

MEETING: PLANNING COMMITTEE

DATE: 2nd June 2010

TIME: 6.30 pm

VENUE: Town Hall, Southport

Member

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

Substitute

Councillor
Cllr Owen Brady
Cllr Gordon Friel
Cllr Sean Dorgan
Cllr Geoff Howe
Cllr Ms Doreen Kerrigan
Cllr Alf Doran
Cllr Lord Ronnie Fearn of
Southport, O.B.E.
Cllr David Pearson
Cllr Denise Dutton
Cllr Miss Veronica Webster
Cllr Peter Hough
Cllr Robert Brennan
Cllr Sue McGuire
Cllr Andrew Blackburn
Cllr David Rimmer

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

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

AGENDA

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

Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.
3. **Minutes of the meeting held on 28 April, 2010** (Pages 5 - 8)
4. **Petitioned Applications** (Pages 9 - 12)
 - A **Application No.S/2010/0420/66 - Warren Park Nursing Home, 66 Warren Road, Blundellsands** (Pages 13 - 22)
 - B **Application No.S/2010/0471 - 603-609 Liverpool Road, Ainsdale, Southport** (Pages 23 - 30)
5. **Applications for Planning Permission - Approvals** (Pages 31 - 34)
 - A **Application Nos.S/2009/0975 and S/2009/1004 - Former Leaf UK Site, Virginia Street and Site of Southport General Infirmary, Scarisbrick New Road, Southport** (Pages 35 - 68)
 - B **Application No.S/2010/0075 - Land to Rear Kensington House Sports and Social Club, Station Road, Maghull** (Pages 69 - 82)
 - C **Application No.S/2010/0327 - 131-133 Upper Aughton Road, Southport** (Pages 83 - 90)
 - D **Application No.S/2010/0400 - Land to Rear 1 Cambridge Avenue, Crosby** (Pages 91 - 98)
 - E **Application No.S/2010/0402 - 9 Lambshear Lane, Lydiate** (Pages 99 - 104)
 - F **Application No.S/2010/0412 - 97 Park Lane, Netherton** (Pages 105 - 112)
 - G **Application No.S/2010/0431 - Former Peerless Site, Dunnings Bridge Road, Netherton** (Pages 113 - 128)
 - H **Application No.S/2010/0458 - 40 Hampton Road, Southport** (Pages 129 - 136)
 - I **Application No.S/2010/0466 - 8 Sandringham Road, Southport** (Pages 137 - 142)
 - J **Application No.S/2010/0518 - LA Fitness, Marine Drive, Southport** (Pages 143 - 150)
 - K **Application No.S/2010/0533 - 17 Shore Road, Ainsdale, Southport** (Pages 151 - 160)
 - L **Application No.S/2010/0557 - Ingleside, Sandy Lane, Hightown** (Pages 161 - 166)
 - M **Application No.S/2010/0565 - Hugh Baird College Site, Church Road, Litherland** (Pages 167 - 180)
6. **Moor Park Conservation Area Article 4(2) Direction** (Pages 181 - 194)

Report of the Planning and Economic Development Director

- 7. Core Strategy Update** (Pages 195 - 200)
Report of the Planning and Economic Development Director
- 8. Town and Country Planning Act 1990 - Appeals** (Pages 201 - 218)
Report of the Planning and Economic Development Director
- 9. Urgent Works Notice 40 Lancaster Road, Birkdale** (Pages 219 - 222)
Report of the Planning and Economic Development Director

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

PLANNING COMMITTEE

MEETING HELD AT THE TOWN HALL, BOOTLE ON 28 APRIL 2010

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

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

212. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mahon and Webster.

213. DECLARATION OF INTEREST

The following declaration of interest was received:-

Member	Item	Declaration	Action
Councillor Veidman	Application No. S/2010/0335, 23 Orrell Road, Bootle	Prejudicial – knows a number of the objectors very well	Left room and took no part in the consideration of the item and did not vote thereon

214. MINUTES OF THE MEETING HELD ON 7 APRIL, 2010

RESOLVED:

That subject to the inclusion of Councillor Veidman's apology for absence, the Minutes of the meeting held on 7 April 2010, be confirmed as a correct record.

215. APPLICATION NO.S/2010/0237 - LAND AT GIDDYGATE LANE AND TITHEBARN LANE, MELLING

The Planning and Economic Development Director advised the Committee that Officers were still awaiting information on this application.

Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 28TH APRIL, 2010

RESOLVED:

That consideration of this item be deferred, until all outstanding information requested by Officers, has been provided.

216. APPLICATION NO.S/2010/0335 - 23 ORRELL ROAD, BOOTLE

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for Change of use from A1 retail to A5 hot food takeaway, including a new shop front and roofing over rear yard to provide storage area be refused for the reasons stated or referred to in the report.

Prior to consideration of the application, the Committee received two petitions, from Mr.Madden opposed to the application and from Mr.Farley in support of the application. Mr. Madden and Mr.Farley responded to their respective petitions.

RESOLVED:

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

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

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the removal of Condition 1 pursuant to planning permission S/2007/0464 approved 09/07/2007 to allow the surgery to remain on the site permanently be approved.

Members discussed the item at length and in particular expressed their concern at the traffic issues surrounding the surgery.

RESOLVED:

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

218. APPLICATIONS FOR PLANNING PERMISSION - APPROVALS

RESOLVED:

That the following applications be approved, subject to:-

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

Application No.	Site
S/2010/0267	Unit 7, Leckwith Road, Netherton
S/2010/0277	Land adjacent to 29 Ridge Close, Southport
S/2010/0330	2 the Stables, Chapel Lane, Netherton

219. URGENT WORKS NOTICE AND SECTION 215 NOTICE - 40 LANCASTER ROAD, BIRKDALE

The Committee considered the report of the Planning and Economic Development Director that sought authority for the Planning and Economic Development Director to serve Urgent Works Notice, Section 55 notice and Section 215 'Amenity' Notice on 40 Lancaster Road, Birkdale.

RESOLVED:

That the Planning and Economic Development Director be authorised to:

- (i) serve an Urgent Works Notice in respect of 40 Lancaster Road, Birkdale in order to secure the buildings from further decline;
- (ii) serve a Section 215 Notice in respect of 40 Lancaster Road, in order to tidy the site from accumulated debris and rubbish;
- (iii) carry out the works in default if the respective owners do not comply with both Notices; and
- (iv) serve a Section 55 notice in order to reclaim the costs of the works carried out in default arising from the Urgent Works Notice.

220. TOWN AND COUNTRY PLANNING ACT 1990 - APPEALS

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

Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 28TH APRIL, 2010

Appellant	Proposal/Breach of Planning Control	Decision
Mr.P.Hughes	55-57 Merton Road, Bootle S/2009/0624 – appeal against refusal of the Council to grant planning permission for the erection of a 2 storey office building on land at the rear of 55-57 Merton Road, Bootle.	Allowed 08/04/10
Mr.S.Wylie (Broadstone Ltd.)	Land to the rear of 79 Albert Road, Southport N/2009/0344 - appeal against refusal of the Council to grant planning permission for:- (a) the erection of a detached two storey dwelling with underground and swimming pool and leisure facilities with access onto Fleetwood Road, Southport; and (b) the construction of an underground car park for the residents of the apartment block to the rear of 79 Albert Road, Southport.	Dismissed 07/04/10
Mr.M.McGowan	18 Bells Lane, Lydiate S/2009/0952 – 2123788 appeal against refusal of the Council to grant planning permission for the erection of a single storey extension to the side of the dwellinghouse after demolition of the existing garage.	Dismissed 08/04/10

RESOLVED:

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

Agenda Item 4

Committee: PLANNING

Date of Meeting: 2 JUNE 2010

Title of Report: Petitioned Applications

Report of: Andy Wallis
Planning & Economic Regeneration Director

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

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

Purpose of Report

The items listed in are petitioned applications.

Recommendation

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

Corporate Objective Monitoring

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

Agenda Item 4

Financial Implications

None

Departments consulted in the preparation of this Report

See individual items

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

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

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

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

Petitions Index

A	S/2010/0420	Warren Park Nursing Home, 66 Warren Road, Blundellsands	Blundellsands
B	S/2010/0471	603-609 Liverpool Road, Ainsdale	Ainsdale

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Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0420**
Warren Park Nursing Home, 66 Warren Road,
Blundellsands
(Blundellsands Ward)

Proposal: Erection of a two storey extension to the south elevation of the side wing, first floor extension to the rear elevation of the main building and single storey extension to the existing conservatory at the front of the nursing home

Applicant: Mr John Lysaght Warren Park Nursing Home

Executive Summary

This proposal is for two minor extensions to an existing nursing home to bring the number of bedrooms up to 40. The issues concern the effect of the proposal on nearby properties and the impact in the streetscene and on the character of the Blundellsands Park Conservation Area.

