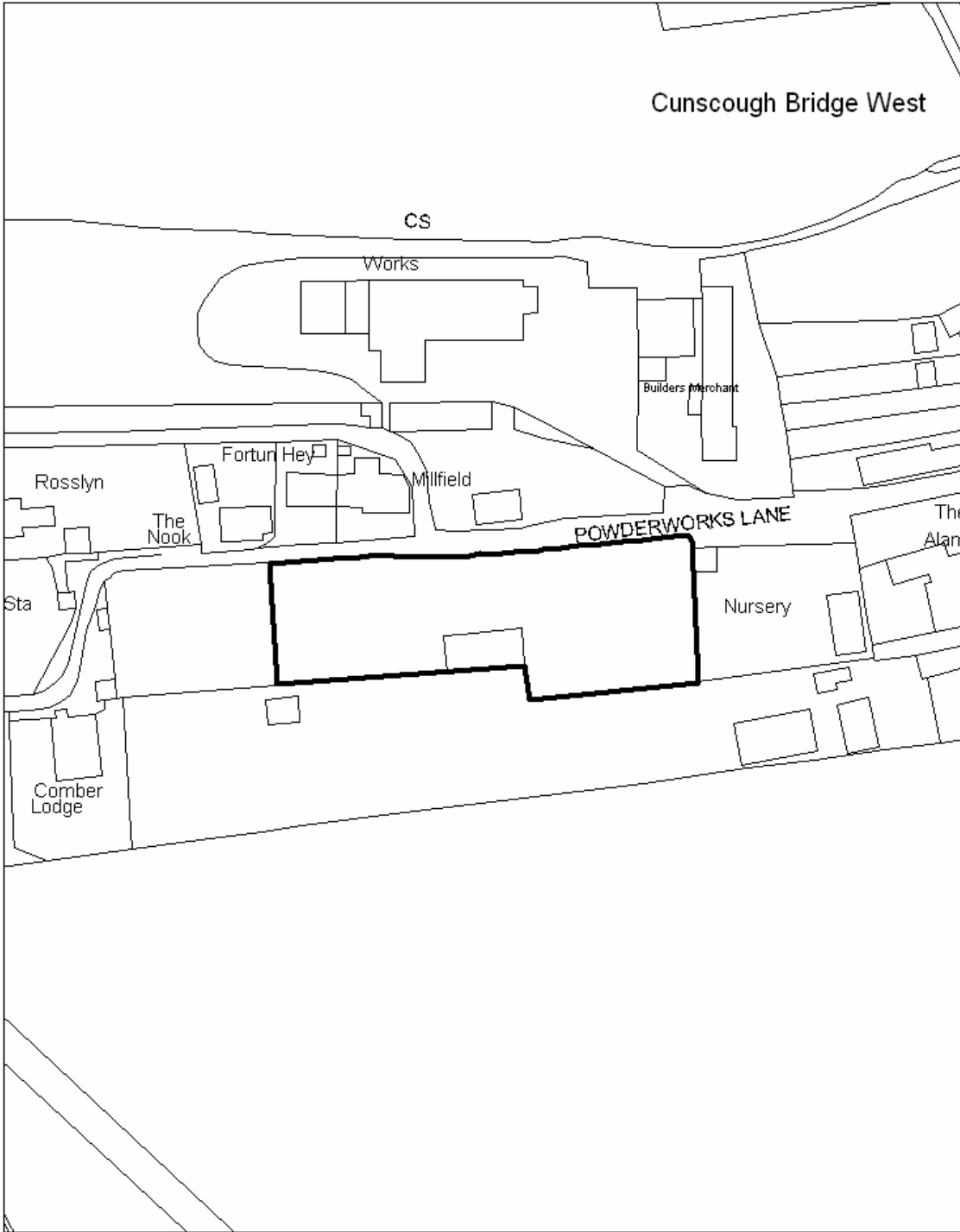
## Financial Implications

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

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

History referred to  
Policy referred to





<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2010/1669 Land And Premises Opposite Millfield Powderworks Lane Melling		Standard Site Plan Scale: 1:1250 Date: 23/12/2011 Drawn By: BEERTON
	OSGR: 340275, 403054	Sheets: 2/166	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921</small>			Ward(s): Molyneux Postcode Sector(s): I31 1 Polling District(s): C1 Parish(es): Melling CP

# Agenda Item 4d

S/2010/1669

## The Site

The site is located on the south side of Powderworks Lane within the Green Belt. It comprises the former pumphouse site and is currently vacant and partly overgrown. There are two buildings on the site comprising a brick/rendered building with a steel roof and an open fronted timber workshop building.

There is rough ground to the east of the site, which is within the applicant's control, with open fields to the south and west. Residential properties are situated on the opposite side of Powderworks Lane to the north of the site and there are also business uses, including a builders' merchant, close by.

## Proposal

Conversion of redundant building to form three Class B1 business units, involving external alterations/renovation, landscaping, parking and access onto Powderworks Lane.

## History

S/2007/0242 Outline application for the erection of 5 light industrial units including new access and parking. Refused 4/5/07. Appeal dismissed 8/10/07

S/2005/1261 Outline application for the erection of 7 light industrial units including new access and parking. Refused 16/3/06. Appeal withdrawn.

S/2003/1042 Conversion of the existing building to form one dwellinghouse. Refused 27/11/03

## Consultations

*Environment & Technical Services Director* – no objections.

*United Utilities* – no objections.

*Environment Agency* – formal response not required.

*MEAS* – the existing building may provide habitat for nesting birds and condition required to protect breeding birds during construction; condition required to ensure provision of at least 3 bird nesting boxes; bat report is acceptable and the Council does not need to undertake an assessment against the 3 tests set out in the Habitats Regulations 2010 as no evidence of bats using the building was found; bat informative required; condition required to ensure bat bricks/boxes are incorporated into the buildings; barn owl survey not required in this instance; Site Waste Management Plan may be required; Sustainable Urban Drainage Scheme (SuDS) should be incorporated into the scheme.

*Highways DC* – no objection to the proposal to convert the existing building into 3 B1 business units. The existing vehicular access off Powderworks Lane will be retained for use in connection with the 6 space car park. The car parking layout is acceptable and some indicative cycle storage has been shown on the site plan.

Powderworks Lane is unadopted for most of its length, except for the first 30 metres from the junction with Prescott Road (B5197) and the junction of Prescott Road (B5197)/Powderworks Lane can easily accommodate the additional traffic that is likely to be generated by this development.

The location of development, being close to the motorway network, provides good access to the wider region, however it is also accepted that it does not offer a realistic choice of travel as walking, cycling and public transport links are poor.

The following conditions and informatives should be added to any approval notice:-

- H-6 - Vehicle parking and manoeuvring
- H-7 - Cycle parking
- I-1 - Addresses

## Neighbour Representations

Last date for replies: 23/12/10 (neighbours)  
14/12/10 (site notice)  
6/1/11 (press notice)

Letter of objection received from The Nook, Powderworks Lane. Grounds of objection include lane is already congested with traffic; noise from existing units is unbearable; vacant units are available; some residents have to pay for road repairs caused by business vehicles.

## Policy

The application site is situated in an area allocated as Green Belt 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
- EDT8 Business and Industrial Development Outside Primarily Industrial Areas
- EP6 Noise and Vibration
- GBC2 Development in the Green Belt
- NC2 Protection of Species
- NC3 Habitat Protection, Creation and Management

# Agenda Item 4d

## Comments

The main issues to consider are compliance with Green Belt policy, impacts on residential amenity and highway safety as well as ecological and landscaping considerations.

### Green Belt

PPG2, UDP Policy GBC2 and Sefton's SPG on Development in the Green Belt all permit the re-use of existing buildings in the Green Belt provided certain criteria are met as follows:

- the converted building must not have a significantly greater effect than the present use on the openness of the Green Belt and the reason for including land in the Green Belt – the proposal does not include any extensions to the existing buildings and external hard surfaced areas are not excessive comprising an access, turning space and 4 car parking spaces – complies
- the nature and size of the proposed use must be appropriate for the building and its curtilage – the scale of the proposed business/office units are limited by the modest size of the building and a condition can be imposed to restrict the use of the units to uses within Class B1 of the Use Classes Order as uses within Class B2 (general industrial) would be out of character with this rural location which also contains residential properties close by – complies
- The building must be of a permanent and substantial construction and capable of being converted without being mainly or completely rebuilt – a structural survey has been submitted with the application and this shows that the main building, which is of permanent and substantial construction and is to contain the 3 studio business units, is capable of conversion with no rebuilding works except for a new slate roof to replace the existing metal corrugated roof covering. Amended plans have been received showing the open fronted timber workshop building retained as an open fronted structure with new timber clad walls and a new roof. This building will be used for storage purposes and will house 2 car parking spaces at the front – complies
- The proposal must keep and improve the form, bulk and general appearance of the building and curtilage – the existing buildings are of little architectural interest and the proposals do retain their simple form and appearance with limited alterations to window and door openings. The proposals also involve improvements to the land immediately to the east of the site which is presently in a poor condition but is proposed for grazing land – complies

Overall, the proposal is considered to comply with Green Belt policy in respect of the conversion of existing buildings.

## Residential Amenity

One of the local residents has raised concerns about noise and disturbance. The proposed units are modest in size and conditions can be imposed to restrict the uses to Class B1, to control the hours of use and to prevent outside storage. On this basis, it is considered that the proposal will not have a significant harmful impact on residential amenity.

## Highway Safety

The proposal includes 4 external car parking spaces as well as 2 car parking spaces and cycle parking within the open fronted former workshop building. It also utilises an existing access off Powderworks Lane. Highway Development Control raise no objections to this arrangement.

It is acknowledged that Powderworks Lane is unadopted for most of its length except for the first 30m from the junction with Prescott Road and Highways Development Control are satisfied that this junction can easily accommodate the additional traffic likely to be generated by the development.

Whilst the location of the development provides good access to the wider region due to its proximity to the motorway network, it is accepted that the site's location does not offer a realistic choice of travel as walking, cycling and public transport links are poor. However, it is not considered that this would justify refusal of the application.

## Ecology

MEAS have advised that the existing building may provide habitat for nesting birds. Conditions are recommended in order to protect breeding birds by providing a minimum of 3 nest boxes and preventing works during the bird breeding season.

The application includes a bat survey which found no evidence of bats using the building. MEAS therefore advise that the Council does not need to undertake an assessment of the proposals against the 3 tests set out in the Habitats Regulations 2010. However, the standard bat informative should be added to any approval together with a condition requiring the provision of bat bricks/boxes in order to maximise the development's contribution to biodiversity and sustainability.

MEAS advise that a barn owl survey is not required in this instance as barn owls are not considered to be present in the building.

MEAS also advise that a Site Waste Management Plan may be required (under separate legislation). Conditions are also recommended in order to secure the safe disposal of asbestos-bearing materials and the provision of a sustainable urban drainage system (SuDS).

There are therefore no objections to the scheme on ecological grounds provided conditions are imposed to cover the above issues.

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## Landscaping

The proposal includes perimeter landscaping, including new tree planting, as well as new boundary fencing. Full details have not been provided and these can be required by condition in order to ensure that the fencing and landscaping details are appropriate for this rural Green Belt setting.

A condition can also be imposed to ensure that the adjacent land is upgraded to provide an area of grazing land, in accordance with the submitted proposals.

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

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

Committee: **PLANNING**

Date of Meeting: **09 February 2011**

Title of Report: **S/2010/1673**  
**Mortons Dairy Kenyons Lane, Lydiate**  
(Park Ward)

Proposal: Retention of existing hardstanding and provision of landscape planting

Applicant: Mr Norman Harrison Mortons Dairies Limited

## **Executive Summary**

This application seeks to retain the hardstanding and a strip of adjacent land which are subject of an Enforcement Notice confirmed on appeal in January 2010. The applicant argues very special circumstances in respect of the needs of the business whilst proposing landscaping to minimise visual impact and wildflower planting to the paddock. The issues relate to the principle of expansion of this industrial curtilage into the Green Belt.

**Recommendation(s)                      Approval**

## **Justification**

The proposal is justified by very special circumstances in terms of the operational needs of the existing business, the improved planting to the site, the biodiversity gain to the 'paddock' area and the lack of suitability for agriculture

## **Conditions**

1. The areas for vehicle parking, turning and manoeuvring shall be laid out, demarcated, and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.
2. Notwithstanding the details shown on the submitted drawing the hardstanding and extended site area hereby approved shall be used for short term vehicle parking and manoeuvring and shall not be used for storage or long term parking of delivery/other vehicles or trailers.
3. Notwithstanding the details shown on the submitted plan, that part of the hardstanding shown as 'delivery vehicle storage' shall only be used for this purpose for a period of 12 months from the date of this permission and all such vehicles shall be removed and storage shall cease in this area of the site at the end of this period.
4. a) The hard and soft landscaping scheme hereby approved shall be carried out within the first planting season following this approval .

# Agenda Item 4e

- b) 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.
5. Within the first planting season following this approval the paddock area shall be seeded with wildflower seed. A specification for the seed and method of seeding shall be agreed in writing before the planting is undertaken.
  6. a) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the wildflower meadow, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. This shall include future management of the wildflower meadow.  
b) The landscape management plan shall be carried out as approved under (a) above.
  7. L-3 No felling
  8. The proposed post and wire fence shall be erected within 3 months of the date of this permission
  9. The existing ditch along the east side of the site shall not be culverted except with the express permission of the Local Planning Authority.

## Reasons

1. RH-6
2. In order to protect the visual amenity and openness of Green Belt in accordance with UDPPolicy GBC2
3. In the interests of visual amenity and to comply with policy DQ1 and GBC2 of the Sefton Unitary Development Plan.
4. RL-4
5. In the interests of visual amenity and conservation and to comply with policy DQ1and NC3 of the Sefton Unitary Development Plan.
6. RL-5
7. RL-3
8. To contain the industrial curtlage in the context of UDP Policy GBC2
9. In order to comply with UDP Policy EP8.

## Drawing Numbers

to be advised



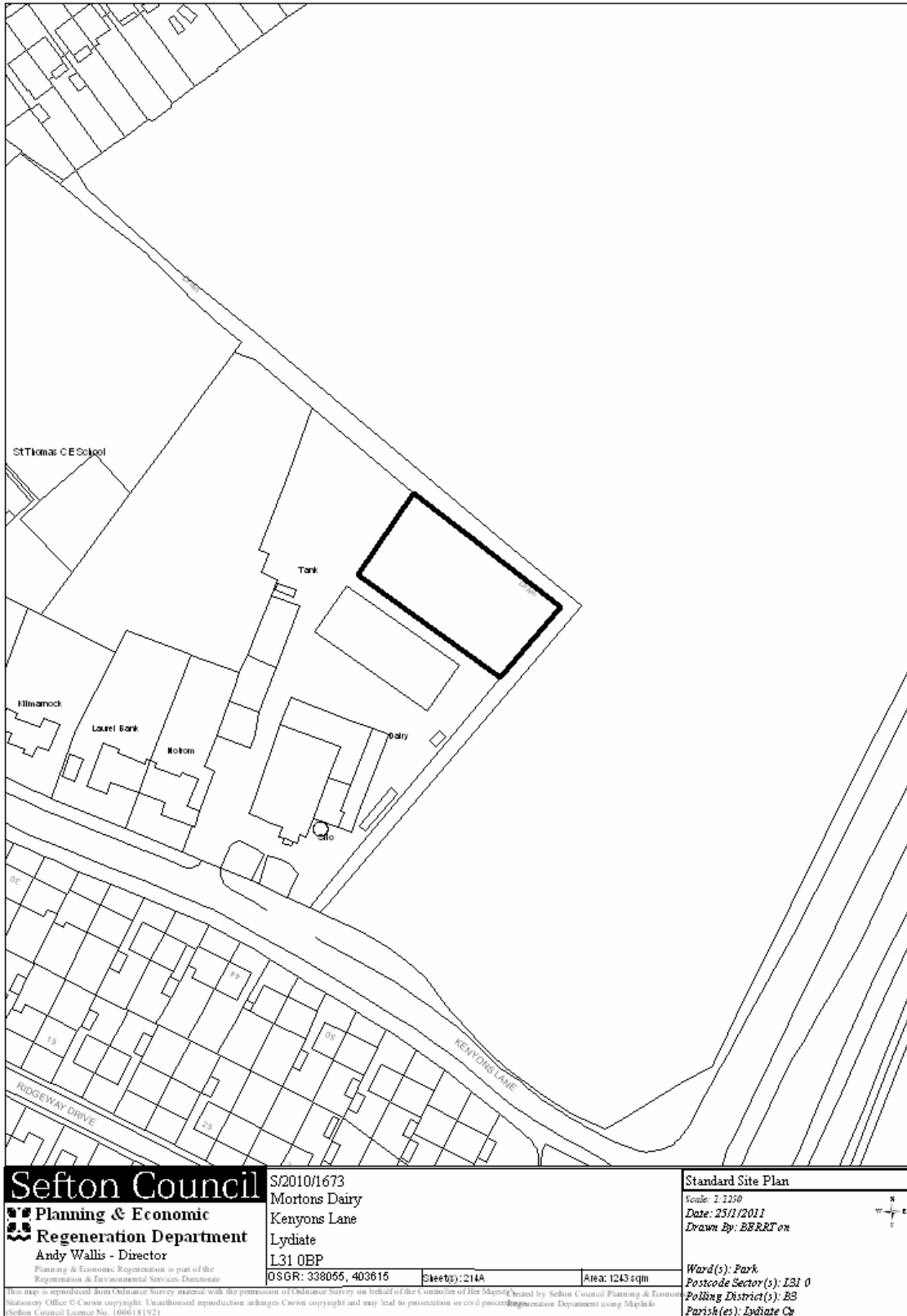
## Financial Implications

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

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

History referred to  
Policy referred to

# Agenda Item 4e



**Sefton Council**  
**Planning & Economic**  
**Regeneration Department**  
 Andy Wallis - Director  
Planning & Economic Regeneration is part of the  
 Regeneration & Environmental Services Directorate

S/2010/1673  
 Mortons Dairy  
 Kenyons Lane  
 Lydiate  
 L31 0BP  
 OSGR: 338055, 403615    Sheets: 214A    Area: 1243 sqm

**Standard Site Plan**  
 Scale: 1:1250  
 Date: 25/1/2011  
 Drawn By: BERRTON  
 Ward(s): Park  
 Postcode Sector(s): L31 0  
 Polling District(s): B5  
 Parish(es): Lydiate Cp

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S/2010/1673

## The Site

This application concerns a piece of land adjacent to the north boundary of the Morton's Dairy operational curtilage.

## Proposal

Retention of existing hardstanding and provision of landscape planting.

## History

Enforcement Appeals dismissed 20/01/2010.

- S/2009/0215 Application for lawful development Certificate for the use of land in connection with a dairy business involving the parking and manoeuvring of cars and commercial vehicles, storage of plant and equipment , storage of out of service milk floats and storage of other dairy related items. Refused 5/5/09 appeal dismissed 20/01/2010.
- S/2008/0981 Retrospective application for the retention of existing hardstandings, revisions to layout of external storage, vehicle circulation and parking, erection of a single storey extension to the existing storage building and culverting to ditch withdrawn.
- S/2000/0790 Extension to existing roof to cover tanks -Approved 29/11/00.
- 98/0715/S Single storey extension to house milk float garage and first floor extension to garage -Approved 16/04/99.
- 98/0714/S Erection of storage building (alternative to 97/0176/S dismissed on appeal) -Approved 22/04/99.
- 97/0176/S Erect storage shed - Refused 26/6/97, appeal dismissed 15/06/98.
- 95/0366/S 2 storey building to provide garage and office - Approved 10/08/95.
- 94/0550/S Overground storage tank and screen wall - Approved 01/09/94.
- 94/0461/S Advertisement - Approved 03/08/94.
- 94/0290/S Erection of a garage with offices above and erection of extension to existing loading bay - Approved 30/06/94.
- S/8653 Extensions to existing dairy by inclusion of additional land - Approved 28/06/1978.

# Agenda Item 4e

## Consultations

*Environmental Protection* –no objections

*Highways Development Control* – no objections

*MEAS*-We would encourage the creation of a species rich wildflower grassland as this would contribute to objectives within our Ecological Framework. However, we need to understand the existing ground condition on the site (Area C1) including the physical and chemical condition. Any proposals coming forward for Area C1 should demonstrate that the wildflower seed mix chosen is suitable for the site. The applicant may consider planting seedling rather than seeding if ground conditions are not optimum. There will also be a need for ongoing management. Proposals for ongoing management should be provided.

In relation to the drainage ditch, we need to understand the drainage implications for the site and whether the ditch is linked to the wider drainage network. There is also the potential for the ditch to be used by watervoles particularly if it retains water for prolonged periods and therefore this needs to be checked by a qualified individual. It is unclear whether the ditch will be culverted or in-filled. In any case the Environment Agency is likely to have a view.

*Environment Agency* - According to our maps there is a small brook/drain adjacent to the hardstanding. Encroachments of such developments to such waterbodies is considered bad practice and we would generally recommend that a buffer between development and the top of bank of the drain is provided for ecological reasons.

It is unclear if the development encroaches to the drain. In this instance we would recommend that a 3m undisturbed/undeveloped buffer between the hardstanding and top of the bank. We would also recommend that all landscaping should be with native species.

## Neighbour Representations

Letters of objection received from 170 Liverpool Road and Kilmarnock, Kenyons Lane objecting on the following grounds

- the works were carried out without permission; the appeal has been dismissed and the notice should be complied with
- uncertain which parts of the Notice should already have been complied with and if they have been.

## Policy

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

CS2     Restraint on development and protection of environmental assets.

- GBC1 The Green Belt.
- GBC2 Development in the Green Belt.
- GBC7 Agricultural Land Quality.

## Comments

This application follows the appeals which were dismissed last year in respect of unauthorised development at Morton's Dairy. The applicant seeks permission to retain the unauthorised hardstanding. The issues concern compliance with Green Belt Policy, impact in the Green Belt and loss of agricultural land.

### Background

Mortons Dairy has a long standing presence in Kenyons Lane. However, the ownership of land in the area by the applicant exceeds the operational curtilage of the dairy. Developments had taken place over the years (with permission and without) and this had resulted in encroachment of the dairy onto adjoining land. The appeals in 2009 sought to establish the precise limits of the lawful curtilage and this was determined in the Council's favour. The appellant did not seek permission to retain unauthorised works – preferring instead to rely on arguments of lawful use and permitted development which were unsuccessful. The appeals were based on whether planning permission was *required*; they did not address the issues of whether it should be granted. Prior to the appeals a planning application (S/2008/0891) had sought to find a negotiated solution to the problem, but negotiations had broken broke down on the details.

The enforcement appeal decision in January 2010 confirmed the enforcement notices to require that the area to the west of the operational curtilage be cleared of all dairy related materials and activities within 14 days of the appeal decision. This has been done with the exception of the 5m strip adjoining the northern boundary which is included in the present application. The second part of the enforcement requirements were that the hardstanding be removed and land restored by 20/01/2011.

The present application seeks permission to retain the development which was required to be removed as part of the second stage of enforcement requirements. This is the same element which had been previously been subject of the negotiations in 2008. Moreover the Inspector in dismissing the appeals indicated that he considered this part of the development to be important for the business. He stated in his decision letter

'I am convinced from the evidence at the inquiry and from what I saw on site that the area of hardstanding which is the subject of appeal B , is vital for the long term future of the business. Without the area in question, I find it hard to see how the business, as it has expanded in recent years, can provide parking and manoeuvring space for its staff, its own fleet of vehicles and for delivery vehicles. Therefore I accept that the loss of the hardstanding could contribute to the closure of the business, as indicated by the applicant.'

# Agenda Item 4e

With this comment in mind, the applicant has applied to retain the hardstanding with additional landscaping. He is also considering the longer term future of the site and how the business can continue to operate.

The submitted drawings propose retention of the whole of the hardstanding to provide 29 parking spaces together with an area which is described as 'delivery vehicle storage'. The proposals also seek to include a small area of land between the adjacent lawful hardstanding and the north site boundary.(see attached plan). The drawings imply that the existing ditch would remain to the east side of the site(and this can be ensured by condition) and a line of trees would be planted on the other side of that ditch. Tree planting would also be provided to the northern boundary of the site. A new post and wire fence and hedge is shown demarcating the curtilage. The application proposals do not affect the use of the cleared paddock area to the west of the site subject of the first stage of enforcement proceedings and now complied with. This would however be seeded as a wildflower meadow.

## **Green Belt policy**

The site is located in the Green Belt where the creation of a hardstanding for an industrial use is considered to be inappropriate development and can only be justified if there are 'very special circumstances' which outweigh the harm to Green Belt. In this case the special circumstances are argued by the applicant as follows

- 1 the additional area is required for the proper functioning of an established business on adjacent land. Part of the hardstanding is needed to facilitate manoeuvring of large vehicles on the site and that the rest is required for parking especially for employees who drive the milk floats and have to drive to the site as there is no public transport at that early hour.
- 2 the piece of land is small and not suitable for agricultural use and is in practice landlocked. The site would be well landscaped with new hedgerow tree planting which will ensure that its impact on the openness and visual amenity of Green Belt is minimised.
- 3 the inclusion of a 5m wide strip adjacent to the northern boundary is proposed because this area serves no other practical purpose. In order to compensate for the inclusion of this strip of land, the paddock would be seeded with a wildflower mix to improve the biodiversity of the area.

The Director recognises that these arguments have some merit. The dairy is a well established business which provides employment for 50 employees. The retention of this business is therefore important to the local economy. The applicant argues that additional space is required for proper manoeuvring of large vehicles and for car parking and the Inspector supported this. The level of parking requirement is in accordance with the SPD standard (should not exceed 53 - the proposals only provide 39 in total including existing)There is therefore a case for retaining the hardstanding in principle. The loss of agricultural land is not significant given the awkward shape and limited size of the site. This is particularly the case for the small

strip of additional land which serves no other useful purpose. This view is backed up by the NFU.

On the other hand the use of land as a car park with additional screening would not have a significantly adverse visual impact on the Green Belt as it would not be visually prominent and impact on openness could be limited by conditions in terms of the use of the extended area. In this respect there are some concerns. The submitted drawings show an area of the site for 'delivery vehicle storage' In practice this is the storage of redundant milk floats removed from the 'paddock' area as part of the first stage of enforcement. The type of milk float used by the applicant is no longer produced and these scrap floats are used by the applicant to reconstruct replacement milk floats. The location currently being used and shown on the drawings is visually intrusive and the applicant has been asked to relocate this element. He states that he is considering a longer term solution to his storage problems which might enable these milk floats to be dealt with in a different way possibly by an extension/new building within the agreed curtilage. He has provided a sketch indication of how this might be done. Although the details of this are not acceptable at present there may be scope for additional storage building on the site. In these circumstances a condition to prevent use for storage of unused milk floats in the position proposed is recommended.

Conditions are also recommended to restrict the use of the hardstanding to ensure that it is only used for the stated purposes (ie car park and manoeuvring) and not for long term parking / storage of large vehicles or other storage purposes. Of particular concern is the continued presence of a large trailer body used for storage close to the northern boundary of the site on the 5m wide strip of land which the applicant seeks to incorporate into the site. A condition requiring the removal of this from the extended part of the site is suggested.

### **Residential Amenity**

That part of the site which is subject of the present proposals is not adjacent to residential property and there are no implications in respect of residential amenity.

### **Landscaping**

UDP Policy DQ3 requires 1 tree to be planted for each new parking space. 29 trees are therefore required 43 are proposed. Existing trees would be retained.

### **Response to objections**

The letters of objection refer to the enforcement history of the site and the applicant's flagrant breaches of planning control. They consider that the enforcement action should be fully followed through.

Whilst the manner in which the hardstanding was created, without permission, is in no way condoned, the Director is aware of the needs of the business and it is clear that the Inspector also took this view. The appeals were about what is lawful on the site not about what should be permitted.

# Agenda Item 4e

## **Departure Application**

The proposal is a Departure from the Development Plan as it involves use of Green Belt land. However its impact is local and the application does not need to be referred to the Regional Office.

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





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Committee: **PLANNING**

Date of Meeting: **09 February 2011**

Title of Report: **S/2010/1737**  
**Land to rear 45-51 High Park Road, Southport**  
(Norwood Ward)

Proposal: Approval of Reserved Matters application for the erection of one detached 1.5 storey dwelling after demolition of the existing store. (Pursuant to Outline application S/2009/1082 approved 12/02/2010)

Applicant: Mr W Quinn

## **Executive Summary**

The application is seeking consent for the approval of reserved matters for the erection of one detached 1.5 storey dwelling after demolition of the existing store. (Pursuant to Outline application S/2009/1082 approved 12/02/2010).

The main issues for consideration are the design of the proposed dwelling, impact on the street scene and character of the area and impact on residential amenity.

**Recommendation(s)            Approval**

## **Justification**

The proposed dwelling is appropriate in style, height, scale and massing to the street scene of Tarleton Road and makes a positive contribution to the character of the surrounding area. The dwelling will not result in a significant loss of residential amenity to 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. M-2 Materials (sample)
3. M-3 Obscure Glazing
4. X1 Compliance

## **Reasons**

1. RT-1
2. RM-2
3. RM-3
4. RX1

# Agenda Item 4f

## 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.

## Drawing Numbers

Location plans (1:1250 and 1:500) and plans 1, 2, 3, 4 and 5 received 8th November 2010.

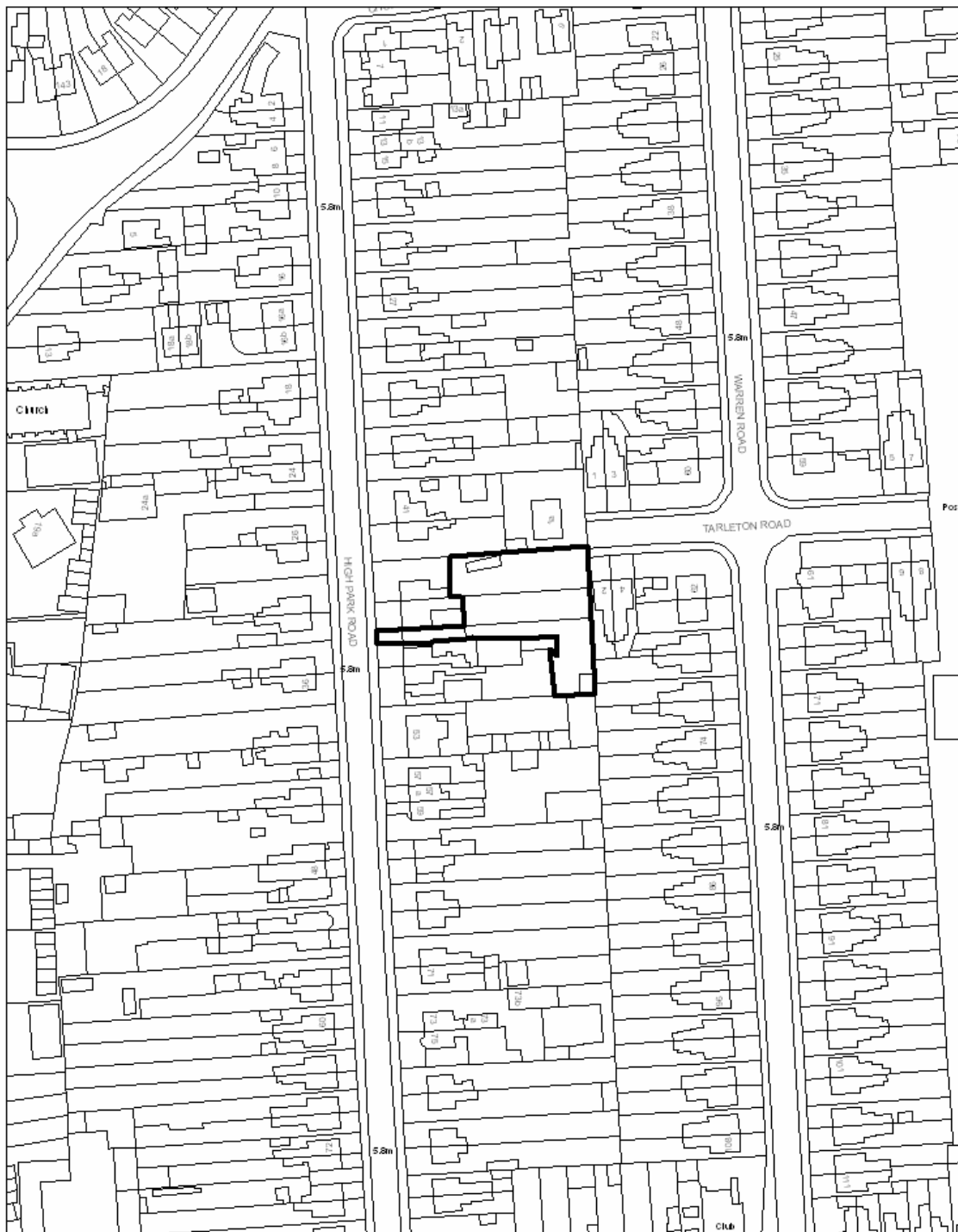
## Financial Implications

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

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

History referred to  
Policy referred to

# Agenda Item 4f



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2010/1737 Land to rear 45-51 High Park Road Southport PR9 7QH OSGR: 336330, 417700	Standard Site Plan Scale: 1:1250 Date: 23/1/2011 Drawn By: EBERTON
	Sheets: 482A Area: 959 sqm	Ward(s): <i>Norwood</i> Postcode Sector(s): <i>PR9 7</i> Polling District(s): <i>V6</i> Parish(es): <i>None Found</i>

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S/2010/1737

## The Site

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

## Proposal

Approval of Reserved Matters application for the erection of one detached 1.5 storey dwelling after demolition of the existing store. (Pursuant to Outline application S/2009/1082 approved 12/02/2010).