Recommendation(s) Approval

Justification

The proposal would have no detrimental impact on the amenities of the surrounding residential properties and preserves the character and appearance of the existing streetscene and Conservation area.

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. M-3 Obscure Glazing
4. M-1 Materials (matching)
5. L-1 Protection of trees

Reasons

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

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Drawing Numbers

Location plan, Dwgs 368/3, 4, 5, 6

Financial Implications


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

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

History referred to
Policy referred to

Agenda Item 4a



 Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/0420 Warren Park Nursing Home, 66 Warren Road Blundellsands L23 6UG OSGR: 330474, 400053		Standard Site Plan Scale: 1:1250 Date: 20/3/2010 Drawn By: EBERT on
	Sheets: 146D, 146E Area: 2961 sqm	Ward(s): Blundellsands Postcode Sector(s): L23 6 Polling District(s): M1 Parish(es): None Found	

S/2010/0420

The Site

The site comprises of the area above the existing two storey extension and the side and rear garden space to an existing nursing home located on the eastern side of Warren Road at no. 66.

Proposal

Erection of a two storey extension to the south elevation of the side wing, first floor extension to the rear elevation of the main building and single storey extension to the existing conservatory at the front of the nursing home

History

- S/2007/1096 - Erection of a two storey extension at the rear and a single storey extension at the side to provide additional bedrooms and ancillary facilities (Alternative to S/2007/0141 granted 12/04/2007) GWC 14/02/2008
- S/2007/0141- Erection of a part three storey part second floor extension at the rear of the existing nursing home to provide 7 additional bedrooms and ancillary facilities 98/0749/S- variation of condition 4 to allow additional bed spaces total 30, GWC 17/12/98
- 98/0749/S- Variation of condition 4 to allow additional bed spaces total 30, GWC 17/12/98
- 95/0397/S- Erection of a two storey extension to rear of nursing home, Granted 28/09/95
- 93/0264/S- Conservatory new dormer, windows, 1 new bed, Granted 27/05/93
- 91/0625/S- C/u to nursing home and two storey extension at the side, GWC 23/01/92
- 88/0722/S- C/u into rest home, GWC 05/10/88

Consultations

Highways Development Control - Traffic Services – no objection

Environmental Protection - no objection

Neighbour Representations

Last date for replies: 30/04/10

A petition of objection signed by 32 local residents and endorsed by Councillor Parry has been received. The grounds for the objection are as follows.

1. The proposed development by reason of its size and position would have a visually overbearing and un-neighbourly impact. It already runs practically the complete length of the border to 21 Merrilocks Road, close to the fence and to a height of two stories. This development proposes to fill in the last remaining space.

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2. This area of Blundellsands is a residential and conservation area. The Nursing Home is already quite a substantial operation and to increase its size further is at odds with the status of the area.
3. The feeling of the local residents in the immediate area is that enough is enough and that the last round of development is already too much.

Policy

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

AD1	LOCATION OF DEVELOPMENT
CS3	DEVELOPMENT PRINCIPLES
DQ1	DESIGN
H10	DEVELOPMENT IN THE PRIMARILY RESIDENTIAL AREAS
HC1	DEVELOPMENT IN CONSERVATION AREAS
MD1	HOUSE EXTENSIONS

Comments

The main issues to consider in relation to this application are any impact with regards to residential amenity of surrounding properties and any impact with regards to the streetscene and on the character of the conservation area. The design of the proposal will also be considered with regards to the existing building.

The present proposal has two parts. The first part is a two storey extension to the existing 2 storey extension approved in 2007. This extension would extend the existing line of the building to create one additional bedroom. On each of two floors the design of this extension is in keeping with the existing adjacent building and it will not be visible in the street scene nor have any impact in relation to the character of the Blundellsands Park Conservation Area. In relation to neighbours the proposal would be close to the boundary with 64 Merrilocks but this property is not affected being well away from the joint well screened boundary and at a higher level. The proposal is approximately 4 m from the site boundary with 21 Merrilocks Road and the occupiers of that property have objected. They point out that this will result in development the full length of their boundary. However this is some 20 metres from the house and well screened by mature trees which would be retained. The height of the proposal is only 2 storeys and set at a lower ground level with no windows in the elevation looking towards this building. Overall the impact on this property is minimal and could not justify refusal on amenity grounds.

The second aspect of the proposal is a first floor infill above to the existing accommodation to the north side of the building to create a bedroom and a wet room. This extension is well designed to accord with the main building. It has no effect on the streetscene or character of the Conservation area as it will not be readily visible from public view. The bedroom window is more than 16 metres from the site boundary and the side window (to an ensuite) would be obscurely glazed. There is therefore no overlooking and minimal impact on neighbouring properties.

Agenda Item 4a

Objectors consider that the site is overdeveloped and that further expansion of this use in a residential area is inappropriate. However, this is a Primarily Residential Area and a nursing home is a fully appropriate use in this type of location. The use is well established on a sizeable plot and significant garden areas will remain. The applicant argues that increasing the numbers of bedrooms from 37 to 40. There are no policies in the UDP which restrict the size of such uses in principle.is necessary for viability. Since there is no adverse impact on neighbours, streetscene or the Conservation Area, approval is recommended.

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

APPENDIX

PN

Sefton Council	SEFTON COUNCIL
6 - MAY 2010	
Petition To Speak At Planning Committee	
REGENERATION BSU	

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

Site Address: 66 WARREN ROAD
BLUNDELLSANDS.

Application Number: S/2010/0420

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

Yes No

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

This petition is being submitted by Councillor Paula Barry

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

Name SIMON HEYES

Address 21 MERRILOCKS ROAD
BLUNDELLSANDS. L23 6LL

Telephone Number 0151 924 3861 / 07860 639327

E-mail address simon@heyes.org

Please return this form as soon as possible to:

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

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

MG

APPENDIX

Planning & Economic Regeneration Department - Ref: S/2010/0420
 Objection Petition

Name & Address		
SEMON HELES	21	MERRILOCKS RD.
JOE HELES	21	MERRILOCKS RD
JANIE HELES	21	MERRILOCKS RD
DAVE TURNER	23	MERRILOCKS RD
CLAYMS TURNER	23	MERRILOCKS RD
CHRIS HARMAN	27	MERRILOCKS ROAD
HILARY HARMAN	27	MERRILOCKS RD
NICHOLAS FINE	29	MERRILOCKS RD
DAVID EVANS	19	MERRILOCKS RD
KAREN EVANS	19	MERRILOCKS RD
ERIC DADD	60	WARREN RD
LISA CLAYSON	54	WARREN RD.
Tony & Jane Knock	54	WARREN RD.
NICKI CLAYSON	60	WARREN RD.
NICKI HUGHES	17	MERRILOCKS RD.
ALAN MEALY	70	WARREN RD.
S. CLAYSON	70	WARREN RD.
N. MCGONAGHE	12	WARREN RD.
A. J. DONALD	18	WARREN RD.
M. J. MITCHELL	68	WARREN RD.
JW MITCHELL	68	WARREN RD.
Mr J Fitzsimons	25	MERRILOCKS RD
Mrs F Fitzsimons	25	MERRILOCKS RD
MRS M DAVIDSON	31	MERRILOCKS RD
DAVID DAVIDSON	31	MERRILOCKS RD
JOHN DAVIDSON	31	MERRILOCKS RD
Middel Devine	64	WARREN RD
KAREN Devine	64	WARREN RD
DAVID Devine	14	adelaide terrace
M. F. Raymond	44	Warren Rd.
MRS M. Raymond	44	Warren Rd.
J. MORRISSET	52	WARREN RD

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Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0471**
603-609 Liverpool Road, Ainsdale
(Ainsdale Ward)

Proposal: Extension of Time application pursuant to planning permission N/2007/0396 approved 21/06/2007 - for 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.

Applicant: Mr N Coen Chapel House Southport 2006 Ltd

Executive Summary

This proposal is an Extension of Time application pursuant to planning permission N/2007/0396 approved 21/06/2007 at Chapelhouse Garage on Ainsdale Road, Southport. There being no material changes, or non material changes proposed to the scheme, in addition to there being no changes in planning circumstances since the approval, the extension of time is acceptable.

Recommendation(s) Approval

Justification

The proposal is consistent with the provisions of the Sefton UDP and in the absence of all other material planning permissions; the granting of permission to the extension of time is justified.