## History

S/2009/1082 Outline application for the erection of one detached 1.5 storey dwelling after demolition of the existing store. Granted 12/02/2010.

## Consultations

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

*Environmental and Technical Services* – No objection in principle subject to conditions regarding contaminated land and piling.

## Neighbour Representations

Last date for replies: 12<sup>th</sup> January 2011

Received: Letters of objection received from 1; 1a; 2; 4 Tarleton Road; 62 Warren Road; 43 High Park Road raising the following concerns:

- Pedestrian access onto Tarleton Road will increase activity and lead to the residents parking on Tarleton Road which is already congested at times (especially during football matches) and is only a cul-de-sac. No need for an additional access onto Tarleton Road.
- Would lead to additional concerns re emergency service access.
- Access may lead to property values decreasing in Tarleton Road and become a public right of way if it is not locked at all times.
- Loss of privacy from people walking past windows of dwellings on Tarleton Road to access to the proposed dwelling.

# Agenda Item 4f

- Objections to building or construction work and ask that work will not be done at weekends and only between 08.55am to 5.00pm.

## 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
H1	Housing Requirement
H10	Development in Primarily Residential Areas
PPS3	Housing
SPG	New Housing Development

## Comments

The principle of the erection of a 1.5 storey dwellinghouse on this site has already been established with the outline consent granted in 2010. The main issues to consider with this reserved matters application are the design of the proposed dwelling and potential impact on the street scene and character of the area, access and highway safety, impact on residential amenity and compliance with policy and SPG on New Housing Development.

### Design and Character of the Area

The character of the surrounding area is residential but has an unusual form in that there are a number of backland sites in non-residential use, with numerous outbuildings and other structures. The presence of the existing dormer bungalow at 1a Tarleton Road, further adds to the area's unusual form of built development. The proposed dormer bungalow would lie at the head of Tarleton Road, adjacent to 1a, and is therefore considered appropriate in terms of the character and form of the area.

In terms of design, there is no prevailing architectural style in the surrounding area which has a mix of two storey, single storey, semi-detached and detached dwellings along with a number of commercial premises as has already been referred to. The proposed bungalow will be common brick facings and slate grey roof tiles which is considered to be appropriate in this location, and have a maximum height of 5.8m which was a conditional requirement of the outline consent. A number of rooflights are proposed to be included on the western elevation which provide light to the bedroom 3 and bathroom which are in the roofspace and this is considered to be acceptable in terms of design and amenity.

The proposed scale, form, massing and design of the dwelling is considered to make a positive contribution to its surroundings and as such complies with policy DQ1.



## **Residential Amenity**

Residential amenity is assessed both in terms of the existing neighbours of the site and also that of prospective occupants of the proposed dwelling. SPG New Housing Development recommends that new dwellings have a minimum private amenity space of 70 sq m and this proposal includes a garden area in excess of this. Each habitable room should also have a reasonable outlook.

The layout plans and elevations show the window positions and it is considered that reasonable standards of amenity can be retained for existing residents and achieved for potential occupants. Minimum interface distances have been complied with in terms of proximity to surrounding dwellings, and the amenity space provided is in excess of the minimum requirement of 70 sq m and the proposal therefore complies with SPG in this respect.

Objections have been received relating to the potential impact on amenity of neighbours from the proposed pedestrian access from the site onto Tarleton Road. Having assessed this issue and objections carefully, it is considered that given the dwelling proposed is a small dormer bungalow, the number of people using the access in question will be very limited. Furthermore, this pedestrian access was shown at the time of granting outline consent and is not a new proposal. This limited use of the access cannot be considered to cause significant detrimental harm to residential amenity, which is the test set out in policy H10 against which this application is assessed. The application therefore complies with policy H10.

## **Access**

The 3.8m wide access from High Park Road is considered on balance to be acceptable on the basis that SPG New Housing Development refers to proposals for one dwelling on a backland site being able to have a minimum access road width of 3.5 m as long as the safety of all users is protected. Highways Development Control have confirmed that there are no highway safety implications from the vehicular access proposed from High Park Road as there is already an access and footway crossing present, nor from the proposed pedestrian only access onto Tarleton Road which will be provided onto the existing footway. This access was shown on the outline approval and although was not formerly approved at the time, the same access was proposed then as it is now and is not a new access.

## **Trees**

Policy DQ3 requires the provision of 3 new trees to be planted on site per new dwelling created. These trees are shown on plan 5 submitted and the proposal therefore complies with this policy.

## **Conclusion**

Despite objections received, the proposal will not result in significant detrimental harm to residential amenity given the small scale of development proposed. The design of the proposal is appropriate in this location and the scheme is compatible with the character and form of the surrounding area. The proposal complies with UDP policies H10, CS3, DQ1, DQ3 and AD2 in terms of residential amenity, design

# Agenda Item 4f

and character of the area, trees and access and as such is recommended for approval.

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

Case Officer:                       **Andrea Fortune    Telephone 0151 934 2208  
(Tues- Fri)**

Committee: **PLANNING**

Date of Meeting: **09 February 2011**

Title of Report: **S/2010/1742**  
**340 Moorhey Road, Maghull**  
(Sudell Ward)

Proposal: Change of Use from Retail (A1) to Hot Food Takeaway (A5) including the erection of an extraction chimney to the rear

Applicant: Mr David Miles

## **Executive Summary**

The proposal is for change of use from retail (A1) to hot food takeaway (A5) including the erection of an extraction chimney to the rear. The issues to assess are impact on residential amenity, impact on the street scene, ventilation and extraction.

**Recommendation(s)**      **Approval**

## **Justification**

The proposal is appropriate in this location and will not have a significant detrimental impact on residential amenity and the restriction of hours of operation will ensure no significant impact occurs. The proposal therefore complies with policies MD6, H10 and EP2 of Seftons' Adopted UDP.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. P-5 Plant and machinery
3. P-8 Kitchen Extraction Equipment
4. B-2 Hot Food takeaways (opening hours)
5. X1 Compliance

## **Reasons**

1. RT-1
2. RP-5
3. RP-8
4. RB-2
5. RX1

# Agenda Item 4g

## Drawing Numbers

DS10/30/01, DS10/30/02, 1032-001A, 1032 -002A, 1032 - 003, 1032-004, 1032-005, 1032-006, site plan & location plan

## Financial Implications

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

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

History referred to  
Policy referred to

# Agenda Item 4g



<b>Sefton Council</b> <b>Planning &amp; Economic</b> <b>Regeneration Department</b> Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>		S/2010/1742 340 Moorhey Road Maghull L31 5LR OSGR: 337817, 401281	<b>Standard Site Plan</b> Scale: 1:1250 Date: 23/12/2011 Drawn By: BEERTON
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.</small> <small>Sefton Council License No. 1000181921</small>	Sheets: 1/30	Area: 105 sqm	Ward(s): Sudell Postcode Sector(s): L31 5 Polling District(s): A1 Parish(es): Maghull Cp

S/2010/1742

## The Site

A vacant single storey retail unit situated at the end of a single storey parade of shops on a small service road to the north west of Moorhey Road at its junction with Old Hall Close.

## Proposal

Change of Use from Retail (A1) to Hot Food Takeaway (A5) including the erection of an extraction chimney to the rear.

## History

None

## Consultations

*Environmental Protection Director* – no objection in principle subject to conditions re

- installation of plant and machinery,
- kitchen extraction system
- hours of business limited to 09.00 – 23.00 Sunday to Thurs and 09.00 – 23.30 Friday and Saturday.

*Highways Development Control* – No objection, the proposed development is within a residential area however there is sufficient on street parking within close proximity to the site, with no reported accident taking place on the highway within a 75 metre radius in the last 5 years. Although the proposed development is likely to generate an increased number of trips to Moorhey Road and the surrounding residential roads, the proposed development is considered not to be a detriment to highway safety.

*Merseyside Police Architectural Liaison* – No comments other than to support the proposal in principle.

## Neighbour Representations

Last date for replies: 1 February 2011

Letters/emails of objection received from 148, 195, 197, 328, 334a, Moorhey Road 126 Grosvenor Road, 28 Broxholme Way and 4 Old Hall Road which was accompanied by an objection containing 23 signatures.

•This area of shops already attracts gangs of children/youths who can be intimidating/boisterous/noisy affecting local residents' daytime and evening. An increase in the amount of youths loitering around the premises would lead to more antisocial behavioural problems already experienced by neighbours.

•Already a massive problem with rubbish without a takeaway added to it, increased discarded litter/food trays will attract vermin and detract from appearance of area.

•3 existing hot food takeaways all 5mins away and 4 pubs within walking distance that serve food are sufficient to serve needs, no passing trade for this business

•Existing PRM convenience store open until 10.30 is bad enough with cars pulling up and doors slamming.

# Agenda Item 4g

- Extra traffic/ existing parking inadequate/irresponsible parking would occur causing danger to pedestrians /parking problems
- Smell of food and grease/noise of extractor fans
- Effect on property value/future sale
- Will attract wrong element of people
- High proportion of elderly residents in area in bungalows and flats – noise/ traffic would be a nuisance and hazardous

## Policy

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

AD2     Ensuring Choice of Travel  
CS3     Development Principles  
H10     Development in Primarily Residential Areas  
MD6     Food and Drink Uses

## Comments

The site is a single storey retail unit on the corner of Moorhey Road and Old Hall Road; there is a service road to the front and access road to rear servicing area at the rear adjoining the side boundary with 4 Old Hall Road. Adjoining is a launderette with 3 beauty establishments/hairdressers, dog grooming parlour, graphics/promotional products, foodstore and barbers occupying other units in the parade.

The site is 9m wide and 13m deep, single storey with a hipped roof. The service road, grassed area and Moorhey Road to the front separate the site from the two storey flats across the road, properties to the side in Old Hall Road are single storey retirement bungalows and to the rear two storey dwellinghouses.

Policy MD6 states that food and drink uses in primarily residential areas will be not be permitted unless they would not cause significant harm to residential amenity and the residential use of upper floors is limited to person(s) employed in the proposed food/drink use.

Applications for hot food takeaways have previously been refused at 330 Moorhey Road in August 1986 - S/26491 and in November 1986 - S/27025 and at 332 Moorhey Road in August 1989- 89/0639/S for reasons that they would detract from the amenities of local residents by reason of smell emanating from the premises and the increase in late night noise and activity in this predominantly residential area.

As part of the proposal an extraction flue enclosed in a brick chimney stack would be set back from the rear elevation some 3.5m and is on the inside of the rear gable. The brick chimney stack would appear 'residential' in character and conceal the standard steel extraction flue from view reducing visual impact in the area while also providing sufficient extraction system required for the operation of the premises.

Odours emitting from the takeaway would be controlled by a scheme of odour control - required by the Environmental Director to be submitted and approved by the Local Planning Authority prior to the use commencing.



The opening hours for the proposed use are 11.00am – 2.30pm and 4.30pm – 10.30pm Monday to Saturday and 4.30pm – 10.30pm on Sundays and Bank Holidays which are in line with the existing opening times of the foodstore at 330 Moorhey Road. This will enable nearby residents to continue to enjoy the existing the level of peace during night time hours that should be expected in a residential area.

The use of the premises as a takeaway is not considered to create any significant additional activity in the parade of shops that currently exists and is supported in principle by the Merseyside Police and the Councils Highway Development Control section who comment 'although the proposed development is likely to generate an increased number of trips to Moorhey Road and the surrounding residential roads the proposed development is not considered to be a detriment to highway safety'.

Parking for the parade of shops is available on the access road to the front which negates any requirement for visitors to the premises having to park outside residential properties in the area

Given the single storey nature of the site the question of the occupation of the upper floor is not a consideration.

With regard to objections received:

- the nature of a parade of shops is to attract customers, the possible increase in use by all ages is seen as a positive way forward and is supported by Merseyside Police
- there are bin facilities in the area
- the number of existing similar establishments in the area is not a planning issue
- proposed opening hours are in line with existing opening hours of PRM convenience storey at 330 Moorhey Road
- possible increase in cars visiting the premises isn't considered to create significant highway problems
- odours from premises would be addressed by the installation of a kitchen extraction system to be required by condition
- effect on property values/future sale is not a planning issue
- hot food takeaways attract all ages of clients
- noise /traffic not considered to be significantly increased on that existing

The previous refused applications on 330 and 332 Moorhey Road in the parade of shops relate to properties immediately adjoining residential properties that would have created a more significant and detrimental impact on residential amenity of the adjoining properties.

In conclusion, while the site is in a residential area the proposed hot food takeaway complies with the requirements of policies H10 and MD6 on the basis that it will not have a significant detrimental impact on residential amenity.

Recommend planning permission is granted.

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

Case Officer: **Mrs Joy Forshaw Telephone 0151 934 2212**

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Committee: **PLANNING**

Date of Meeting: **09 February 2011**

Title of Report: **S/2010/1748**  
**10 Moss Side, Formby**  
(Ravenmeols Ward)

Proposal: Erection of seven dwellings comprising of 1 terrace of three properties, 1 pair of semi-detached properties and 2 detached properties after demolition of the existing bungalow

Applicant: Mr P Halsall Broadley Developments Limited

## **Executive Summary**

Approval is sought for 7 dwellinghouses accessed via Moss Side. The issues relate to the design of the properties and the impact on neighbouring dwellings and highway safety.

**Recommendation(s)                      Approval**

## **Justification**

The scheme would introduce a form of development that responds positively to the character and appearance of the surroundings. It provides an acceptable standard of amenity for both occupiers and neighbours.

The proposals comply with the aims and objectives of the Sefton UDP as set out in the Committee Report and, having had regard to all other material planning considerations, the granting of planning permission is therefore justified.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. S-106 Standard S106
3. M-2 Materials (sample)
4. M-3 Obscure Glazing
5. M-6 Piling
6. L-1 Protection of trees
7. L-3 No felling
8. L-4 Landscape Implementation
9. H-2 New vehicular/pedestrian access
10. H-6 Vehicle parking and manoeuvring
11. H-7 Cycle parking
12. R-2 PD removal garages/ extensions/outbuildings

# Agenda Item 4h

## 13. X1 Compliance

### Reasons

1. RT-1
2. RS-106
3. RM-2
4. RM-3
5. RM-6
6. RL-1
7. RL-3
8. RL-4
9. RH-2
10. RH-6
11. RH-7
12. RR-2
13. RX1

### Notes

1. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or [development.control@technical.sefton.gov.uk](mailto:development.control@technical.sefton.gov.uk) for further information.
2. Prior to the commencement of any work that is likely to generate dust, grit or chemicals in solution, there must be suitable and adequate methods in place to minimise any release to atmosphere. Such methods may include sheeting out the work area, utilising water suppression or any other method recognised by the building industry.

### Drawing Numbers

Location Plan 1:1250, 2057-01A, 2057-02D, 2057-03, 2057-04, 2057-05A

## Financial Implications

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

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

History referred to  
Policy referred to

# Agenda Item 4h



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2010/1748 Westwood House 10 Moss Side Formby L37 3JZ	Standard Site Plan Scale: 1:1250 Date: 23/12/2011 Drawn By: BEERTON	
	<small>OSGR: 330675, 407842</small>	<small>Sheets: 289C</small>	

S/2010/1748

## The Site

The application site comprises a former dairy farm to the south side of Moss Side; access derived from the land between Nos 8 and 12.

The area is characterised by a variety of residential properties of varied height and design, ranging from individual plots on Moss Side to the series of identical bungalows at Smithy Close to the south and east side of the site.

There is a playing field to the south of the site and this was at one point accessible via a footpath occupying part of the access for which the right to pass and repass has now been extinguished in full.

## Proposal

Erection of seven dwellings comprising of 1 terrace of three properties, 1 pair of semi-detached properties and 2 detached properties after demolition of the existing bungalow.

## History

S/2009/0072 – Outline Planning Application for the erection of 9 no. dwellings comprising 1 block containing four apartments and 2 no. blocks and three town storey houses – approved 11 January 2010.

## Consultations

*Highways Development Control* – No objection subject to conditions.

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

## Neighbour Representations

Letters of objection from 10, 12 Moss Side and 14 Smithy Close, Formby

Moss Side residents cite over development of site, incorrect driveway measurements, extra traffic will be hazardous for school children.

14 Smithy Close comments regarding loss of light, loss of privacy, loss of visual aspect, increased noise and a lack of natural screening for 14 Smithy Close. Reference is also made to the effect on red squirrels and devaluation of property.

# Agenda Item 4h

## 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
DQ5	Sustainable Drainage Systems
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
H12	Residential Density
H3	Housing Land Supply

## Comments

The layout involves five dwellings facing east-west, with east facing rear gardens, and a pair of semi detached dwellings to the south western corner of the site with gardens facing in the same direction.

There is significant similarity in layout terms to the existing approval but the four apartments previously proposed have been replaced by a pair of detached dwellings, reducing the number in total by two.

The dwelling nearest to the rear of 16 Moss Side is two storey height, the other two in the terrace are of increased height to accommodate second floor dormer windows. Two of the other four dwellings are in semi-detached form, the others detached as described above.

All gardens are of appropriate size to cater for residents outdoor needs.

The density of the development is 30.57 dwellings per hectare (seven on an area of 0.229 hectares). This is consistent with Policy H12 on Residential Density and accords with the thrust of PPS3 guidance.

The dwellings proposed are of conventional brick and tile and this is consistent with the general pattern of built form in the area.

Each dwelling will have its own garage and frontage parking space. Highways Development Control are satisfied with the access arrangements.

With regard to amenity, there is significant distance of over 30 metres to property on Moss Side such that there is no impact on these dwellings.

There is a group of bungalows to Smithy Close, to the west of the site. The site has been viewed from the rear garden of no. 14, as per the previous application.



Following site inspection it was noted that the end dwelling, whilst meeting guidance requirements (12 metres from rear windows to side gables), would have a gable higher and wider than that of the previously approved apartment block, additionally sitting closer to the party boundary. It was considered that the impact on 14 Smithy Close would on this occasion be unduly overbearing bearing in mind the lesser scale of the existing dwelling, and that it would be necessary to at least achieve the positioning and scale of what was approved in order to be acceptable.

The plan has been amended in the following fashion.

- a) The plot has been moved to a point 2.6 metres from the side boundary of 14 Smithy Close at its nearest (previously 0.8 metres) and 5.6 metres at its furthest (previously 3.8 metres).
- b) The ridge height of the dwelling nearest to 14 Smithy Close has been reduced to 8.3 metres (previously 8.9 metres).
- c) The gable has been turned through 90 degrees so the roof is hipped adjacent to 14 Smithy Close.

These amendments resolve the impact issues acceptably and offer an improved scenario compared with the previous approval.

The required 18 trees are provided on site.

The required greenspace contribution under Policy DQ4 is £12,141.50 at 2008/09 rates. This would be covered via Section 106 Agreement.

## **Response to Representations**

The plans have been modified to reflect the concern of the residents at 14 Smithy Close.

The objectors reference to an incorrect access measurement is misplaced as this refers to the spot heights and not the correct access width which is drawn at 4.6 metres. This is seen as sufficient for passing vehicles and is consistent with what has already been agreed for a larger number previously.

The highway layout draws on an established existing access point and is considered not to present a hazard for school children or in terms of pedestrian safety. There are no trees to be removed and the dwelling has been demolished; no issues arise relating to impact on habitat.

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

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

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Committee: **PLANNING**

Date of Meeting: **09 February 2011**

Title of Report: **S/2010/1768**  
**24 Selworthy Road, Birkdale**  
(Dukes Ward)

Proposal: Erection of a first floor extension to the side at first floor level together with a single storey extension to the rear of the dwellinghouse

Applicant: Mr & Mrs Dalglish

## **Executive Summary**

The main issues to consider are compliance with policy and the impact on neighbouring residential amenities. The impact of the first floor extension on the occupiers of the neighbouring property is the main matter for consideration.

**Recommendation(s)                      Approval**

## **Justification**

The proposal has been considered on its own merits in the context of UDP policies and guidance and taking into account objections from nearby residents. It is considered to comply with the Council's policies and would have no significant adverse impact on neighbouring residential amenities or the street scene.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. M-1 Materials (matching)
4. The first floor front elevation windows shall not be glazed otherwise than with obscured glass and thereafter be permanently retained as such.

## **Reasons**

1. RT-1
2. RX1
3. RM-1
4. RM-3

# Agenda Item 4i

## Drawing Numbers

location plan

existing plans - 2010-002-001,2 3 4,5,6,7

amended plans - 2010-002-009C, 010C. 012C, 014C and site plan C

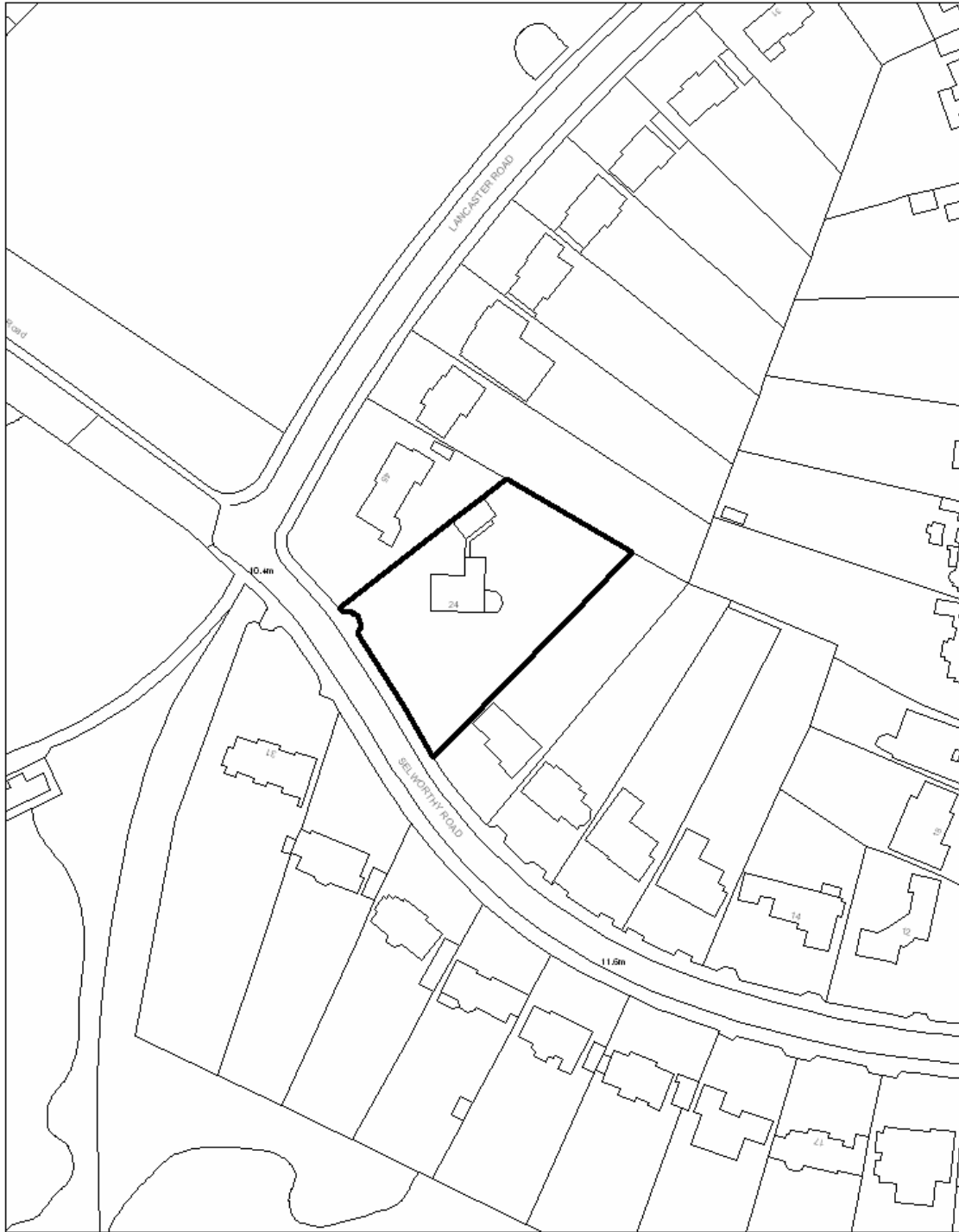
## Financial Implications

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

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

History referred to  
Policy referred to

# Agenda Item 4i



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>		S/2010/1768 24 Selworthy Road Birkdale PR8 2NS OSGR: 331898, 416267    Sheets: 4/1D    Area: 2440 sqm	<b>Standard Site Plan</b> Scale: 1:1250 Date: 23/1/2011 Drawn By: BEERTON
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921</small>			Ward(s): Dukes Postcode Sector(s): PR8 2 Polling District(s): W6 Parish(es): None Found

Councillors L.T. Byrom and R. Watson have called in the application and requested a site visit by the Visting Panel.

S/2010/1768

## The Site

A two storey detached dwellinghouse situated on the eastern side of Selworthy Road. The property adjoins the rear garden of No. 45 Lancaster Road and there is a significant difference in level between the application site and the gardens in Lancaster Road. A characteristic of the area is that the rear gardens of the properties in this part of Selworthy Road are significantly lower than at the front.

## Proposal

Erection of a first floor extension to the side incorporating a roof terrace at first floor level together with a single storey extension to the rear of the dwellinghouse.

## History

N/1991/0871 - Construction of a conservatory style building to enclose the existing swimming pool - granted 20/01/1992

## Consultations

None

## Neighbour Representations

Letter of objection with photographs from No. 43 Lancaster Road re: adverse effect on neighbours, considerable intrusion, causing harm to amenity, extension to existing structure is excessive in terms of height, scale, massing in direct view of the rear of two Lancaster Road properties, view from decking area would look into garden, rear of house, bedroom and living room windows, in direct contravention of planning policy and unacceptable, already over-looked by windows in utility room.

Letter of objection with photographs from No. 45 Lancaster Road re: proposal constitutes an overbearing, oppressive and unreasonable addition to a less than ideal current situation, rear gardens are significantly lower than street (results two storeys at the front with three, a lower ground floor, at the rear, as a corner plot this complicates matters. Rear party wall is 30m long and rises to 5.3m above level of garden and lower ground floor, highest part of wall is only 12.5m from ground floor kitchen window, whilst softening by trees the wall is an eyesore, proposal would add 3.4m to the height of the wall resulting in a vertical brick wall 8.7m high.

Safety concerns as existing wall is in a poor state of repair with first floor will constitute a safety hazard.

# Agenda Item 4i

Over-shadowing – rear garden and lower ground floor are over-shadowed by party wall and garage and morning sunlight is severely restricted even in summer. This will be exacerbated by proposal.

Poor outlook – extension will have over-bearing and oppressive effect, faced by gable end of extension and a long, unrelieved flat roof extending a distance of 15m, oppressive view of 9m high solid brick wall 12.5m from main living accommodation.

Application site is substantial and assume there are other options for extending house that would not create unreasonable impact on neighbouring properties.

Request site visit.

A letter of objection has been submitted from solicitors on behalf of the occupiers of No. 45 Lancaster Road re:-

- contrary to policy CS3 especially with difference in levels to gardens, 12.5m from rear of dwelling to 5.3m high boundary wall, extension will add 3.4m result in 8.7m high wall, over-bearing and oppressive, cause overshadowing to house and garden, affect amenity.
- contrary to policy MD1, scale of extension is disproportionate to existing dwelling, design not in harmony, out of character with area, unbroken view of brick wall, major overshadowing, harm to amenities of neighbours, overbearing impact.
- contrary to SPG, scale is disproportionate not minor, no set back to avoid bonding of old and new brickwork, no pitched roof, detracts from character of the street, does not retain reasonable levels of privacy, refers to interface distances and overlooking, proximity of windows, obscure glazing will not overcome privacy concerns, overshadowing windows or gardens to an unreasonable degree, reduce daylight and sunlight to garden and habitable rooms, proximity would create overbearing and oppressive effect, side extensions should be pitched to match with lower ridge line and set back on front elevation.
- Contrary to policy DQ1 Design, does not respond positively, overshadowing detrimental to amenity, oppressive view does not make a positive contribution to surroundings.
- Contrary to SPG Design, over-development not of an appropriate size and proportion to the area, significantly overshadow both garden and lower ground floor rooms, oppressive and overbearing view of 8.7m high wall, intrusive.
- Conclusion – above failings of proposal to comply with the Council's policies and serious effect on residential amenity on occupiers of No. 45 Lancaster Road.



## Policy

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

MD1	House Extensions
CS3	Development Principles
DQ1	Design
SPG	House Extensions

## Comments

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

There are two elements to this proposal. The first, a single storey extension (with a lower ground level beneath) to the rear would project 3m. There are numerous trees within the garden and due to its siting and distance from the boundary with No. 22 Selworthy Road no adverse impact would be created to neighbouring residential amenities. There are no neighbour objections to this element of the proposals.

The first floor extension would be sited over the existing garage/utility and living room at the northern end of the dwelling. The roof terrace which was originally part of the proposal has now been deleted. The garage is sited along-side the boundary with No. 45 Lancaster Road. There is a variable distance between the two dwellinghouses, however the garden levels at the front of the application site are significantly higher than those at 45 Lancaster Road. There is a high retaining wall on the property boundary between these properties which means that the existing garage already appears as two storeys in height.

Policy CS3 seeks to ensure that development would not cause significant harm to amenity or to the character or appearance of the surrounding area. Policy DQ1 and the associated SPG seeks to ensure that developments respond positively to the character and form of their surroundings.

The existing boundary wall between the site and No. 45 Lancaster Road is 5.3m high measured from the garden level of No. 45. The garden and the outlook from the rear windows of No. 45 is defined by the wall which already causes over-shadowing to the garden and affects outlook. The extension measures 3.3m high with a total height from ground level of 8.5m. The plans as originally submitted placed the extension adjacent to the boundary which was not considered to be acceptable. An amended plan has now been submitted and the extension would be set back 5.5m from the boundary (with No. 45). This would reduce the impact on the occupiers of No. 45 in terms of over-shadowing and outlook.

Policy MD1 and the SPG refers to an interface distance of 21m between overlooking habitable room windows and 10.5m between overlooking first floor windows and neighbouring gardens. In addition blank walls of two storey extensions should be at

# Agenda Item 4i

least 12m from the habitable room windows of nearby homes. The guidance adds that this is important for two storey side extensions on properties set at right angles to a neighbouring home to prevent overlooking and overshadowing. The guidance also refers to the protection of open views and that if an extension would have an overbearing or oppressive effect on nearby properties it may be refused.

The distance between the main habitable rooms windows to the rear elevation of No. 45 Lancaster Road and the boundary wall is 13.5m. To the proposed extension the distance would now be 18m. This distance more than satisfies the 12m criteria of the SPG and is considered acceptable here. No windows are proposed to the gable wall and the windows to the front elevation would be obscurely glazed to protect privacy. These windows would be secondary windows to the main windows sited on the rear elevation.

In terms of design the existing dwelling has a substantial element which has a flat roof and the proposed flat roof extension is therefore considered to be in keeping with the design of the existing dwellinghouse. In addition the extension would be 35m from the road and would not therefore have a significant impact on the street scene or character of the area. Whilst a set back has not been incorporated into the scheme given the distance from the public realm no adverse impact would be created.

The size of the extension in relation to the existing dwellinghouse is considered to be in keeping with the scale of the existing and given the size of the plot would not be disproportionate.

The issue regarding the structural state of the boundary wall would be assessed by the building inspector and/or a structural engineer.

## **Conclusion**

The proposal has been considered on its own merits in the context of UDP policies and guidance and is considered to comply with the Council's policies and would have no significant adverse impact on neighbouring residential amenities or the street scene.