Conditions

1. T-1 Full Planning Permission Time Limit
2. Before any construction commences, samples of the external materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority.
3. L8 Landscape Implementation
4. No part of the development hereby permitted shall commence until:

(b) A site investigation and assessment has been carried out by appropriate qualified and experienced personnel to determine the status of contamination (including chemical/radiochemical/landfill gas/asbestos/biological/physical hazards/other contamination) at the site and submitted to the Local Planning Authority. The investigation and assessment shall be in accordance with current Government and Environment Agency recommendations and guidance and shall identify the nature and concentration of any contaminants present,

Agenda Item 4b

their potential for migration and risks associated with them.

(c) A remediation scheme, which shall include an implementation timetable, monitoring proposals and remediation validation methodology, has been agreed with the Local Planning Authority, and

(d) The remediation scheme has been agreed by the Local Planning Authority to have been demonstrably and successfully completed.

5. X1 Compliance
6. M4 Pile

Reasons

1. RT-1
2. To ensure a satisfactory external appearance and to comply with Sefton UDP Policy DQ1.
3. In the interests of visual amenity and conservation and to comply with Sefton UDP Policy DQ3.
4. To ensure that contamination of the site is effectively dealt with and to comply with Sefton UDP Policy EP3.
5. RX1
6. To ensure that nearby properties are not adversely affected by the development and to comply with Sefton UDP Policies CS3, EP6 and H10.

Drawing Numbers

0207230/04 Rev B, 0207230/05 Rev C, 0207230/06 Rev C, 0207230/07 Rev B, 0207230/08, 0207230/09, 0207320/10

Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 4b



Sefton Council S/2010/0471 Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		603-609 Liverpool Road Ainsdale PR8 3NG OSGR: 331726, 411963 Sheet(s): 367C, 367D Area: 7177 sqm		Standard Site Plan Scale: 1:2250 Date: 20/3/2010 Drawn By: BEERT on
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181923.</small>		<small>Created by Sefton Council Planning & Economic Regeneration Department using MapInfo</small>		Ward(s): Ainsdale Postcode Sector(s): PR8 3 Polling District(s): R4, R6 Parish(es): None Found

S/2010/0471

The application has been called in to be determined by Planning Committee by Councillor Porter.

The Site

A site used for the display, sale and servicing of motor vehicles on Liverpool Road, Ainsdale.

Proposal

Extension of Time application pursuant to planning permission N/2007/0396 approved 21/06/2007 - for 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.

History

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.

N/2005/0837 – Single-storey extension to existing showroom at side. Approved 6th October 2005.

N/2002/0865 – Extensions to side and rear to provide additional car showroom and service bays. Approved 4th November 2002.

Consultations

Environmental Protection Director – No objections to the proposal subject to any conditions of N/2007/0396 that have not been successfully discharged being attached to any approval for an extended time limit.

Highways DC – No objections to the extension of time and reiterate comments made for N/2007/0396.

Neighbour Representations

Last date for replies: 11th May 2010.

Representations received: Letter from 690 Liverpool Road reiterating points of objection that were considered when granting approval to N/2007/0396 ie congestion, parking problems, early morning delivery times and loss of amenity.

Agenda Item 4b

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

Comments

As was stated in determining the application in 2007, the proposal seeks to reconfigure operations to the rear of the existing premises. At present, there are 7 bays in situ on the site.

The issues relate to the impact of the proposals on residential amenity by way of visual and aural harm, and the effect of the development on prevailing levels of highway safety.

The space for the extension would be derived from demolishing the three furthest from Eldon's Croft, and projecting out from the rear of the main building, with the displaced bays turned through 90 degrees to face Eldon's Croft but at an overall distance of 22.5 metres from the boundary to these properties.

The extension is of shallow pitch, with eaves level of 4.2 metres, and a ridge of 4.5 metres. This would be substantially lower than the maximum height of the bays.

The five additional bays (including an MOT bay) are accessed from the opposite side of the extension, and are positioned nearest to the existing access from Liverpool Road, opposite existing customer parking.

An existing fenced area would be removed to accommodate the extension in part.

Visually, the extension is well positioned away from residents at both Eldon's Croft and Sandbrook Road, and will not in that sense create a loss of outlook. Moreover, the Environmental Protection Director is satisfied that these distances are sufficient for there to be no necessity for noise attenuation, either through building insulation or stronger boundary treatments.

There are no other implications for highway safety.

To address some of the residents' concerns, the plans have been amended to afford extra tree planting to the boundary adjacent with Eldon's Croft. The development requires a total of 5 trees to be planted, however, 10 are now achieved in total. A condition is added requiring their implementation at the appropriate juncture.

There being no material changes, or non material changes proposed to the scheme,

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in addition to there being no changes in planning circumstances since the approval, the extension of time is acceptable.

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

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

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Agenda Item 5

Committee: **PLANNING**

Date of Meeting: **2 JUNE 2010**

Title of Report: **Planning Approvals**

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

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

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

Purpose of Report

The items listed in this Appendix are recommended for approval.

Recommendation

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

Corporate Objective Monitoring

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

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Financial Implications

None

Departments consulted in the preparation of this Report

See individual items

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

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

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

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

Approvals Index

A	S/2009/0975 & S/2009/1004	Former Leaf UK site, Virginia Street, & Site of Southport General Infirmary, Scarisbrick New Road, Southport	Kew Ward
B	S/2010/0075	Land to rear Kensington House Sports & Social Club, Station Road, Maghull	Sudell Ward
C	S/2010/0327	131-133 Upper Aughton Road, Southport	Kew Ward
D	S/2010/0400	Land to rear 1 Cambridge Avenue, Crosby	Blundellsands
E	S/2010/0402	9 Lambshear Lane, Lydiate	Park
F	S/2010/0412	97 Park Lane, Netherton	Netherton & Orrell
G	S/2010/0431	Former Peerless site, Dunnings Bridge Road, Netherton	Netherton & Orrell
H	S/2010/0458	40 Hampton Road, Southport	Kew
I	S/2010/0466	8 Sandringham Road, Southport	Dukes
J	S/2010/0518	LA Fitness, Marine Drive, Southport	Cambridge
K	S/2010/0533	17 Shore Road, Ainsdale	Ainsdale
L	S/2010/0557	Ingleside, Sandy Lane, Hightown	Manor
M	S/2010/0565	Hugh Baird College site, Church Road, Litherland	Litherland

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REPORT TO: Planning Committee

DATE: 2 June 2010

SUBJECT: Change to affordable housing requirements in respect of development at Leaf UK, Virginia Street and the Southport General Infirmary, Scarisbrick New Road, Southport

WARDS AFFECTED: Kew

REPORT OF: Andy Wallis, Planning & Economic Development Director

CONTACT OFFICER: Steve Faulkner

**EXEMPT/
CONFIDENTIAL:**

PURPOSE/SUMMARY:

To obtain committee agreement to vary the requirements of the Section 106 Agreement in so far as it relates to the provision of affordable housing on sites at Leaf UK, Virginia Street and the Southport General Infirmary, Scarisbrick New Road, Southport.

REASON WHY DECISION REQUIRED:

To authorise changes to the previously agreed mechanism for the delivery of affordable housing across both sites.

RECOMMENDATION(S):

1. That the S106 agreement be varied to reduce the proportion of affordable bedspaces in the scheme from 30% of the total across both sites to 20% for the reasons outlined in the attached report.

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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

Reports to Planning Committee 16 December 2009.

BACKGROUND:

On 16 December 2009, Planning Committee resolved to approve two planning application for development at Leaf UK, Virginia Street (S/2009/0975, 90 dwellings) and the Southport General Infirmary, Scarisbrick New Road (S/2010/1004, 60 dwellings). Copies of the respective reports are attached. The decision to grant permission was delegated to the Director subject to the signing of a S106 agreement relating to the provision of affordable housing and provision of improvements to the footbridge and subject to Environment agency response to the Flood Risk Assessment. The decision notices have yet to be issued due to continued discussion in respect of the S106, in particular the definition of intermediate housing provision and the subsequent loss of external funding.

The affordable housing requirements for both sites combined amounted to 201 bedspaces, i.e. 30% of the overall combined total. It was agreed at that time that in order to enable a viable development that all of this requirement would be delivered at Virginia Street.

Funding Mechanisms

Since that time, the applicant has bid unsuccessfully for 'KickStart' funding from the Homes and Communities Agency. In the build up to the 16 December 2009 Planning Committee the financial viability of the scheme was underpinned by the assumption that grant support for affordable housing would be forthcoming. This was initially confirmed through discussion with the preferred Registered Social Landlord (LHT) and the Homes and Communities Agency (HCA).