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

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

# Agenda Item 5

**Committee:** PLANNING

**Date of Meeting:** 9 FEBRUARY 2011

**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		✓	

# 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, 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, 7 FEBRUARY 2011

Start: 9.00 am Bootle Town Hall

**PLEASE NOTE THE COACH WILL BE LEAVING AT 9.00 AM**

<b>Item</b>	<b>Time</b>	<b>Application Site</b>	<b>Ward</b>
1.	9.30	S/2010/1645 Shell Garage, Liverpool Road, Formby	Ravenmeols
2.	9.50	S/2010/1677 73-75 Kirklake Road, Formby	Harington
3.	10.20	S/2010/1692 Chapel House, 603-605 Liverpool Road, Ainsdale	Ainsdale
4.	10.45	S/2010/1768 24 Selworthy Road, Birkdale	Dukes
5.	11.05	S/2010/1726 4a Liverpool Road, Birkdale	Birkdale
6.	11.30	S/2010/1605 Former LA Fitness, Fairway, Southport	Cambridge
7.	11.50	S/2010/1617 101 Marshside Road, Southport	Cambridge
8.	12.40	S/2010/1673 Mortons Dairy, Kenyons Lane, Lydiate	Park

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# Agenda Item 6

## APPENDIX

**Committee:** PLANNING

**Date Of Meeting:** 9<sup>th</sup> February 2011

**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 Item 6 Appeals Received and Decisions Made

From 30 December 2010 to 28 January 2011

## Planning Appeal Decisions

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### 9 Ormonde Drive, Maghull

S/2010/0774 - 2137720

Retrospective application for the erection of a single storey extension and garage to the side, a conservatory and a dormer extension to the rear of the dwellinghouse including extending the ridge line and raising the height of the gable wall (alternative to S/2004/0223 approved 13/04/2004)

**Appeal Type:** Written  
**Lodged Date:** 07/10/2010  
**Decision:** Allowed  
**Decision Date:** 25/01/2011

---

### 155 Hart Street, Southport

S/2010/1231 - APP/M4320/D/10/2140819

Erection of a two storey extension to the rear of the dwellinghouse

**Appeal Type:** Written  
**Lodged Date:** 26/11/2010  
**Decision:** Allowed  
**Decision Date:** 17/01/2011

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### 13 Prestwick Drive, Crosby

S/2010/0985 - APP/M4320/D/10/2141339

Alterations to the roof from a hip to a gable together with the installation of 3 no dormer windows to the front and 3 no to the rear together with a extension to the side / front of the existing garage and a pitched roof over the existing flat roof (Resubmission of S/2010/0542, Withdrawn 19/05/2010)

**Appeal Type:** Written  
**Lodged Date:** 29/11/2010  
**Decision:** Allowed  
**Decision Date:** 17/01/2011

---

### 5 Carr Road, Bootle

S/2010/1031 - 2138600

erection of a first floor extension to the side of the dwellinghouse (re-submission of S/2010/0642 withdrawn 16/06/2010)

**Appeal Type:** Written  
**Lodged Date:** 17/11/2010  
**Decision:** Dismissed  
**Decision Date:** 07/01/2011

## New Planning Appeals

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### 58 Moor Drive, Crosby

S/2010/0926 - 2143663

Retrospective application for a single storey extension to side and rear together with a first floor extension to the side of the dwellinghouse

**Appeal Type:** Written  
**Lodged Date:** 19/01/2011  
**Decision:** PENDING  
**Decision Date:** 20/01/2011

---

### 52 Church Road, Seaforth

S/2010/1408 - 2144035

Construction of a vehicular access to a classified road (A5036) (Re-submission of S/2009/1080 refused 12/02/2010)

**Appeal Type:** Written  
**Lodged Date:** 14/01/2011  
**Decision:** PENDING  
**Decision Date:** 14/01/2011

---

### 80 Raven Meols Lane, Formby

S/2010/0995 - 2144290

Part retention of a porch at the front of the bungalow

**Appeal Type:** Written  
**Lodged Date:** 20/01/2011  
**Decision:** PENDING  
**Decision Date:** 20/01/2011



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**Blue Anchor Inn 32 School Lane, Aintree**

S/2010/0937 - 2144917

Installation of one roller shutter to each window and door at ground floor level (Sixteen roller shutters in total)

**Appeal Type:** Written  
**Lodged Date:** 24/01/2011  
**Decision:** PENDING  
**Decision Date:** 24/01/2011

---

## Enforcement Appeals Decisions

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**36 Crescent Road, Birkdale**

APP/M4320/C/10/2134808 - CLB/ENF0386

Domestic - extensions/conservatories/dormers etc

**Appeal Type:** Written  
**Lodged Date:** 22/09/2010  
**Decision:** UPHELD  
**Decision Date:** 21/01/2011

---

**9 Ormonde Drive, Maghull**

APP/M4320/C/10/2137727 - CLB/ENF0389

Breach of conditions

**Appeal Type:** Written  
**Lodged Date:** 08/10/2010  
**Decision:** QUASHED  
**Decision Date:** 25/01/2011

---

**8 Mount House Road, Formby**

APP/M4320/C/10/2137002 -

Fences/Walls/Outbuildings etc.

**Appeal Type:** Written  
**Lodged Date:** 28/10/2010  
**Decision:** UPHELD  
**Decision Date:** 12/01/2011

---

## Appeal Decisions

Site visit made on 4 January 2011

**by David Pinner BSc (Hons) DipTP MRTPI**

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

**Decision date: 25 January 2011**

---

**Appeal Ref: APP/M4320/C/10/2137727 & 2137728**  
**9 Ormonde Drive, Liverpool, L31 7AN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Peter Diamond and Mrs Susan Diamond against an enforcement notice issued by Sefton Metropolitan Borough Council.
  - The notice was issued on 3 September 2010.
  - The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey extension and garage to the side of the dwelling house.
  - The requirements of the notice are:  
**A** Demolish the single storey extension and garage to the side of the dwelling house and remove all resultant materials; or  
**B** Construct the single storey side extension and garage in accordance with the approved plans dated 20/01/2004, received by the Planning Department – date stamped 1 March 2004 attached to planning approval Ref: S/2004/0233, granted on 13 April 2004.
  - The period for compliance with the requirements is 3 months after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
  - An application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
- 

**Appeal Ref: APP/M4320/A/10/2137720**  
**9 Ormonde Drive, Liverpool, L31 7AN**

- 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 Peter Diamond against the decision of Sefton Metropolitan Borough Council.
  - The application Ref: S/2010/0774, dated 3 May 2010, was refused by notice dated 23 July 2010.
  - The development proposed is the erection of a single storey extension and garage to the side, a conservatory and a dormer extension to the rear of the dwellinghouse, including extending the ridge line and raising the height of the gable wall.
- 

### Decisions

1. I allow the S174 appeal and direct that the enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of single storey extension and garage to the side of the dwelling house on land at 9 Ormonde Drive, Liverpool, L31 7AN referred to in the notice.

2. I allow the S78 appeal, and grant planning permission for a single storey extension and garage to the side, a conservatory and a dormer extension to the rear of the dwellinghouse, including extending the ridge line and raising the height of the gable wall at 9 Ormonde Drive, Liverpool, L31 7AN in accordance with the terms of the application, Ref: S/2010/0774, dated 3 May 2010.

**Ground (a), the deemed application and the S78 appeal**

3. The conservatory and dormer extension referred to in the S78 appeal are the same style and size as were approved in the 2004 permission referred to in option B of the requirements of the enforcement notice and are therefore of no concern.
4. The principal issues are the effect of the extension on the character and appearance of the area and its effect on the living conditions of the occupants of the adjacent dwelling as a result of its height and location on the common boundary.
5. Policy MD1 of the Sefton MBC Unitary Development Plan requires house extensions to harmonise with the design of the original dwelling; not to cause significant harm to the character of the area and not to cause significant harm to the amenities of neighbours.
6. The appeal property is a semi-detached bungalow in a suburban residential area that contains a variety of house types and designs. Some have been extended and there is considerable variety in the design and type of extensions. The area has no special architectural quality and is not a conservation area.
7. Looking from the front, the semi-detached pair which includes the appeal property is sandwiched between a similar pair of bungalows to the left and a pair of semi-detached two storey houses to the right. The bungalows have a truncated hipped roof to the side, so the eaves height of the side wall is higher than the eaves height of the front and rear walls. The extension enforced against varies from a permitted extension only insofar as its roof is concerned. The form of the roof has been carried over the extension but the side hip appears more truncated than previously and the side eaves height is greater as a result by about 1 metre. The permitted scheme would have replicated the side eaves height of the original bungalow. However, as construction progressed, it became apparent that there would be inadequate headroom in the room over the garage and so the alterations were made to the roof design.
8. The roof of the extension has been covered in tiles that match the original roof and it blends in very successfully with the original roof. The general angle and pitch of the hipped portion has been retained. The fact that the hipped portion appears more truncated than previously is a feature that is plain to see when looking at it in particular, but which is not an immediately obvious element in the streetscene as a whole. Looking along the row of bungalows towards the semi-detached houses, the raised eaves and higher side wall of the extension guide the eye upwards towards the much higher eaves height of the two storey houses immediately beyond. I acknowledge the differences between the actual and approved design of the extension, but I do not consider that the differences have created a design that is jarring in the streetscene. I conclude that the extension does not significantly harm the character of the area and does not conflict with policy MD1 in that respect.

9. I agree with the appellant and the Council that the extension does not unacceptably overshadow or cause loss of light to the bathroom window or the entrance doorway to the adjacent bungalow. There are no habitable rooms in the adjacent bungalow that have windows or doors that face the extension and so the overbearing and oppressive impact that the extension is said to have could only affect people using the door at the side of the adjacent bungalow. This door is a driveway width from the extension and about 5 metres back from the open frontage of the property. I do not agree that the additional height of the side wall of the extension compared to what was approved makes this approach to the adjacent bungalow like an alleyway. The doorway and the approach to it would be passed through in such a brief period that any marginally greater oppressive impact of the extension as built would be insignificant. I conclude that the extension does not have a significant impact on the amenities of neighbours and does not conflict with policy MD1 in that respect.
10. The enforcement provisions of the Act are not intended to be punitive and it is not illegal to build without planning permission, although a person doing so runs the risk that they might have to take the building down. I have found that the extension as built, although not as originally approved, does not cause unacceptable harm or conflict with the relevant UDP policy. I conclude that it is acceptable.

*David C Pinner*  
**Inspector**



---

## Appeal Decision

Site visit made on 5 January 2011

**by Elizabeth C Ord LLB(Hons) LLM MA DipTUS**

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

**Decision date: 17 January 2011**

---

**Appeal Ref: APP/M4320/D/10/2140819**  
**155 Hart Street, Southport, PR8 6DY**

- 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. J. Brookes against the decision of Sefton Metropolitan Borough Council.
  - The application Ref S/2010/1231, dated 1 September 2010, was refused by notice dated 28 October 2010.
  - The development proposed is a two storey extension to the rear of the house.
- 

### Procedural matter

1. Building work has already commenced to a rear extension, although this could be as a result of planning permission S/2010/0418 being granted in June 2010 for a single storey rear extension. Although I do not have the details of this permission before me, the Council officer's committee report seems to indicate that this extension is similar to the ground floor element of the proposal. Nonetheless, it is unclear whether this work relates to the proposal.

### Decision

2. I allow the appeal, and grant planning permission for a two storey extension to the rear of the house at 155 Hart Street, Southport, PR8 6DY in accordance with the terms of the application, Ref S/2010/1231, dated 1 September 2010, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan and three unreferenced plans referred to in the Council's decision notice as plans 1, 2, and 3.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### Main Issue

- The main issue is the effect of the proposal on the living conditions of neighbouring residential properties by way of outlook and loss of light.

## Reasons

### *Living conditions*

3. The appeal site contains a semi-detached house. No. 157 lies adjacent to it and is separated from the appeal dwelling by two driveways. No. 153 comprises the other half of the pair of dwellings. There are existing two storey outriggers to the rears of nos. 155 and 153 with single storey extensions attached, which are built along the same rear building line. The rear elevation of the ground floor part of the extension would extend up to the rear elevation of the existing single storey extensions, and the rear elevation of the first floor element would be set slightly back from this.
4. From no. 157 the first floor element of the proposal would be seen as a protrusion of about 5.3m from the main rear elevation of the appeal dwelling. Whilst the Council states that this does not comply with its Supplementary Planning Guidance (SPG) *House Extensions* of November 2003, which recommends up to a 3m projection, this is only guidance and should not be applied inflexibly.
5. Although there is a kitchen window at no. 157 facing the development, it is separated by the two wide driveways, which would safeguard its relatively open aspect and preserve sufficient light. As the extension would be proportional and not unduly dominant, there would be no material adverse impact on outlook.
6. With respect to no. 153, the Council indicates that the proposed first floor protrusion of 3m from the rear elevation of the outriggers complies with guidance within its SPG. In terms of outlook and light loss, this first floor element would have some affect on light to the rear first floor window in no. 153's outrigger. However, as this is an obscurely glazed bathroom window the impact would be minimal. The proposal would not materially affect the other two rear elevation windows at no. 153, which are both in the main elevation, and are screened by that dwelling's own outrigger and extension.
7. Whilst the occupiers of no. 151 have objected on the grounds of light loss to their dwelling, this property is too far away to be materially affected.
8. For the reasons given, there would be no material impact on the living conditions of neighbouring residents by way of outlook or loss of light. In this respect, the development complies with Policy MD1 of the Sefton Unitary Development Plan, adopted in June 2006, which seeks to safeguard the amenities of neighbours, amongst other things.

### *Other matters*

9. The Council's decision notice refers to the development's layout and the installation of a side window as creating a bedroom with an inadequate outlook. However, it appears from the drawings and the appellant's representations that this side window would be in a bedroom in the existing dwelling and, therefore, not part of the proposed extension. The appellant has not applied for planning permission in respect of this window and, consequently, this matter is not before me for consideration.

10. The occupiers of no. 153 have objected to the size of the proposal on the grounds of it being out of character with the immediate neighbourhood. However, little evidence has been produced to substantiate this claim and, therefore, I give it limited weight. They are also concerned that the rear first floor window of the proposed extension would overlook their back garden. Whilst some overlooking might occur, its effect would be limited and would not justify refusing a proposal which is otherwise acceptable.

## **Conclusion**

11. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be allowed, subject to conditions. Despite the ongoing building works, I have imposed a commencement condition for the avoidance of doubt. I have also imposed a plans condition in the interests of precision and good planning, and a materials condition to safeguard appearance.

*Elizabeth C. Ord*

INSPECTOR

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## Appeal Decision

Site visit made on 5 January 2011

**by Elizabeth C Ord LLB(Hons) LLM MA DipTUS**

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

**Decision date: 17 January 2011**

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**Appeal Ref: APP/M4320/D/10/2141339**

**13 Prestwick Drive, Blundellsands, Liverpool, L23 7XB**

- 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. Ian Mutch against the decision of Sefton Metropolitan Borough Council.
  - The application Ref S/2010/0985, dated 14 July 2010, was refused by notice dated 15 October 2010.
  - The development proposed is described in the application form as *RESUB of S/2010/0542*.
- 

### Procedural matters

1. Whilst the above description appears on the application form, the proposal is better described in the Council's decision notice as "*Alterations to the roof from a hip to a gable together with the installation of 3 no dormer windows to the front and 3 no to the rear together with an extension to the side/front of the existing garage and a pitched roof over the existing flat roof (Resubmission of S/2010/0542, Withdrawn 19/05/2010)*". Accordingly, I have determined this appeal on the basis of the Council's description.
2. The parties agree that the plans listed in the Council's decision notice are not the plans upon which the application was determined. The correct plans are listed within Condition no. 2 below.

### Decision

3. I allow the appeal, and grant planning permission for alterations to the roof from a hip to a gable together with the installation of 3 no dormer windows to the front and 3 no to the rear together with an extension to the side/front of the existing garage and a pitched roof over the existing flat roof at 13 Prestwick Drive, Blundellsands, Liverpool, L23 7XB in accordance with the terms of the application, Ref S/2010/0985, dated 14 July 2010, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 935/01 A, 935/02 I, 935/03 K, 935/05, and 935/06 B.



- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) The bedroom window facing no. 15 in the development hereby permitted shall be non opening and fitted with obscured glass, and shall be permanently retained in that condition.

### **Main Issue**

4. The main issue is the effect of the proposal on the living conditions of the occupiers of no. 15 Prestwick Drive in terms of outlook and overshadowing.