The viability appraisals of July 2009 were based on 30% provision of affordable housing but always underwritten by HCA grant. Subsequently, there was a dialogue between the applicant and the HCA regarding the form of support the HCA might provide – either through the 'KickStart' programme or through the National Affordable Housing Programme (NAHP).

As the scheme at Leaf is a proposed mix of private and affordable housing, the advice from HCA was that Kickstart was more appropriate. A Kickstart application was submitted with an emphasis on the strategic significant of the Leaf development for the housing market in Southport but it was rejected by the HCA.

In the light of the rejection of the Kickstart application, the applicants turned to NAHP. Initially, HCA again indicated support, but, ultimately, this support was withdrawn. No grant assistance from HCA is available.

If both developments are to be realised then flexibility is needed. The applicant has submitted to a further report detailing the viability of delivering affordable housing based on provision of 20% affordable housing (by bedspaces).

This is consistent with the advice from Government that local authorities "should recognise the current difficult economic circumstances and, where possible, adopt a

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flexible approach to Section 106 negotiations to ensure that sites are built out.”

The applicants are therefore willing to proceed with the Leaf UK scheme at cost (no profit generated) on the proviso that the SGI development will realise a margin, albeit below the industry standard.

In the absence of grant support, the applicants consider that that the only viable way of bringing both developments forward is to lower the affordable housing requirement to 20% of bedspaces across both schemes (133 affordable bed spaces against a total number of 667 bedspaces). If the affordable housing requirement remains at 30% then the applicants advise that neither development is capable of proceeding.

Provision of affordable housing in Sefton

Council officers have negotiated affordable housing requirements on all qualifying sites in Sefton over the last three years. However, many planning permissions were negotiated in a far more buoyant economic climate than exists at present.

As a consequence of the economic downturn, the high residual values (which are necessary to cross subsidise affordable housing provision) are no longer present or only rarely present and this means that, in general, affordable housing provision has to be renegotiated and usually downwards.

This is happening not just in Sefton but across the whole Country. This stance is consistent with PPS3 advice which states that affordable housing should only be sought where it does not affect the economic viability of any development.

In this regard, the Planning and Economic Regeneration Director has sought the advice of GONW who have, in turn taken advice from the Department of Communities and Local Government.

The CLG's Chief Planning Officer wrote to all Local Planning Authorities in May 2009. He commented:

"Now more than ever it is important to help authorities to ensure existing planning permissions are built out. Ultimately, section 106 agreements are contractual agreements between developers and local authorities to deliver what is necessary to make a development acceptable in order to obtain planning consent. Where they are asked to do so, local planning authorities should be carefully reviewing whether obligations agreed through section 106 accord with the five principles set out in B5 of planning circular 05/05. "

Accordingly, the GONW advice is that 'you might therefore wish to re-appraise the Section 106 agreements in this light'.

It is in the spirit of this advice that the Council has instructed its retained affordable housing consultants, Three Dragons, to reappraise the planning application and they have concluded:

"I have submitted a detailed report looking at the viability of delivering affordable housing on these sites.

The planning background is complex with, at various points in time, the applicants having put forward proposals to try to meet the affordable housing requirement.

The economics are challenging here. In part, this is down to the applicants having paid a sizeable amount for the site. However in part it is also due to the shifting market since 2008, the time at which I understand the site was acquired.

My calculations suggest that if the applicants are to proceed by providing the 20% affordable housing I understand they are offering, then they will be doing so at a very minimal profit, very far below the industry standard.

In this respect, the market has changed against the applicants from the very buoyant housing market when they acquired the site, but they are prepared to move ahead anyway, presumably to recoup some of the costs they have in holding the land.

The Council may take the view that the policy position is not being met. However it should also consider that at the time the site was acquired, Sefton's policy position had not been tested through a Viability Study (now produced in draft for consultation).

An additional factor is grant. Correspondence made available to me suggests that the applicants could reasonably have expected grant to be available for the site. This has not materialised despite the efforts of the Council and local RSLs.

Overall I think the Council would take a reasonable position if it accepts the 20% offered. Projects including affordable housing are proving difficult across the country, but particularly in the north and the midlands. I believe, in the round, a 20% affordable housing contribution is a very satisfactory outcome here and is consistent with a flexible approach being adopted in my experience elsewhere.

This will be consistent with the advice of the DCLG that local authorities should recognise the current difficult economic circumstances and, where possible, adopt a flexible approach to Section 106 negotiations to ensure that sites are built out."

Accordingly, the Planning and Economic Development Director, consistent with CLG general advice and the site specific advice of Three Dragons, considers that a pragmatic approach is necessary in this instance, reflecting the current diminished viability of the site because of the economic downturn and in the absence of any prospect of Housing and Communities Agency funding support.

In this regard, it is necessary to balance the very real risk that this site may otherwise be 'mothballed' for two or more years against the delivery of much need new affordable dwellings, which in turn may lead to the 'kick starting' of some market houses for sale. The applicant has been proactive in seeking to achieve alternative support for their proposals.

In summary, and whilst it is always disappointing to 'lose' affordable housing units, a balance has to be struck and it is considered vital that housing development is

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started on this site as soon as practicable. The Section 106 Agreement has therefore been revised accordingly and it is recommended that the planning permissions be issued based on the new scenario as outlined above.

Revision to site layout

The applicant has produced some revised drawings that alter the position of dwelling nos. 28 and 29 at Leaf UK in minor fashion and do not in any way compromise the previously accepted scenario for existing residents in terms of amenity. It is considered that these are acceptable as part of the final planning approval.

Flood Risk

The previous recommendation was in part subject to clearance from the Environment Agency based on there being no flood risk. This is being discussed further and will be reported by way of late representation.

Committee: **PLANNING**

Date of Meeting: **16 December 2009**

Title of Report: **S/2009/0975**
Former Leaf UK site 66 Virginia Street,
Southport
(Kew Ward)

Proposal: Residential development comprising 90 dwellings, new road layout and landscaping treatment (re-submission of N/2009/0340 withdrawn 11/11/2009)

Applicant: Bellway Homes (North West Division)

Executive Summary

The proposal is for the development of 90 dwellinghouses on the former Leaf UK site, Virginia Street, Southport.

The main issues relate to layout and design quality, residential amenity, highway safety and parking layout, the need for affordable housing as per local requirements, the effect on current housing restraint mechanism, tree and greenspace provision, the implications of the loss of compensatory office/commercial provision, the linkage of the site to the town centre, the ability of the site to appreciate and support nature conservation aspirations and the need to ensure that the site is clean and free of contaminants to enable development to proceed.

Recommendation(s) **That the Planning and Economic Regeneration Director be authorised to grant planning permission subject to :**

- a) **the completion of a Section 106 Agreement delivering affordable housing and funding for improvements to the footbridge linking Victoria Bridge Road and Southport Railway Station, and**
- b) **confirmation from the Environment Agency that the provisions of the submitted Flood Risk Assessment are acceptable**

Justification

The scheme will bring forward the comprehensive redevelopment of an identified Housing Opportunity site whilst bringing a range of improvements to local accessibility to the town centre, a high standard of design and significant tree

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planting whilst ensuring a significant regeneration benefit through the removal of long standing industrial buildings on site.

The scheme is consistent with the aims of all national and local policies as set out within the Committee Report and, in the absence of any other material planning considerations, the granting of planning permission is therefore justified.