### **Reasons**

5. The appeal site lies in a residential area in a street containing a mixture of house types of varying designs and scales. This sizeable plot contains a detached, hipped, bungalow and a detached, partly hipped side garage, the latter of which lies along the common boundary with no. 15 Prestwick Drive. No. 15 lies to the east of no. 13 and also contains a bungalow, located close to the common boundary.
6. Whilst the proposal would result in a property of considerably greater massing, the ridge line of the main roof would only be raised by 1m and the height of the garage would remain lower than the height of the adjacent bungalow at no. 15. Although the garage would be extended forward by 0.7m and the 1m passageway between the appeal dwelling and the garage would be incorporated into the extension, the overall footprint would not be significantly greater than the existing buildings.
7. Nonetheless, given the change from hip to gable, the development would bring parts of the roof nearer to no. 15, although the side elevations up to eaves height would be no closer. Still, it would have some effect on no. 15's side dining room and lounge windows in terms of outlook and overshadowing, and would cause some overshadowing to its patio.
8. These side windows, however, are secondary windows and outlook would be maintained from the main openings to these rooms which, I understand, are within the rear elevation of the property. In any event, the outlook from these side windows is already onto the blank wall of the existing garage and the proposal would not unduly worsen the situation.
9. Although these side windows are west facing and the main rear windows are north facing, any additional reduction of sunlight, over and above the existing overshadowing, would not be significant. This is particularly so as the rear section of the proposed garage roof would be flat, and overshadowing from the main dwelling would be restricted to an acceptable level by its separation distance. Similarly, overshadowing to the patio area of no. 15 would not be substantially greater than the existing. Consequently, the limited overall impact of the proposal would not justify refusing the application.
10. The Council's Supplementary Planning Guidance *House Extensions*, of November 2003, in considering overshadowing, states that "*As a general rule, blank walls of two-storey extensions should be at least 12m from the habitable room windows of nearby homes.* However, this is only guidance and should not be applied inflexibly. In this instance the gable wall is that of a one and a half storey dormer property, rather than a two storey extension and, therefore,

it is acceptable for the separation distances to be less than 12m, particularly as the impact of the development would not be unreasonable.

11. Therefore, for the reasons given, I find that the proposal would not unduly harm the living conditions of the occupiers of no. 15 Prestwick Drive in terms of outlook or overshadowing. Consequently, it is not contrary to Policies MD1 and DQ1 of the Sefton Unitary Development Plan, adopted in June 2006, which seek to safeguard the amenities of neighbouring occupiers, amongst other things.

#### *Other matters*

12. Third party concerns have been raised about overdevelopment resulting in a dwelling out of scale and character with its surroundings. However, given the large plot size and the varied designs of the surrounding properties, including dwellings with front and rear dormers, and two storey houses on a similar scale to the proposal, it would not appear out of character and would blend into the street scene.

#### **Conclusion**

13. For the reasons given and taking account of all matters raised, I conclude that the proposal is acceptable and, therefore, the appeal succeeds subject to conditions. Besides the usual commencement condition, I have imposed a plans condition for the avoidance of doubt, a materials condition in the interests of appearance, and an obscure glazing condition to safeguard privacy.

*Elizabeth C. Ord*

INSPECTOR



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## Appeal Decision

Site visit made on 22 December 2010

**by Richard Clegg BA(Hons) DMS MRTPI**

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

**Decision date: 7 January 2011**

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**Appeal Ref: APP/M4320/D/10/2138600**  
**5 Carr Road, Bootle, Merseyside, L20 6EA**

- 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 T Foster against the decision of Sefton Council.
  - The application Ref S/2010/1031, dated 22 July 2010, was refused by notice dated 23 September 2010.
  - The development proposed is described as 'a first floor gable extension'.
- 

### Decision

1. I dismiss the appeal.

### Procedural matter

2. The proposed development is more clearly described as a first floor side extension, and I have considered the appeal on this basis.
3. Prior to determination of the planning application by the Council, an amended drawing, ref A924.03B, was submitted which shows a hipped roof instead of the gable in the original scheme. The revised drawing was before the Council when it reached its decision on the application<sup>1</sup>, and I have, therefore, taken it into account in determining the appeal.

### Main Issue

4. I consider that the main issue in this appeal is the effect of the proposed development on the character and appearance of this part of Bootle.

### Reasons

5. Carr Road comprises two rows of semi-detached houses. The pairs of houses are positioned relatively close together and are not set back far from the footway. At No 5 there is a single story extension at the side of the house and the first floor extension would be built above this.
6. Policy DQ1 of the Sefton Unitary Development Plan (UDP) requires new development to relate positively to its surroundings, and Policy MD1 stipulates that house extensions should not cause significant harm to the character of the area. More detailed policy on extensions is given in the Supplementary Planning Guidance Note - House Extensions (SPG). Side extensions should have a lower ridge line than the existing dwelling, and where, as here, there is

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<sup>1</sup> The notice refusing planning permission identifies the earlier drawing, ref A924.03A, and not the amended scheme, as relating to the Council's decision. However the Council's report refers to and addresses the revised plans, and clearly indicates that the amended scheme was before the Council.

an existing single storey extension which is not set back from the side boundary or the front wall of the house, a first floor extension above it should be set back at least 1.5m.

7. The proposed extension would continue the existing form of the house with no lowering of the ridge line and no set back from the existing front elevation. This position in line with the existing house would emphasise the presence of the extension in the street scene and its erosion of the gap between Nos 5 and 3 Carr Road. In this urban environment, the relatively narrow gaps between the houses provide an important sense of space which the form of the proposed extension would weaken. The proposal would also give rise to the possibility of terracing if a similar extension were built at No 3, and this situation would be at odds with the character of the road. The hipped roof, materials and windows would be consistent with the appearance of the existing house. However, due to its overall form and position, the extension would be out of keeping with its surroundings. I conclude that the proposed development would be significantly damaging to the character and appearance of this part of Bootle, and in this respect it would be contrary to Policies DQ1 and MD1 of the UDP, and to provisions of the SPG on house extensions.
8. On the opposite side of the road at No 6, a two-storey extension has been added at the side of the house without a set back from the front wall or a lowered ridge line. The Council explains that the extension came forward to provide accommodation for a disabled child, and I have read that setting it back would have made that particular scheme unworkable. In this case the appellant wishes to provide accommodation for his adopted son who suffers from autistic spectrum disorder. I appreciate the importance of suitable living space for the appellant's son, but there is nothing before me to indicate that this could not be achieved if a scheme for No 5 were designed in line with the SPG to reduce the impact in the street scene. Accordingly the personal circumstances of the appellant's family do not outweigh the harm which the proposal would cause to the character and appearance of the area. My overall conclusion, having regard to all matters raised, is that the appeal should be dismissed.

*Richard Clegg*

INSPECTOR



## Appeal Decisions

Site visit made on 14 December 2010

by **J Chance** BSc DipTP MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
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**Decision date:**  
**21 January 2011**

**Appeal A: APP/M4320/C/10/2134808**

**Appeal B: APP/M4320/C/10/2134809**

**Land and buildings at 36 Crescent Road, Birkdale PR8 4SS**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Mark Cunningham (Appeal A) and Mrs Lynette Cunningham (Appeal B) against an enforcement notice issued by Sefton Metropolitan Borough Council.
- The Council's reference is CLB/ENF0386.
- The notice was issued on 18 August 2010.
- The breach of planning control as alleged in the notice is without planning permission, within the last four years, erection of a front boundary wall and brick pillars in excess of 1 metre high adjacent to the highway.
- The requirements of the notice are:  
Either: A. Remove the brick pillars and wall marked A-B on the attached plan 'B';  
Or B. Reduce the height of the brick pillars and wall marked A-B on the attached plan 'B' to a height not in excess of 1 metre from ground level.
- The period for compliance with the requirements is 28 days.
- Appeal A is proceeding on the grounds set out in section 174(2)(a),(b), (c) and (f) of the Town and Country Planning Act 1990 as amended.
- Appeal B is proceeding on the grounds set out in section 174(2)(b), (c) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period for Appeal B, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended do not fall to be considered.

### Decisions

1. I dismiss the appeals and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### The appeals on ground (b)

2. This ground is that as a matter of fact the matters alleged in the notice which may give rise to the breach of planning control have not occurred. I saw on my visit that what has been constructed comprises 2 pairs of pillars which are sited close up to the back of the pavement, with a wall between the 2 innermost pillars which curves away from the backs of the pillars to form a straight wall parallel to the back of the pavement just over 1m into the site.
3. The appellants do not dispute that the wall and pillars have been erected. Whether or not they are permitted development is a matter I shall address

under ground (c). Moreover, within the file there are photographs of the wall and pillars provided by the parties. The wall and pillars referred to in the alleged breach clearly exist as a matter of fact.

4. The appeals on ground (b) therefore fail.

### **The appeals on ground (c)**

5. In the appeals on ground (c), the onus is on the appellants to demonstrate that, on the balance of probabilities, the matters alleged in the enforcement notice do not constitute a breach of planning control. The appellants contend that because almost all of the wall is more than 1m from the front boundary and is not over 2m high, it does not require a specific planning permission. The appellants also argue that even though the pillars are not set back to the same extent as the majority of the wall, they are of a similar height to many other pillars in this and neighbouring roads and so do not look out of place and should not be refused planning permission.
6. Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) permits "The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure". However, limitation A.1(a) says that such development is not permitted if "the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level". The wall and pillars in question are undoubtedly more than one metre in height and Crescent Road is undoubtedly a highway used by vehicular traffic. The question to be determined is therefore whether the wall and pillars which have been constructed are adjacent to the highway.
7. There is no definition of "adjacent" within the GPDO. The General Development Order before the GPDO used the word "abutting" but the Courts declined to rule that "abutting" equated to touching. In my opinion, what does or does not constitute "adjacent" is a matter of interpretation, with that assessment amounting to a question of fact and degree. While there is clearly a stoned area between the back of the footpath and the straight part of the wall of just over 1m in depth, it does not form a continuous strip across the entire frontage. Moreover, although there are 4 small trees between the wall and the part of the highway designated as the public footpath, there is no continuous physical feature of any significance within that area.
8. I have taken account of the appellants' point that a Council Officer had previously advised that the part of the structure, the subject of the enforcement notice, which is set back into the site by more than 1m from the back of the pavement would not be a problem. I have not been provided with any written evidence to support that viewpoint and generally an Officer's verbal opinion is not binding upon the Council, and it is not binding on me. I take the view in this particular case that, despite the set-back of the main part of the wall, the means of enclosure at issue, which comprises the entire wall and all pillars, is still, as a matter of fact and degree, adjacent to a highway used by vehicular traffic.
9. The development, the subject of the enforcement notice, is in excess of one metre in height, in breach of limitation A.1(a) to Class A of Part 2 of Schedule 2



of the GPDO. As the development does not benefit from permitted development rights and planning permission has not been granted for its construction, a breach of planning control has therefore taken place. As the burden of proof lies with the appellants and this has not been discharged, the appeals on ground (c) must therefore fail.

### **The appeal on ground (a)**

10. The main issues are the effect on the character and appearance of the streetscene and the effect on highway safety, with particular reference to pedestrian safety.

#### *Effect on the Character and Appearance of the Streetscene*

11. I saw that despite the set-back of most of the wall, it still stands out in the streetscene because of its overall height, in conjunction with its imposing design, sturdy construction, type of brick and high pillars. It is higher than any other front boundary wall in this part of Crescent Road. Moreover, because the appeal property is opposite the junction of Burlington Road with Crescent Road, the wall and pillars, the subject of the enforcement notice, are highly visible to drivers and pedestrians travelling along Burlington Road towards the junction, as well as when travelling in both directions along Crescent Road. In those views the wall and pillars appear unacceptably high and dominant, providing, despite the planting and stoned area in front, a hard, stark, solid barrier across the property frontage, albeit with 2 driveway openings, as there are currently no gates.
12. The predominant front boundary treatments in the area are fairly low reddish brick walls, mostly with hedging above or some garden planting behind. There are other similar height walls which are rendered and generally painted cream or white. I saw that the gate pillars tend to be higher than the walls and are often fairly ornate. The pillars are generally sited hard up to the back of the pavement. In comparison to the majority of front boundary treatments, the appeal development appears unduly prominent and out of place in the streetscene because of its uncharacteristic height and overall large scale.
13. I have taken account of the size and scale of the host dwelling and given consideration to whether the planting in front might help to soften the appearance of the structure in the streetscene in the future, possibly assisted in this by the maturing of the planting on the house side of the wall. Nevertheless, what has been constructed still appears disproportionately high and out of scale with the host building at the present time and will continue to do so into the future even after full establishment of the existing planting. I accept that the decorative coursing towards the top helps slightly to break up the sheer mass and bulk, but it still does not overcome the sheer height of the structure.
14. I have had regard to the appellants' contention that as the bricks weather they will become more toned down in terms of their colouring and contrasting effect. However, while I accept that the brickwork is not identical to the brick of the house, I consider that it is not unacceptably different. Furthermore, given the variety of construction materials for the front boundary walls in the general vicinity, I find that it is the height and scale of the appeal property's front

boundary treatment, rather than the materials, which make it unacceptably obtrusive in the streetscene.

15. I acknowledge the appellants' point that the wall was constructed at its particular height in order to prevent headlight nuisance from vehicles travelling on Burlington Road towards the junction. I have noted the appellants' comments on the need for safety, security and privacy for the family, and I have been made aware of actual past security incidents. Moreover, I understand that the pillars have been designed to take the weight of substantial gates. Nevertheless, concerns about headlight nuisance and security and privacy are still not considerations that would outweigh the visual harm to the streetscene that I have identified. Furthermore, notwithstanding the appellants' points that the property is neither listed nor in a conservation area, national policy objectives require that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. I consider that what has been constructed constitutes poor design which harms the character and appearance of the surrounding locality.
16. The appellants have suggested different options for reducing the height of the parts of the wall adjacent to the pillars and the height of the pillars, or moving the pillars and curved wall sections back into the site in line with the straight part of the inset wall. However, these would still not bring about a reduction in height of the main length of wall and so would not be sufficient to satisfactorily overcome the detrimental impact of the wall on its surroundings. Consequently, even though I could impose planning conditions to require modification of the wall and/or pillars in the ways suggested, neither of the indicated options would overcome the identified visual harm to the streetscene.
17. I have also given consideration to the appellants' offer of further planting in front of and behind the wall. However, it would take time for any such additional planting to become established. Furthermore, if such planting were to effectively screen the main bulk of the wall, it would be likely to be fairly intimidating and overpowering for passers-by and would not, in any event, screen the pillars and any future gates. Consequently, I find that this would not satisfactorily overcome the adverse impact of the wall and pillars on the character and appearance of its surroundings. While I have given thought to the conditions suggested by the Council, any rendering and painting of the wall and piers would, similarly, not adequately address the detrimental visual impact resulting from the sheer scale and height of the structure being enforced against.
18. The appellants have referred me to other high walls which have been permitted by the Council in Selworthy Road. However, that road has a different character from Crescent Road, with the properties themselves generally on a large scale and many of the front boundary treatments being characteristically high. Moreover, the presence of such walls elsewhere does not justify allowing the retention of this development which is out of character and visually harmful to its surroundings.
19. I conclude on this issue that the development attacked by the notice has an unacceptably adverse impact on the character and appearance of the streetscene. As such, this is contrary to criterion (ii) of principle (b) of Policy



CS3 of the Sefton MBC Unitary Development Plan 2006 (UDP). In addition, since it does not relate positively to the character and form of the surroundings it is in conflict with part (c) of UDP Policy DQ1. Furthermore, in the sense that the front boundary enclosure could be considered as an extension to the built form of the house, the development is contrary to criterion (d) of Policy MD1 of the UDP. I also find the appeal development to be in conflict with advice in the Council's Supplementary Planning Guidance in Sefton entitled "House Extensions" because it fails to take account of the character of the area and the scale and design of front boundary treatments on surrounding properties.

#### *Effect on Highway Safety*

20. The Council considers that the wall and piers restrict the visibility of drivers leaving the property, so causing danger to passing pedestrians. However, many of the nearby properties on this part of Crescent Road have high gate pillars on either side of their driveway access points and the prevalence of hedges above many of the front walls further impedes visibility of the occupiers when emerging from their driveways. While the gate pillars at the appeal property will impede the visibility of drivers emerging from the driveways to a certain extent, both of the access points are substantially wider than the majority of other driveway access points along this stretch of Crescent Road. This will marginally assist in providing improved visibility of pedestrians. Moreover, I note the appellants' offer to re-site the pillars further back into the site, which could be required by condition, which would, in my opinion, further improve pedestrian safety.
21. As such, I find that the front boundary treatment being enforced against is not significantly worse in terms of its effect on highway safety than the majority of other properties in the vicinity and is less hazardous than at certain nearby properties. Consequently, I find no serious conflict with relevant development plan policies.
22. The Council has also raised the matter of security issues being created for passers-by. However, re-siting of the pillars or reducing the height of the pillars would, in my view, assist in overcoming any such perception, which will be no worse than with the high hedging above lower walls at certain other properties.