Conditions

1. T-1 Full Planning Permission Time Limit
2. L-4 Landscape Implementation
3. L-5 Landscape Management Plan
4. The development shall incorporate bat bricks as part of the housing construction details.
5. A detailed plan for the provision of bird nesting boxes within the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and implemented and retained thereafter.
6. H-2 New vehicular/pedestrian access
7. No part of the development shall be brought into use until the existing vehicular and/or pedestrian access on to Virginia Street has been permanently closed off and the footway reinstated. These works shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
8. Unless otherwise agreed in writing, no part of the development shall be occupied until a Traffic Regulation Order (TRO) to amend the existing waiting restrictions on Virginia Street, Hodson Street and Mill Street in the vicinity of the development site has been implemented in full.
9. Unless otherwise agreed in writing, no housing development with direct frontage onto Virginia Street shall be occupied until a Traffic Regulation Order (TRO) for a 20mph zone on Virginia Street (between Scarisbrick New Road/Eastbank Street and Ash Street), Hodson Street, Mill Street, Hargreaves Street, Hampton Road Street (between Virginia Street and Hargreaves Street), Back Forest Road and Victoria Bridge Road has been implemented in full.
10. Unless otherwise agreed in writing by the LPA, no housing development with direct frontage onto Virginia Street shall take place until a detailed scheme of traffic calming designed to maintain vehicle speeds at 20mph or less on Virginia Street (between Scarisbrick New Road/Eastbank Street and Ash Street), Hodson Street, Mill Street, Hargreaves Street, Hampton Road Street (between Virginia Street and Hargreaves Street), Back Forest Road and Victoria Bridge Road has been submitted for the approval of the LPA. No part of the development shall be occupied until the approved scheme has been implemented in full.
11. Unless otherwise agreed in writing by the LPA, no development shall take place until a detailed scheme of highway improvements, including the provision of flush kerbs and tactile paving and two DDA compliant bus stops on Virginia Street, has been submitted for the approval of the LPA. No part of the development shall be occupied until the approved scheme has been implemented in full.
12. H-1 Remove existing vehicular/pedestrian access

13. H-6 Vehicle parking and manoeuvring
14. H-9 Travel Plan required
15. H-10 Mud on carriageway
16. Before the development is commenced a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Construction Management Plan shall be implemented and strictly adhered to and shall not be varied other than through agreement with the Local Planning Authority.
17. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction unless otherwise agreed in writing by the Local Planning Authority.
18. M-6 Piling
19. P-3 Noise Protection
20. Prior to the clearance of all demolished material a Site Waste Management Plan (SWMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall accord with advice contained in PPS10 Sustainable Waste Management (Paragraph 34). The SWMP shall identify the types and quantities of the materials subject to demolition and/ or excavation, opportunities for reuse and recovery of material should be explored, e.g. use of recycled aggregates, along with a demonstration of how off-site disposal will be minimised and managed.
21. Con-1 Site Characterisation
22. Con- 2 Submission of Remediation Strategy
23. Con-3 Implementation of Approved Remediation Strategy
24. Con-4 Verification Report
25. Con-5 Reporting of Unexpected Contamination
26. The substation shown on drawing No 1028/P2/O2 shall be constructed as an integral part of this development and the developer shall ensure that there is no interruption to local power supply as a result of the replacement of the existing substation.
27. Unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until a detailed scheme of street lighting on Virginia Street, Hodson Street and Mill Street and the new access road within the development site, has been submitted for the approval of the Local Planning Authority, the said scheme shall comply with the requirements of BS5489. The approved scheme shall be implemented in full prior to the development being brought into use.
28. A scheme detailing all boundary treatments including height, material and position to the north and west boundary of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The boundary treatments approved shall be erected prior to the occupation of any part of the development adjacent to the approved boundary details.
29. Full details of all bollards as shown on drawing No 1028/P2/02 shall be submitted to and approved in writing by the Local Planning Authority prior to the

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commencement of development. The bollards as approved shall be erected prior to the occupation of any part of the development or in accordance with any alternative timescale agreed by the Local Planning Authority.

30. X1 Compliance

Reasons

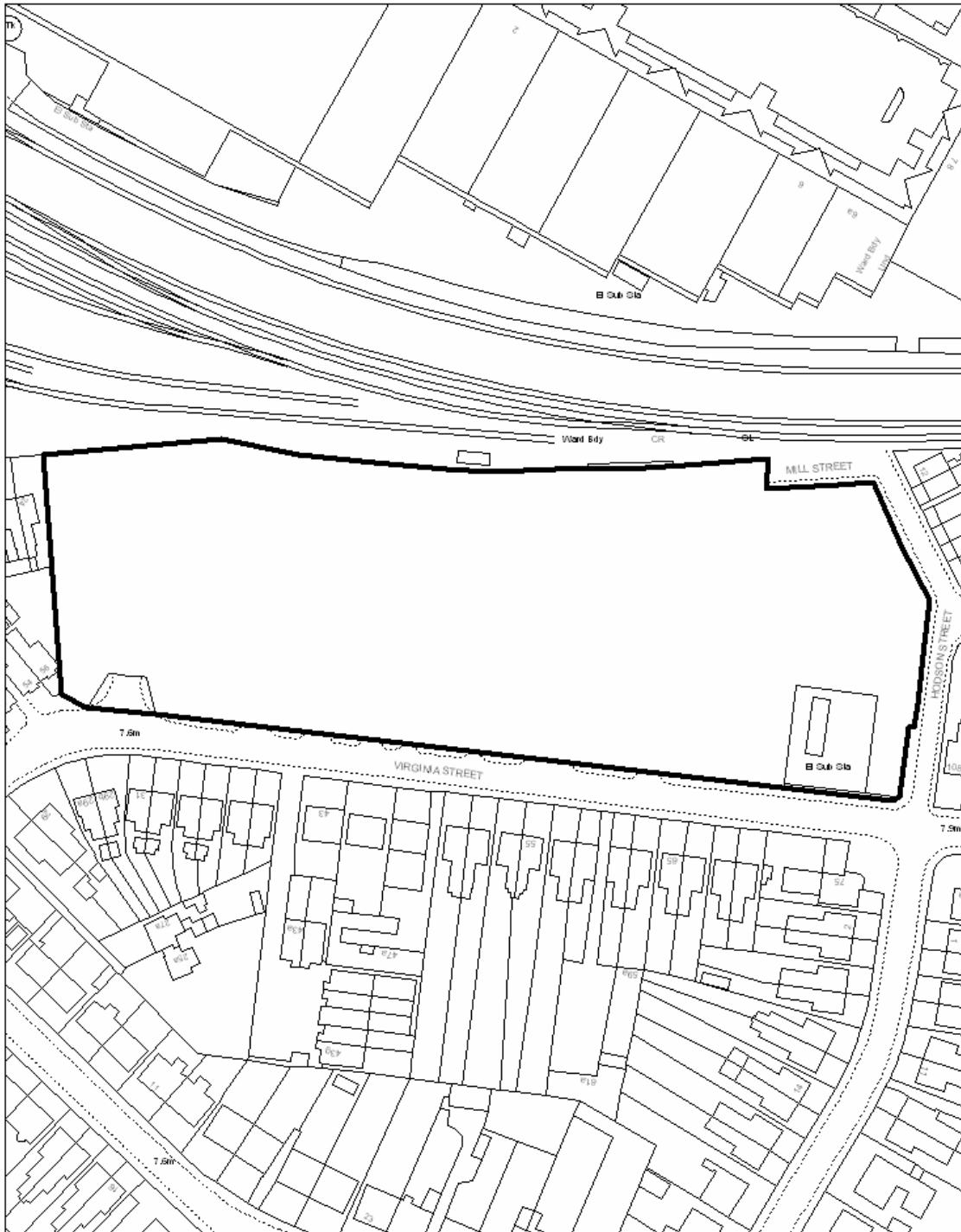
1. RT-1
2. RL-4
3. RL-5
4. RNC
5. RNC
6. RH-2
7. RH-1
8. RH-2
9. RH-2
10. RH-2
11. RH-2
12. RH-1
13. RH-6
14. RH-9
15. RH-10
16. To safeguard the safety and interests of users of the highway and to comply with Sefton UDP Policy AD2.
17. To safeguard the safety and interests of users of the highway and to comply with Sefton UDP Policy AD2.
18. RM-6
19. RP-3
20. To ensure that all demolished and excavated materials are where possible recycled and/or made available for re-use and to comply with Sefton UDP Policy CS3 and advice contained in PPS10.
21. RCON-1
22. RCON-2
23. RCON-3
24. RCON-4
25. RCON-5
26. To ensure that adequate provision of electricity supply is made for prospective and nearby occupiers and to comply with Sefton UDP Policy CS and Regional Spatial Strategy Policy EM16..
27. RH-1
28. To safeguard the amenity of residents and to ensure appropriate protection against noise from the railway in compliance with Sefton UDP Policies CS3, H10 and EP6.
29. In the interests of highway safety and the amenity of residents and to comply with Sefton UDP Policies CS3, AD2 and H10.
30. RX1



Notes

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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.
2. The applicant is advised that no parking permits will be issued to residents of the development and as such they would be unable to utilise the residents parking bays on Virginia Street.
3. In respect of the requirement to amend the waiting restrictions, the applicant is advised to contact Traffic Management division on 0151 934 4258.

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 Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2009/0975 Former Leaf UK site 66 Virginia Street Southport PR8 6RX OSGR: 334226, 416807		Sheet(s): 470A		Area: 15737 sqm	
	Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. <small>Sefton Council Licence No. 1000181921</small>		Standard Site Plan Scale: 1:2250 Date: 4/12/2009 Drawn By: EBERT on			
		Ward(s): Kew Postcode Sector(s): PR8 6 Polling District(s): T4 Parish(es): None Found				

The Site

The site comprises 1.6 hectares and is sited to the south east side of Southport Town Centre. It is the former Leaf UK factory on Virginia Street. The Southport-Manchester Railway line lies to the north, with dwellings on the west, south and east sides of the site. It is currently vacant following the demolition of the former factory blocks.

The immediate context beyond the site is residential and consists predominantly of a variety of two storey terraced and semi-detached properties.

The proximity of the site to the town centre both geographically and through physical linkage means it is within easy access of key transport links and other town centre facilities.

Proposal

Residential development comprising 90 dwellings, new road layout and landscaping treatment (re-submission of N/2009/0340 withdrawn 11/11/2009)

History

The site has an extensive planning history associated with the long standing industrial operations of the site. Most recent application:

N/2007/0937 - Mixed use development comprising 606 m² of B1 commercial employment space, 168 dwellings (106 apartments and 62 units of family housing), associated car parking and public open space (including a children's equipped play area) – approved 5 June 2008.

N/2009/0340 - Residential development comprising 92 no. two storey dwellings, new road layout and landscaping treatment – withdrawn 11 November 2009.

Consultations

Highways Development Control – comments awaited

Environmental Protection Director – comments awaited

Merseyside EAS – no objection subject to contaminated land provisions, and noise mitigation measures to be incorporated into the development.

United Utilities – no objection in principle

Environment Agency – comments awaited

HSE – comments awaited

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Network Rail – no objections subject to all development having regard to the operation of the adjacent railway and also having regard to the increased use of the footbridge adjacent to the site.

Merseytravel – need to ensure no congestion to Virginia Street, full travel plan required to promote sustainable modes of travel, contribution should be sought towards improvement to Southport Railway Station and the need to secure improvements to nearby bus stops.

SP Energy (Scottish Power) – no objection subject to condition requiring replacement substation.

Merseyside Crime Prevention Officer – final comments awaited

Neighbour Representations

Last date for replies: 8 December 2009.

Site notice expiry 18 December 2009.

Reference made to difficulty of inspecting plans from 40/44 and 45 Virginia Street. Direct web links have been sent to the e-mails of the properties in question.

No other material planning representations received.

Policy

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

AD2	Ensuring Choice of Travel
AD3	Transport Assessments
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
DQ5	Sustainable Drainage Systems
EDT18	Retention of Local Employment Opportunities
EDT2	Provision of Employment Land
EP1	Managing Environmental Risk
EP3	Development of Contaminated Land
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
H11	Mixed Use Developments Incorporating Housing
H12	Residential Density
H2	Requirement for Affordable, Special Needs and Housing
H3	Housing Land Supply
H6	Housing Opportunity Sites
NC2	Protection of Species

Comments

The proposal represents an alternative to that previously approved, in providing for 90 dwellinghouses in a mix of terraced blocks. The principal means of access would be from Virginia Street and some properties have both direct access onto Virginia Street and Hodson Street to the eastern end of the site.

The density of development would equate to 57 dwellings per hectare which marginally exceeds H2 policy looking to secure 30-50 but permission has been granted previously for 169 units which give rise to far more substantial density levels and the conventional nature of the layout is such that it can be acceptably accommodated.

The scheme no longer brings on site employment use and a financial appraisal is currently being independently assessed on the Council's behalf, which seeks to clarify that the site cannot be developed viably should it be necessary to accommodate such use.

The layout and design quality of the proposal in its context

The layout of the scheme has been designed to respond to the scale, massing and character of the surrounding residential environment. For example, the two storey units fronting onto Virginia Street follow a continuous building line that reflects that of adjoining and opposing buildings.

In terms of the design of the buildings and the materials used, the development proposal has been guided by the objective of achieving a high quality, contemporary design.

The recent application was withdrawn after a number of design concerns were raised. The Director has worked closely with the applicant to amend the design to respond to these concerns and a significantly improved layout has been achieved by Repositioning the access to for allow a more continual run of built form and more open pedestrianised link which assists links to the town centre. This walkway is 10 metres wide as with appropriate landscaping and lighting will present a very attractive option for pedestrians.

There is an inevitable interface with the railway line. The amendment now incorporates a double staggered tree planting scheme together with acoustic barriering to the railway. This will give visual amenity benefit to the residents facing the railway and enables all gardens to have a back to back emphasis.

In turn, virtually all properties address a true street frontage directly, or something similar, no space is left over or unusable, and there is a strong rhythm presented to Virginia Street which was always critical to the future development of this site. Where commonly open grassed area might be anticipated, they are built into front/side gardens to allow for a true sense of ownership.

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Each dwelling will benefit from its own off street parking space and provision is built into the scheme to ensure that each property has a storage area for both refuse and recycling bins. The layout provides sufficient space for conventional bin collection to be readily achievable.

The revised layout is considered to be excellent and fully compliant with the key policies of the Sefton UDP.

The effect on the amenity of nearby residents and nearby users, and the living conditions of prospective occupiers

The dwellings all have back gardens of acceptable depth, and there is no direct overlooking of dwellings outside the application site, or uncomfortable relationships within the site. The amenity of residents is enhanced compared with the approved scheme due to the reduced height of buildings to the rear of the site, and the loss of employment activity will give rise to a fully residential scheme in an identified residential area.

It is considered there will be no loss of light or outlook to those nearest to the site and thereby no material harm ought to result for residents both new and existing.

The necessary traffic calming measures to Virginia Street should reduce the speed of traffic on the stretch fronting the development site to the point where there is improved amenity for residents facing this route.

Highway safety and traffic

The comments of Highways Development Control are awaited in full but it is expected that the requirements connected to the previous application will remain applicable on this occasion.

The previous scheme required a number of measures:

- the reconstruction of the existing footways adjoining the site on Virginia Street, Hodson Street and Mill Street;
- the closing off of the existing redundant vehicular accesses;
- the construction of a new 'commercial style' vehicular access on Virginia Street with flush kerbs and tactile paving either side of the access;
- the construction of a series of new footway crossings along Virginia Street, Hodson Street and Mill Street;
- the alteration of the carriageway markings at the proposed junction with Virginia Street,

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- the introduction of a scheme of traffic calming measures on Virginia Street (between Scarisbrick New Road/Eastbank Street and Ash Street), Hodson Street and Mill Street
- the introduction of a 20mph Traffic Regulation Order;
- the introduction of access kerbs and the alteration of the footway levels to two bus stops on Virginia Street;
- the provision of shelters at two bus stops; and
- the alteration and introduction of waiting restrictions on Virginia Street, Hodson Street and Mill Street.

The scheme is expected to deliver a range of improvements in respect of highway safety, accessibility and other alterations. The 'Homezone' referred to above has now been omitted from the layout and clearly, the measures contained within this will not be a requirement of the revised layout.

There is a clear and identified short fall in affordable housing provision within Sefton which is compounded at present by difficult economic circumstances. The latter has resulted in a significantly reduced number of residential dwellings on the site, which in turn reduces the overall affordable housing contributions.

Similarly, the affordable requirements connected to both schemes as permitted at present, afford insufficient flexibility and offer no stimulus for early investment at either site.

The current Policy H2 and advice contained in Planning Policy Statement 3: Housing stipulates that this site is required to make specific provision for affordable housing.

The development would accommodate the affordable housing requirement both for this development and for the Southport Royal Infirmary (SGI) site (S/2009/1004). The affordable units are all on the western side of the site but there is no distinguishable design difference between these and those for open market sale, other than that the affordable houses will be built to Code 3 Sustainable Homes Standard.

In total, the developments combine to provide a total of 706 bed spaces. 30% of these equate to a total of 212 bedspaces.

The application proposal will provide for 214 bedspaces to be affordable and these are to the western side of the site. 80% of these would be via a Registered Social Landlord (RSL), and 20% intermediate. This would equate to approximately 46 dwellings on site.

To ensure delivery, a Section 106 will be provided which in addition to covering the requirement for greenspace off site, will ensure that affordable housing is delivered in timely fashion.

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The agreement will link directly to the SGI and the phasing stipulation will be that there will never be more open market spaces available for occupation on either of the two sites than there are affordable units.

For example, if 12 affordable bedspaces are made available on Leaf, there can never be more than 11 for general sale available on either Leaf or the SGI taken individually. This will ensure that during the construction phase, a minimum of 33% of bedspaces available will be affordable.

Members are asked to agree the layout but delegate the completion of the Section 106 to the Planning and Economic Regeneration Director on this basis.