#### Conclusion

23. Notwithstanding my considerations with regard to highway safety, I nevertheless find the determining issue to be the unacceptable visual harm which the appeal development causes, in conflict in this respect with UDP Policies CS3, DQ1 and MD1. For the reasons given above, and having regard to all other matters raised, including the appellants' views on the way the Council has behaved which is a matter between the appellants and the Council, I conclude that the appeal should be dismissed. The appeal on ground (a) therefore fails.

#### **The appeals on ground (f)**

24. The Council's purpose in issuing the notice is to remedy the breach of planning control which has occurred through removal of the structure or reduction of its height to that which is permitted by virtue of the GPDO.

25. I have already considered the appellants' suggestions for additional landscaping and reducing the height of the pillars and curved sections of wall adjacent to the pillars under the ground (a) appeal. However, I found in my earlier considerations that these measures would not remedy the injury to amenity.
26. I have taken account of the appellants' argument that there was a dilapidated front wall and piers in the past. Nevertheless, since there are no lesser steps that would remedy the injury to amenity and overcome the breach of planning control, the requirements of the notice are not excessive to achieve the purpose of the notice. The appeals on ground (f) fail.

*J Chance*

INSPECTOR



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## Appeal Decision

Site visit made on 3 January 2011

**by David Pinner BSc (Hons) DipTP MRTPI**

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

**Decision date: 12 January 2011**

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**Appeal Ref: APP/M4320/C/10/2137002**

**8 Mount House Road, Formby, Liverpool, L37 3LB**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Stuart Pearson against an enforcement notice issued by Sefton Metropolitan Borough Council.
  - The notice was issued on 18 August 2010.
  - The breach of planning control as alleged in the notice is without planning permission, the erection of a 1.2 metre mesh fencing extension to the existing boundary fence to increase the height to a maximum of 3 metres.
  - The requirements of the notice are to remove the mesh fencing extension marked A – B on Plan B attached to the enforcement notice.
  - The period for compliance with the requirements is 28 days after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
  - An application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
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### Decision

1. I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Ground (a) and the deemed application

2. Since this appeal was made, a decision has been issued on an appeal under S78 of the Act against the Council's refusal of planning permission for the fence extension enforced against. Whilst I am not bound by the previous Inspector's decision, there has been no change in circumstances since that decision was made and it is a material consideration to which I attach significant weight.
3. The fence extension is an obvious and unsightly feature, visible from Mount House Close. It has no redeeming qualities and I agree entirely with the previous Inspector that it is harmful to the appearance of the area. I have no reason to disagree with any of his other conclusions and I too conclude that planning permission should not be granted for it. The appeal therefore fails.

*David C Pinner*  
**Inspector**

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# Agenda Item 7

**REPORT TO:** PLANNING COMMITTEE  
CABINET MEMBER – TECHNICAL SERVICES  
CABINET

**DATE:** 9 February 2011/  
23 February 2011/ 3 March 2011

**SUBJECT:** **Proposed Increase in Fees and Charges**

**WARDS AFFECTED:** ALL

**REPORT OF:** Andy Wallis, Planning & Economic Development Director

**CONTACT OFFICER:** Jim Alford Telephone 0151 934 3544

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To seek approval of the Planning Committee to increase fees and charges levied within the Planning Portfolio.

**REASON WHY DECISION REQUIRED:**

At the meeting of 26<sup>th</sup> February 2004, Cabinet requested that any other amendment to fees and charges be referred for approval prior to implementation.

**RECOMMENDATION(S):**

1. That Cabinet Member – Technical Services notes the contents of the report.
2. That Planning Committee note the content of the report and recommend to Cabinet the proposed increases in fees and charges for 2011/12, and the revised financial contributions to be set out in Supplementary Planning Guidance.
3. That the Planning Committee be given delegated authority to approve the implementation of the proposed scale of planning and other application fees as soon as it becomes available and that the fees, together with any proposed subsequent amendments, be ratified by Cabinet before its mandatory implementation in October 2011.
4. That Cabinet agree the proposed charges for 2011-12.

**KEY DECISION:**

**FORWARD PLAN:**

**IMPLEMENTATION DATE:** 1 April 2011

# Agenda Item 7

**ALTERNATIVE OPTIONS:**

Fees remain the same as previous approved

**IMPLICATIONS:**

**Budget/Policy Framework:** Fees and Charges are set outside of the main budget setting process

**Financial:**

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>	<b>2013/ 2014 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:**

**Risk Assessment:**

**Asset Management:**

**CONSULTATION UNDERTAKEN/VIEWS**

The Interim Head of Corporate Finance & Information Services has been consulted and his comments have been incorporated into this report.

**FD637 /2011**

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## CORPORATE OBJECTIVE MONITORING:

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

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

Planning Fees and Charges 2009-10  
Environmental Information Regulations

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## **BACKGROUND:**

1. The Committee will be aware that each year those fees and charges levied by individual departments are reviewed and increased (where appropriate) to reflect current service delivery costs, national guidelines and/or inflation.
2. In 2004, Cabinet requested that any other amendment to fees and charges be referred for approval prior to implementation.
3. Some of the services of the Planning & Economic Development Department have been transferred to other Portfolios so charges previously included for these areas have been removed from the list.
4. Attached at Annex A is a summary of those fees and charges included within the Planning and Technical Services portfolios, together with proposed increases in charges. Changes made to the list include :
  - The service charge has been aligned with the cost of supply of environmental information.
  - Inflationary increases of 4.6% (based on RPI average for 2010)
5. It is proposed that fees and charges be increased to reflect inflationary pressures and national guidelines where appropriate.

## **Building Control Charges**

6. Responsibility for setting Building Control Charges is now devolved to the Council. Members may recall a report to the 18 August 2010 Planning Committee advising them of the requirement to produce a revised scheme of Building Regulation charges. The charges were implemented on 1 October (and amended on 4 January 2011 to reflect the VAT rate change) and are shown on Sefton's website.

## **Planning Fees**

7. Members will recall a report to 15<sup>th</sup> December 2010 Planning Committee detailing CLG proposals for changing planning fees. The preferred option in the consultation paper details the proposed devolution of fee setting to local authorities. The consultation suggests that authorities can set their own fees from April 2011 and that fees must be reviewed and implemented by October 2011. At this stage, Officers are not able to put together a comprehensive scheme of charging until some baseline data has been gathered and the CLG has clarified what costs should be taken into account when setting fees.
8. Given the short timescales involved in this process it is requested that the Planning Committee be given delegated authority to approve the proposed scale of fees as soon as it becomes available and that the scheme together



# Agenda Item 7

with any proposed subsequent amendments be ratified by Cabinet before its mandatory implementation in October 2011.

## Land Charges Fees

9. The Environmental Information Regulations 2004 provide for the information given in land searches to be made available for inspection free of charge. Facilities have been put in place for personal searchers to access the land charges and highways registers at Sefton Plus and building regulation registers, environmental protection notices and highways information at Magdalen House, and planning information is available on Sefton's website.
10. It is anticipated that charging for land charge searches will be overtaken by the provisions of the Environmental Information Regulations in that the Council is only able to make reasonable charges for information which it may be requested to provide to clients in a tailored format and must not make a profit from this work. Work is now underway to collate information in respect of costs for the service and fees for land searches will be set to reflect this.

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Annex A

<b>Scale of Charges 2011/12 Planning Services</b>		
<b>Details</b>	<b>2010/11 Charges (£)</b>	<b>New charges 2011/12 Charges (£)</b>
Service charge only (Associated fee based on 15 mins time & staff costs taken to answer questions)	12.50	12.50
<b>Supply of OS Map Extracts for Planning Applications</b>		
1:1250 or 1:2500	21.20	22.00
1:200 or 1:500	10.70	11.00
<b>Photocopies</b>		
<b>Planning Application Documents</b>		
A3 & A4 size Photocopies -		
Service charge	10.70	12.50
per page	0.25	0.25
<b>Planning Decision Notices</b>	11.00	13.00
Plan Prints -		
Service charge	10.70	12.50
per page	1.25	1.30
<b>Building Control Documents</b>		
A3 & A4 size Photocopies -		
Service charge (includes VAT)	12.50	14.70
per page (includes VAT)	0.30	0.30
Plan Prints -		
Service charge (includes VAT)	12.50	14.70
per page (includes VAT)	1.45	1.50

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<b>Supply of Environmental Information</b>		
Hourly rate (normal working hours)	50.00	50.00
Hourly rate (outside normal working hours)	61.50	61.50
<b>Charges in connection with Section 106, Town and Country Planning Act 1990 (as amended)</b>		
Provision of trees, per tree	460.40	481.50
Public green space provision or enhancement (including a maintenance contribution):		
- for hotels and other Use Class C1 uses: for each 20m2 of bedroom floorspace:	1734.50	1815.00
- for other commercial development and leisure development for each 100 m2 of floorspace:	1734.50	1815.00
- for industrial development for each 500 m2 of floorspace.	1734.50	1815.00
<b>Publications</b>		
<i>For all documents in this section please contact the Assistant Planners, Local Plans (Ian Loughlin 0151 934 3558 or David Robinson on 0151 934 3598)</i>		
<b>Unitary Development Plan (2006)</b>	10.00 + p&p	10.00 + p&p
<b>Local Development Scheme</b>	N/a	
<b>Annual Monitoring Report</b> (Electronic copy available online at <a href="http://www.sefton.gov.uk/amr">www.sefton.gov.uk/amr</a> )	N/a	Free
<b>Supplementary Planning Guidance Notes</b>		
New Housing Development	Free	Free
Design	Free	Free
Ensuring Choice of Travel	Free	Free

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Greenspace, Trees and Development	Free	Free
Landscape Character	Free	Free
Development in the Green Belt	Free	Free
Archaeology	Free	Free
House Extensions	Free	Free
Shop Fronts, Security and Signage	Free	Free
Southport Seafront	Free	Free
Bootle Town Centre	Free	Free
South Sefton Housing Market Renewal: Bedford Road/Queens Road	Free	Free
South Sefton Housing Market Renewal: Bedford Road/Queens Road Development Brief	Free	Free
South Sefton Housing Market Renewal: Klondyke and Canal Corridor	Free	Free
South Sefton Housing Market Renewal: Klondyke and Canal Corridor Development Brief	Free	Free
<b>Flood Risk</b>		
Sefton Strategic Flood Risk Assessment (SFRA) 2009 Main Report – WS Atkins (electronic version available <a href="http://www.sefton.gov.uk/sfra">www.sefton.gov.uk/sfra</a> )	Free	Free
Sefton Strategic Flood Risk Assessment (SFRA) 2009 Appendices – WS Atkins (electronic version available <a href="http://www.sefton.gov.uk/sfra">www.sefton.gov.uk/sfra</a> )	Free	Free
<b>Green Space and Recreation</b>		
Sefton Green Space and Recreation Study 2009 Main Report (electronic version available <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )	Free	Free
Sefton Green Space and Recreation Study 2009 Main Report (electronic version available <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )	Free	Free

<p><b>Sefton Statistics</b>  <i>For information about the 2001 Census and other queries about population, please contact the Planning Intelligence Officer, Strategy &amp; Information (Kate Calderbank 0151 934 4599)</i></p>		
<p><b>Shopping</b>  <i>For all documents in this section please contact the Assistant Planner, Strategic Planning (Tom Hatfield 0151 934 3555)</i></p>		
<p><b>Sefton Retail Strategy Review 2005</b>            Volume one: Retail Capacity Analysis, Prepared by White Young Green Planning, for Sefton Council. February 2006. (Also available to view on Sefton Website at <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )</p>	65.55	68.50
<p>Volume Two: Vitality &amp; Viability Study of Southport Town Centre and Bootle Town Centre Prepared by White Young Green Planning, for Sefton Council. March 2006 (Also available to view on Sefton Website)</p> <p>Volume Three: Technical Appendices - February 2006 <b>CD rom</b> (Note: <b>Not available</b> on Sefton Website)</p>	65.55	68.50
<p>Sefton Retail Strategy Review Update 2009 – Incorporating town centre health checks for Bootle and Southport (Also available to view on Sefton Website <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )</p>	22.20	23.20
<p>Sefton Retail Strategy Review Update 2009 – Appendices (Also available to view on Sefton Website <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )</p>	36.70	38.40
<p><b>Housing</b>  <i>For all documents in this section please contact the Assistant Planner, Strategic Planning (Tom Hatfield 0151 934 3555)</i></p>		

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Sefton Housing Study 2003. Main Report. Fordham Research, 2004	44.95	47.00
The Relationship between the shortage of affordable housing and the health of the local economy in Southport, Merseyside. Final Report September 2004. Fordham Research 2004	11.25	11.75
Housing Development Sites in Sefton 2004	11.25	11.75
Sefton Housing Needs Assessment Update 2005. Main report, Fordham Research (electronic version available)	Free	Free
Sefton Strategic Housing Market Assessment 2009. Appendices, Fordham Research (electronic version available <a href="http://www.sefton.gov.uk/shma">www.sefton.gov.uk/shma</a> )	Free	Free
<b>Sefton's Urban Housing Capacity Assessment</b>		
<i>For all documents in this section please contact the Assistant Planner, Strategic Planning (Tom Hatfield 0151 934 3555)</i>		
Sefton's Urban Housing Capacity Study 2004. White Young Green and Chesterton, July 2004. Final Report (electronic version)	Free	Free
Sefton's Urban Housing Capacity Study 2004. White Young Green and Chesterton, July 2004. Executive Summary	5.60	5.85
Strategic Housing Land Availability Assessment Study – WYG (Final document available electronically February 2010) <a href="http://www.sefton.gov.uk/shlaa">www.sefton.gov.uk/shlaa</a>	Free	Free
Strategic Housing Land Availability Assessment Study – WYG (Final document available electronically February 2010) <a href="http://www.sefton.gov.uk/shlaa">www.sefton.gov.uk/shlaa</a>	Free	Free

<b>Economy</b>		
<i>For all documents in this section please contact the Assistant Planner, Strategic Planning (Tom Hatfield 0151 934 3555)</i>		
Merseyside Employment Land Study, White Young Green, 2004 (electronic version available)	Free	Free
Joint Employment Land and Premises Study – BE Group (Final document available electronically February 2010) <a href="http://www.sefton.gov.uk/elps">www.sefton.gov.uk/elps</a>	Free	<b>Free</b>
Joint Employment Land and Premises Study – BE Group (Appendices available electronically February 2010) <a href="http://www.sefton.gov.uk/elps">www.sefton.gov.uk/elps</a>	Free	<b>Free</b>
<b>Country and Countryside</b>		
Leeds Liverpool Canal Towpath Nature Trails: Stanley Dock-Bootle-Aintree	Free	Free
Leeds Liverpool Canal Towpath Nature Trails: Maghull-Lydiat-Scarbrick	Free	Free
<b>Exploring Sefton's Footpaths Series:</b>		
3 Walks in the Mersey Forest	Free	Free
4 Walks in the Mersey Forest	Free	Free
Walking and Cycling Guide	Free	Free
Seasonal Newsletter Walking and Cycling	Free	Free
Discover Sefton Leaflet	Free	Free
Discover Formby Leaflet	Free	Free
New Door Step Guide, Lydiat	Free	Free
Every Step Counts Independent Walks	Free	Free
Walkabout Merseyside Coast and Country	Free	Free
Melling Meanders	Free	Free
Cycling Trans Pennine Trail	Free	Free
Cycle Maps – Merseyside	Free	Free
Rideabout	Free	Free
National Cycling Network North of England	Free	Free
Health Walks	Free	Free