Trees and greenspace

The development provides a total of 271 trees on site. This is 1 tree in excess of the DQ3 policy requirement and the majority of these are frontage trees, or are planted near to boundaries with existing dwellings, or in the double staggered area fronting the railway line to the north. It is a well considered landscaping scheme that meets with the specific requirement of Policy DQ3.

The requirement for greenspace is established by Policy DQ4 and the associated Supplementary Planning Document 'Trees and Greenspace'. This states that a total of £1,684 is required per dwelling at 2009/10 rates. As 90 dwellings are proposed, a contribution of £151,560 is required to meet with the specific requirement of Policy DQ4.

It is anticipated that the commuted sum payment will be covered within the Section 106 Agreement

The original application by virtue of a more substantial number of dwellings afforded a far more substantial sum. It was accepted that £150,000 of the DQ4 provision would go towards footbridge improvements. It is considered that the works are essential and members are asked to agree that the contribution be targeted to these works.

Industrial land supply

There was a long standing requirement from the original development brief to reprovide employment activity on site, following the closure and subsequent demolition of the existing factory. The planning permission for the site gives rise to office facilities close to 600 square metres.

The applicant has sought to justify the omitting of the employment provision on this occasion, due to the costs associated with providing affordable housing. There are also policy provisions contained within EDT18 relating to the issues of providing employment land in a scenario where it may be detrimental to amenity, and the applicant points out that a shortage of affordable housing in the Southport area. They argue that if the necessary affordable housing is provided then the provision of

employment land as well would render any redevelopment of the site unviable.

An appraisal has been submitted to demonstrate this. The Council's retained consultants comment on the appraisal as follows:

"The inclusion of employment use within the scheme would impact on viability, particularly as land values in the area for employment/industrial units are around only 20% of those for residential. This is likely to make even a part development of the site for commercial use marginal and would now allow the site to progress considering the land acquisition costs.

I therefore recommend that the Council accept the offer and do not insist on the employment component being included in the scheme.

I have not commented here on the mechanism by which the on-site affordable housing is developed. I understand this is being settled between the Council and Bellways through an appropriately worded S106 agreement. These discussions are ongoing."

It is considered based on this analysis that the principle of an entirely residential development should be accepted in this instance.

Pedestrian links to the town centre and improvements to the Victoria Way Footbridge

Whilst the comments of Highways Development Control are awaited, the existing pedestrian footbridge over the railway lines to the north of the site provides an excellent convenient link to the town centre and the train station. Despite it being a very popular route, the condition of the bridge could be significantly improved to make it safer and more attractive. A package of improvements consisting of enhanced lighting, CCTV, anti-slip surfacing, refurbishment of parapets handrails and staircases and the provision of a wheeling ramp for cycles has been identified.

In addition, there is a desire to make the bridge DDA compliant by introducing ramps at either end. However, it is acknowledged that achieving this will be subject to an acceptable design obtaining agreement/land transfer/licence from Network Rail, planning approval and adequate funding.

Despite the number of dwellings being reduced, the opportunity is a one-off opening to secure all of the above to offer a genuine and widely appreciable series of measures that will open up a far more desirable route to and from the town centre than exists at present. Members are asked to maintain the priority in the Section 106 contribution in favour of providing these improvements.

Contamination

Much work has already been undertaken in respect of the site being remediated, but It is considered appropriate that all of the standard conditions ought to be applied, with provision made to ensure plot validation at such time as construction takes

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place.

The comments of the Environment Agency are awaited and their views will be reported by late representation.

Noise and disturbance and safety of rail users

An Environmental Noise Study was submitted with the application and this recommends measures relating to passive ventilation and appropriate glazing, seals and window configurations. The study requires some minor modification given that the plot layout has been revised, but the measures in their own right are seen as acceptable. There will need to be a raising of some boundary treatments to 2 metres in certain points to ensure that garden areas do not suffer from noise levels over and above those generally accepted under World Health Organisation (WHO) guidelines.

The study also promotes acoustic fencing to the railway side of the site, which is considered acceptable from a noise attenuation standpoint, however, discussion is taking place in connection with the prospect of more solid walling to the railway which offers a more robust and secure boundary for eventual occupiers.

Network Rail has been consulted on the implications for rail safety and did not raise objections to the withdrawn scheme. Their comments will be reported by way of late representation.

Flood risk and drainage

A Flood Risk Assessment (FRA) has been submitted alongside the application and has been presented to the Merseyside Environmental Advisory Service (MEAS) and the Environment Agency.

It is not anticipated that an issue will arise from this..

The Planning and Economic Regeneration Director seeks Committee authorisation to grant planning permission subject in part to the appropriate consultees being satisfied that there are no implications in respect of the potential for flood risk.

In view of high levels of groundwater on site It is agreed that a land based SUDS scheme that adopts infiltration techniques such as soakaways and ponds may not work to maximum efficiency however, but other SUDS technique such as rainwater harvesting, attenuation tanks and green roof systems could potentially provide similar benefits for example, surface water attenuation, pollution control and enhanced biodiversity. Policy DQ5 is relevant and should be complied with. A condition is required to ensure that certain SUDS techniques are integrated into the scheme.

Nature conservation

The applicant submitted a bat and barn owl survey report alongside the original application but the buildings have since been demolished. The survey found no

evidence of recent or historic use of the buildings by barn owls or bats. It is therefore accepted that no further assessment of the proposals against the three tests set out in the Habitats Regulations 1994 (as amended) is required

Tree planting will comprise only small-seeded species, favouring red squirrels and discouraging the occupation of grey squirrels into the area, are used.

There are records of slow-worm within the vicinity of the site. Slow-worm is protected by law against killing, injury, sale or trade in any way. The condition attached to the previous approval to ensure that appropriate corridors are maintained for their continued presence should be re-applied here.

It is recommended that bat bricks be incorporated into the design of the new buildings. The inclusion of bat bricks, or similar habitat provision, would make a valuable contribution towards the Bat Species Action Plan in the NMBAP. Policy NC 3 of the adopted Sefton UDP applies. It is expected that at least one per dwelling should be provided. Bird nesting boxes will also be provided as part of the scheme.

Site Waste Management Plans

The development is likely to generate a significant quantity of waste, and several sources of waste are identified including demolition waste, asbestos, contaminated soils and other made grounds. MEAS have previously advised that the developer should prepare a Site Waste Management Plan (SWMP) in accordance with PPS10 Sustainable Waste Management (Paragraph 34). A condition is attached to secure this and it remains relevant despite all buildings having been removed.

The plan would need to identify the types and quantities of the materials subject to demolition and/ or excavation, opportunities for reuse and recovery of material should be explored, e.g. use of recycled aggregates, along with a demonstration of how off-site disposal will be minimised and managed. The SWMP must also consider ways of managing waste that is likely to be produced as the site undergoes construction, so that the construction techniques etc. are as resource efficient as possible. This is covered by condition.

Other matters

SP Energy has an existing substation on site that would need replacing should the development take place. The loss of the substation will give rise to issues in respect of electricity supply and a condition is attached to ensure that the replacement is constructed before development is occupied.

United Utilities have raised no objection in respect of issues of water supply.

Reasoned Justification

The scheme will bring forward the comprehensive redevelopment of an identified Housing Opportunity site whilst bringing a range of improvements to local accessibility to the town centre, a high standard of design and significant tree planting whilst ensuring a significant

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regeneration benefit through the removal of long standing industrial buildings on site.

The scheme is consistent with the aims of all national and local policies as set out within the Committee Report and, in the absence of any other material planning considerations, the granting of planning permission is therefore justified.



Contact Officer: Mrs S Tyldesley Telephone 0151 934 3569

Case Officer: Steve Faulkner Telephone 0151 934 3081

Committee: **PLANNING**

Date of Meeting: **16 December 2009**

Title of Report: **S/2009/1004**
Site of former Southport General Infirmary
Scarisbrick New Road, Southport
(Kew Ward)

Proposal: Approval of Reserved Matters application for a residential development of two and three storey dwellings comprising: public open space, children's equipped play area and associated car parking. (Details pursuant to planning permission N/2006/1054 granted 15/10/2007) Re-submission of N/2009/0341 withdrawn.