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<b>Conservation Area Advisory Leaflets:</b>		
Conservation Area Advisory Leaflet: Birkdale Village, 2001	Free	Free
Conservation Area Advisory Leaflet: Birkdale Park	Free	Free
Conservation Area Advisory Leaflet: Blundellsands Park, 1984	Free	Free
Conservation Area Advisory Leaflet: Carr Houses, 2001	Free	Free
Conservation Area Advisory Leaflet: Churchtown and North Meols	Free	Free
Conservation Area Advisory Leaflet: Crosby Hall and Little Crosby	Free	Free
Conservation Area Advisory Leaflet: Damfield Lane, Maghull	Free	Free
Conservation Area Advisory Leaflet: Derby Park	Free	Free
Conservation Area Advisory Leaflet: Gloucester Road, 2001	Free	Free
Conservation Area Advisory Leaflet: Green Lane, Formby, 1989	Free	Free
Conservation Area Advisory Leaflet: Hesketh Road, 2001	Free	Free
Conservation Area Advisory Leaflet: Homer Green, 2001	Free	Free
Conservation Area Advisory Leaflet: Lunt Village, 2001	Free	Free
Conservation Area Advisory Leaflet: Promenade, Southport	Free	Free
Conservation Area Advisory Leaflet: Sefton Village, 2001	Free	Free
Conservation Area Advisory Leaflet: Waterloo	Free	Free
Conservation Area Advisory Leaflet: Waterloo Park, 2001	Free	Free
Conservation Area Advisory Leaflet: West Birkdale, 2001	Free	Free
Churchtown Village Trail. A Guide to this Historic Village (Also, can be viewed on North Meols Civic Society Web site)	Free	Free
Listed Buildings Advisory Leaflet 2006	Free	Free
Lydiate Hall and Chapel Conservation Area 1993	Free	Free



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Moor Park Conservation Area Leaflet	Free	Free
Protected Trees. A Guide to Tree Preservation Procedures, DoE 2002	Free	Free
Notes on Waterloo (Reference only)		
<b>Planning Information</b>		
Planning. A Guide for Householders DoE 2002	Free	Free
The Party Wall etc. Act 1996: Explanatory Booklet DETR, 2002	Free	Free
A Householder's Planning Guide for the Installation of Satellite Television Dishes, DETR, 2000	Free	Free
Your Planning Application RTPI, 1998	Free	Free
Can I Object? RTPI, 1998	Free	Free
Should I Appeal? RTPI, 1998	Free	Free
Green Belts & Development. What Is Permitted? RTPI, 1998	Free	Free
Listed Buildings and Conservation Areas. Sefton MBC	Free	Free
Lord Street Conservation Area Appraisal. Planning Guidance for owners, occupiers and developers. Sefton MBC	Free	Free
Mobile Homes. A Guide for Residents and Site Owners, DETR 2001	Free	Free
Cost Awards in Planning Appeals. A Guide for Appellants DETR 2000	Free	Free
Compulsory Purchase Orders. A Guide to Procedure DoE 1992	Free	Free
Outdoor Advertisements and Signs. A Guide for Advertisers, DETR 2000	Free	Free
Planning Permission. A Guide for Business, DETR 2000	Free	Free
Hazardous Substances Consent. A Guide For Industry, DETR 2000	Free	Free
Planning Consultants. Where to find Planning Advice in the North West, RTPI 2004	Free	Free
How to Complain to the Local Government Ombudsman, LGO 2000	Free	Free

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Mobile Phones and Health, DH 2000	Free	Free
High Hedges: Complaining to the Council, ODPM	Free	Free
Over the Garden Wall, ODPM	Free	Free
<b>Environmental Advisory Services Charges</b> (subject to VAT)		
<b>Access to material per hour (min 1 hour)</b>	50.00	50.00
<b>Support services for external users</b> per hour	50.00	50.00
<b>Overheads</b>		
Photocopying (per A4 sheet)	0.30	0.30
Service charge	12.50	12.50
<b>Highways Development Control charges</b>		
<b>Adoption of new roads/streets</b>		
- under S38 of the Highways Act	1,500.00 + 10% of construction costs	1,600.00
- under S37 of the Highways Act	1500.00	1,600.00
<b>Stopping up and diversion of highways</b>		
- per Order	2,000.00	2,200.00
- up to a maximum Including direct costs from the Magistrates Court as directed by the Court	10,000.00	11,000.00
<b>Council approval where Government Office processes a S247 Town &amp; Country Planning Act 1990</b>	150.00	500.00
<b>Gating Orders under S129a Highways Act 1980</b> - Where multiple streets can be shown on a plan at an appropriate scale of no more than A4 at 1:1250		
	2,000.00	2,200.00
<b>S278 Highways Act 1980 agreements</b>	1,500.00 + 10% of design & supervision fees	1,600.00

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<b>S177 Highways Act 1980 Licenses</b>	1,000.00	1,100.00
<b>S115 (a-k) Highways Act 1990 Licence</b> (as amended by the Local Government Miscellaneous Provisions Act 1982)	1,000.00 (except where this relates to pavement cafes)	1,100.00
<b>S184 Highways Act 1980</b>	1,000.00	1,100.00
<b>S50 New Roads and Streetworks Act 1991 Licence</b> (Placing private apparatus within the highway)	Up to a max of 1,000.00	1,100.00
<b>Street Naming and Numbering</b>		
- No change to an approved address	Free	
- Including alteration to an approved address	150.00	250.00
<b>Licence to create a cellar opening</b> under S179 of Highways Act 1980	500.00	750.00
<b>Licence for catenary wires, poles, ropes or beams across/above a highway</b> under S178 of Highways Act 1980	500.00	750.00
<b>Consent to erect flagpoles or other similar apparatus on a highway</b> under S144 of Highways Act 1980	500.00	750.00
<b>Licence for monument or war memorial</b> under S42 of the Public Health Act	500.00	750.00
<b>Modification Order under S53 of the Wildlife and Countryside Act 1981</b> (per Order)	2,000.00	2,200.00

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<b>General enquiry</b> for Stopping-up Order/ Gating Order/ Diversion Order/ Modification Order/S38/S278 Highways Act agreement/S111(1) Local Government Miscellaneous	55.00	60.00
<b>General enquiry</b> requesting adopted highway and other related information		
- adoption plan	55.00	60.00
- adoption plan and major road schemes	70.00	75.00
- additional questions	10.00	10.00
	(to a maximum of 100.00)	(to a maximum of 110.00)
<b>Licence to install trees, shrubs etc in a public highway</b>	500.00	750.00
<b>Traffic Management Charges</b>		
<b>Temporary road closure</b> (for road works or events on the highway)	600.00	650.00
<b>Emergency road closure</b>	250.00	300.00
<b>Temporary road closure</b> (for charitable or civic events)	350.00	400.00
<b>Progression of Traffic Regulation Orders</b>	750.00	800.00
<b>Local Land Charges</b> (contact us on 934 2019 or 2199)		
<b>Standard Search Fee</b> CON29R/LLC1	102.00	
CON29R form only	80.00	
CON29O enquiries: each box ticked (all £285)	15.00	
CON29 form only - each box	15.00 + 10.00 admin fee	
LLC1 only	22.00	
LLC1 additional parcel fee (maximum 16 parcels)	1.00 each	
Solicitors written enquiry:	30.00	
Expedited Fee:	20.00	
Additional parcels:	£ 20.00 each	
Copies of LC entries (not including a copy or extract of any plan or document filed pursuant to LLC rules)	1.50	
Inspection of documents filed under Rule 10 in respect of each parcel of land (Light Obstruction Notices only)	2.50	

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**Committee:** Planning

**Date Of Meeting:** 9 February 2011

**Title of Report:** **Regulatory Service Development**

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

**Contact Officer:** Jim Alford Telephone 0151 934 3544  
**Case Officer:** Debbie Robinson Telephone 0151 934 3588

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

## Purpose of Report:

To update Members on Regulatory Services development in 2010 and agree the priorities for the coming year.

## Recommendation(s):

That the content of this report be noted and priorities for 2011 be agreed.

## Corporate Objective Monitoring

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

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## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>	<b>2010/ 2011 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

## Departments consulted in the preparation of this Report

None

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

## Introduction

This report is to keep Members abreast of developments within Regulatory Services.

## Legislative Changes

2010 saw a good deal of legislative change for Regulatory Services. In 2010 there were 8 changes to planning legislation:

- ❖ The Town & Country Planning (General Development Procedure) (Amendment) (England) Order 2010
- ❖ The Planning (Listed Buildings & Conservation Areas) (Amendment) (England) Regulations 2010
- ❖ The Town & Country Planning (Regional Strategy) (England) Regulations 2010
- ❖ The Town & Country Planning (Use Classes) (Amendment) (England) Order 2010
- ❖ The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2010
- ❖ The Town & Country Planning (Listed Buildings & Conservation Areas) (Amendment No 2) (England) Regulations 2010
- ❖ The Community Infrastructure Levy Regulations 2010 and
- ❖ The Town & Country Planning (Development Management Procedure) (England) Order 2010.

In addition, there were also 5 changes to building control legislation:

- ❖ The Building Regulations 2010
- ❖ The Building (Approved Inspector) Regulations 2010
- ❖ The Building (Local Authority Charges) Regulations 2010
- ❖ 2010 versions of Approved Documents F (ventilation), J (heat producing appliances) and L (conservation of fuel and power)
- ❖ Amendment of Schedule 3 to the Building Regulations, to expand the scope of the competent person scheme.

The **Localism Bill** was published in December. The Bill will radically reform the planning system to give local people new rights to shape the development of the communities in which they live. The Bill includes the abolition of regional strategies; the ability for qualifying bodies to initiate the process of setting up Neighbourhood Development Plans and Neighbourhood Development Orders; ensuring monies raised by the Community Infrastructure Levy are used in the neighbourhoods from they were raised; and measures for pre-application consultation and enforcement.

There are current CLG **Consultation Papers** published on changes to planning fees and proposals for streamlining tree preservation orders, and planning for schools developments.

## Office Reorganisation and Staffing

From September 2010 the Land Charges service transferred to the Regulatory Support Team. In October the support team consolidated in Magdalen House. The move involved the transfer of support staff and the land charges team from Southport Town Hall and Crown Buildings to Magdalen House.

The consolidation of the support team in one office has led to efficiency savings in terms of accommodation needs, time spent in staff management, moving files and information

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between offices. Two members of the land charges service (1.5FTEs) took voluntary early retirement in October; remaining staff in the support team have retrained to enable a comprehensive support across land charges, building control and development control. Three further members of staff (2 Planning, 1 support) left during 2010; an additional 5 will leave by the end of March 2011.

## Customer Contact

The reception service formerly at Crown Buildings has now transferred to Sefton Plus in Cambridge Arcade and now provides a more accessible, joined up reception facility for building control, development control and land charge services together with the wider corporate services offered. A facility has also been put in place for personal searchers to access the local land charges information at Sefton Plus either at Bootle or Southport.

Work has taken place to identify the type of calls that could be dealt with by the Contact Centre. A project to develop process maps is underway.

We have introduced an on line payment facility for land charges, planning and building regulation charges, enabling payments to be made 24 hours a day and creating efficiencies in back office receipting procedures.

## Section 106 Agreements

We have continued to monitor and pursue agreements despite recovery of unpaid S106 becoming increasingly difficult. Following training for officers to develop specific and robust procedures we successfully secured the payments on 31 agreements. The total income for the year was £2,517,638.

We have striven to encourage joined up working in particular sharing information. The nature of S106 has expanded in two fields, acquiring payment and monitoring spend. The S106 database has been designed to be 'rolled' out to share with other departments who are tasked with spending the commuted sums to help monitoring of spend. Officers have also extended partnership working with neighbouring authorities to share knowledge and expertise.

## Web Development

Approximately 44% of planning applications were submitted electronically in 2010. Our web pages continue to be the most visited on Sefton's website with an average of over 60,000 page views a month for planning applications online, an increase of around 15,000 per month. We have set up a web page to publish legal notices for planning applications, updated our pages in the light of legislative changes and enabled easier navigation through our pages.

## What else have we done?

Departmental budget constraints and vacancy management targets have had direct implications on team's ability to meet targets. Vacant posts have not been filled across development control, building control and the support teams. Nevertheless we managed to:



- ❖ validated and registered 1698 planning applications
- ❖ booked in 1202 pre application enquiries
- ❖ sent out 32,223 neighbour notification letters
- ❖ registered 12,080 building regulations applications
- ❖ dealt with 249 initial notices
- ❖ completed 1566 land charge searches
- ❖ prepared 12 planning committee agendas
- ❖ downloaded 744 planning portal applications
- ❖ answered 53, 812 phone calls (support team only)
- ❖ administered 39 appeals
- ❖ uploaded 14,552 documents and plans to our website

as well as dealing with members of the public, responding to corporate complaints, responding to government consultation papers, supporting colleagues attending training courses, fixing IT faults, dealing with the post, receipting applications, running reports, chasing performance data, updating web pages, scanning etc

## Building Control Performance 2010

In 2010, the Building Control Team dealt with 3,068 fee earning Building Regulation applications (down slightly from 2009) ranging from simple domestic extensions to multi-million pound commercial projects. In every instance, Building Control met all statutory targets in terms of both plan checking and site inspection.

The Team responded to 328 dangerous structure reports, fifteen of which were emergency out-of-hours calls from either Merseyside Police or Merseyside Fire and Rescue Service.

All sports grounds within the Borough holding a safety certificate were inspected by Building Control in 2010 (the Aintree Racecourse 2010 Grand National Meeting was attended by over 150,000 spectators).

2010 saw the introduction of amended Building Regulations, including 3 revised approved documents, which contain detailed technical guidance.

In addition to the daily 'routine' enforcement carried out by Building Control, 2010 saw a number of the more serious breaches of the Building Regulations brought before the courts. Most of these cases resulted in fines, although in one particular instance, a developer received a suspended custodial sentence.

Please note that regular performance indicator reports for the work carried out by both the Development Control Team and the Building Control Team are included within the Members section of the Intranet.

## Planning Control Performance

The number of applications put on the planning register rose slightly in 2010. There are still relatively few new large major schemes, which has impacted on fee income, but the householder sector has stabilised after the changes to permitted development. Performance has remained strong with 77% of majors, 86% minors and 91% others determined within the statutory period; the target for England is 60%, 65% and 80% respectively and most recent national performance 70%, 77% and 87%.

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There is a significant staff input into pre-application discussions. There is great variety; some straightforward but others can be very complex and involve many meetings and even then not result in a formal application.

There were slightly fewer appeals in 2010 but performance met the national standard.

## Enforcement Performance

We received and investigated over 770 complaints from the public, councillors, area/local committees and internal departments amounting to 2 complaints per working day (the number, type and range is consistent with previous years).

A total of 35 enforcement notices, 12 breach of condition notices and 7 Section 215 Notices (untidy land/buildings in disrepair) were served. Taking into account the large number of complaints received the number of formal notices issued is very low due to good practice, experience, negotiation and investigative skills of staff. There has been no prosecution in the magistrate's courts for non-compliance with notices. Also no stop notices or high hedge (Part 8 of the Anti-Social Behaviour Act) notices were served.

A total of 89 retrospective planning applications, totalling £19,550 in fees were brought in as a result of investigations.

2010 also saw an increase in the number of discharge of conditions applications received, totalling 190 applications and fees in excess of £15,500.

## Challenges for 2011

Managing change – the existing senior management team will be leaving the authority early in 2011, taking with them over 120 years of planning, regeneration and transportation experience. The existing Planning and Economic development department will be split and subsumed within the Environmental Services Department and the Neighbourhoods Departments. Closer integration with the larger departments and directorate will need to be reviewed.

We must respond to the changes proposed in the previous Government's staged implementation plan on the Future of Building Control. This includes regular, planned reviews to the technical standards contained within the approved documents, which will require training for staff on updated practice. The current Government is also reviewing the building control system in England & Wales and the results of this review are expected to be published in the summer of 2011.

We will need to prepare for changes to planning legislation; the formulation of a planning fee structure, help with setting up neighbourhood planning, and the introduction of policies and processes to deal with the community infrastructure levy. Please note that local setting of fees is a new challenge which has the potential to recoup more of the department's costs but will result in fee increases. Charging for pre-application enquiries will be introduced as part of this.

We need to modernise the land charges system to increase efficiency and maximise income generation.

The effects of the recession, the transformation agenda and the need to make budget savings will have increasing impact across the department.

## Priorities for 2011/12 across the team will focus on:

- ❖ maximising income possibilities
- ❖ minimising expenditure
- ❖ managing change resulting from legislative changes, corporate and national transformation projects
- ❖ embedding culture change and performance management
- ❖ improving customer experience
- ❖ partnership working
- ❖ delivery of council objectives and the improvement of the quality of development in the borough through positive and proactive development management
- ❖ exploring opportunities for work sharing / co-operation with other local authorities
- ❖ ensuring the continued health and safety of people both in and around buildings
- ❖ data integrity – focus on the quality of existing electronic records, historic data capture and consolidation of information where possible
- ❖ creation of spatial information – enhance our existing spatial data holdings with information held in text based systems, enabling GIS functionality to be used for land charges information.

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