Applicant: Bellway Homes (NorthWest Division)

Executive Summary

The proposal is for the approval of reserved matters following the approval of outline planning permission N/2006/1054. The issues for consideration are the appearance of the proposed housing on the character of the surrounding area; the residential amenities of potential occupiers; provision of an on site equipped children's play area; vehicular and pedestrian access and the provision of the required affordable housing for this site on a nearby site at Virginia Street. This report should be read in conjunction with that for the former Leaf Site, Virginia Street, Southport (S/2009/0975)

Recommendation(s) **Approval**

Justification

The proposed development makes a positive contribution to the character of the surrounding area; provides a good level of residential amenity for the occupants of the proposed dwellings and neighbouring properties and provides for on-site children's play area. As such it complies with policies CS3, DQ1, DQ3, DQ4 and AD2 of the adopted Sefton UDP. Whilst not complying with policy H2 in respect of affordable housing on site, a commitment towards the equivalent on-site provision at Virginia Street, Southport is to be secured through a S106 legal agreement.

Conditions

1. X1 Compliance
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or

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dormer window shall be added to the rear (north) facing roofslope of plots 37, 38 or 39 unless expressly authorised.

3. Prior to the occupation of any of the dwellings on plots 6 to 18 hereby permitted, details of an acoustic fence shall be submitted to and approved in writing with the Local Planning Authority. The acoustic fencing shall then be erected in full accordance with the approved details prior to the occupation of any of the dwellings on plots 6 to 18.

Reasons

1. RX1
2. RR-3
3. To protect the residential amenity of the occupants of plots 6 to 18 and to comply with policy H10 of the adopted Sefton UDP.

Drawing Numbers

Financial Implications

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

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

History referred to
Policy referred to

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Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2009/1004 Site of former Southport General Infirmary Scarisbrick New Road Southport PR8 6PH OSGR: 334934, 416335		Sheet(s): 4700, 4716 Area: 13678 sqm		Standard Site Plan Scale: 1:1250 Date: 30/11/2009 Drawn By: BEERT on	
	<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181923.</small>		Ward(s): Kew Postcode Sector(s): PR8 6 Polling District(s): T2 Parish(es): None Found			

The Site

A vacant site positioned between Curzon Road and Pilkington Road and to the east of the remaining hospital buildings fronting onto Scarisbrick New Road. The majority of the former hospital buildings have now been demolished.

The surrounding area is principally characterised by large detached Edwardian houses with driveways and front boundary walls. Both Pilkington Road and Curzon Road are lined with mature trees.

Proposal

Approval of Reserved Matters application for a residential development of two and three storey dwellings comprising: public open space, children's equipped play area and associated car parking. (Details pursuant to planning permission N/2006/1054 granted 15/10/2007) Re-submission of N/2009/0341 withdrawn. Matters for approval are access, appearance, landscaping, layout and scale.

The main differences between the current proposal and that which was withdrawn (N/2009/0341) and visited by Planning Committee on 26 November 2009 are as follows:

- Children's play area is now to be provided in two locations on site, part on the Curzon Road frontage and part within the site
- Buildings fronting Curzon Road have changed from two-storey mews houses to detached two and two-and-a-half storey houses.
- The proposal is for 60, two and three-storey dwellings, comprising 12 detached houses, 10 semi-detached houses and 38 mews houses.

Broadly the layout of the proposed development presents new buildings along the street frontages of Pilkington Road and Curzon Road and with an access road into the central part of the site achieved from Pilkington Road.

The Pilkington Road frontage proposes detached houses, grading from three storey to two storey from north (ie adjacent to existing buildings) to south, towards the vacant site fronting Scarisbrick New Road. Views into the site from the access road on Pilkington Road terminate with a three storey building.

Similarly the Curzon Road frontage presents detached two- and two-and-a-half storey houses with integral garages and access to driveways achieved directly from Curzon Road.

Within the site, the access from Pilkington Road branches into two cul-de-sacs, one leading south, the other north. To the north of the site is a 'courtyard' of houses and to the south, a row of two-storey mews houses.

The children's play area is proposed in two separate parts, linked by a pedestrian route. One site is on the Curzon Road frontage and the other is in the centre of the

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site, to the rear of properties fronting onto Pilkington Road.

- Both play areas include children's play equipment and in total provide a total area of 885 sq metres, which is just short of the 900 sq metres required as part of the outline planning permission.

History

Various planning applications in relation to the use of the site as a hospital

N/2006/1054 Outline application for residential development, after demolition of the existing buildings - Approved 15 October 2007

N/2009/0341 Reserved matters application for a residential development of two- and three-storey dwellings comprising public open space; children's equipped play area and associated car parking
Withdrawn 26 November 2009

Consultations

Leisure Department: Comments awaited

Environmental Protection Director: Information must be submitted to comply with conditions on N/2006/1054 in respect of land contamination and piling. An acoustic fence should be erected along the southern boundary of the site adjacent to existing hospital site.

Police Architectural Liaison Officer: Full comments awaited.

Highways Development Control: No objections in principle. Full comments to be made available prior to Planning Committee.

United Utilities: No objection provided the site is drained on a separate system with only foul drainage connected to foul sewer. Surface water should discharge to soakway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to discharge to public surface water sewerage system, the flow may need to be attenuated to a maximum discharge rate determined by United Utilities.

Any sewers proposed for adoption, the developer should contact United Utilities. A water supply can be made available. The mains in Pilkington Road and Curzon Road will need to have a cross connection between the two to feed the development. A separate metered supply to each unit will be required at the applicant's expense.

Merseytravel:

- Traffic should be accommodated within the local highway network without congestion which would impede buses on Scarisbrick New Road.

- Travel Plan should be requested
- Dial-a-ride vehicles should be able to gain access
- Good quality walking routes should be provided to bus stops

Neighbour Representations

Last date for replies:

Site Notice and Press Advertisement expire: 18 December 2009

No comments received to date.

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
H12	Residential Density

Comments

The application arises from outline planning permission granted in 2007. Outline planning permission establishes the principle of development. The current application for reserved matters seeks approval for details of access, appearance, landscaping, layout and scale. Consent is sought for the layout of the proposed residential development of 60 dwellings, including the provision of a children's play area as required by the outline planning permission.

The principle of residential development has therefore been accepted. The issues for consideration are the provision of affordable housing on an alternative site at Virginia Street; the density of development, the layout of the proposed houses, scale, massing and design of the proposed houses, particularly along the street scenes of Curzon Road and Pilkington Road; pedestrian and vehicular access into and within the site and the position and design of the proposed children's play area.

Affordable Housing Provision

In respect of the requirement for affordable housing, it is proposed that this site is considered together with that of the former Leaf site, Virginia Street, Southport (application S/2009/0975).

All of the affordable housing as required by policy H2 is to be constructed at the Leaf site, with no affordable housing provided on this site.

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Affordable housing would normally be constructed as an integral part of any market housing scheme, with affordable units distributed evenly or pepper-potted throughout a site. However, given current market conditions, the developer is not in a position to start work on the developments at either the former SGI site or the former Leaf site on Virginia Street and has indicated that he will otherwise have to 'mothball' both sites for a couple of years until the market picks up significantly. In this situation neither market nor affordable housing would be delivered for a number of years. Both sites require a degree of remediation and the developer maintains that in the current very fragile housing market *'the affordable component is depressing the realistic prospect of bringing development forward'* (para 6.7 revised Design and Access Statement).

The developer therefore maintains that if any development is to be brought forward on either site, this can only be achieved by consolidating the affordable housing element on one site, with the affordable element funded by HCA grant. This would then facilitate the development of the market-housing component at the Leaf site and indirectly help with market housing on the SGI site.

It is important to emphasise that, the total amount of affordable housing to be provided is not less than would have been provided on the two sites taken separately. It is simply that all provision is now proposed to be provided on the Leaf site. Similarly, for construction reasons, with the affordable housing on the Leaf site being provided ahead of the bulk of market housing, pepperpotting is not a feasible proposition.

In respect of these sites, the Council has to balance the advantages of delivering the affordable housing in the manner proposed (i.e. all on one site and without pepperpotting) and it 'kick-starting' the market housing, against the very real risks that nothing will happen on these two sites for a couple of years or so. In this situation, the weight is strongly in favour of agreeing to these proposals.

The level of affordable housing, as expressed as bedspaces, is to be consistent with policy H2 and secured through a S106 legal agreement. In this case, it is therefore considered acceptable in principle for the affordable housing to be provided on site at Virginia Street.

Layout and Children's Play Area

-
- Overall, the proposal re-establishes the rhythm of development along the two street frontages to Pilkington Road and Curzon Road, with large detached houses at regular spaced intervals. The proposed form of development re-establishes the 'building lines' along the two streets and as such results in a significant improvement to the Edwardian character of the area. This had been lost by the piecemeal development of the hospital site with a variety of building heights and positions.
-
- Views into the site from Pilkington Road will terminate in the front elevation of a three-store building. This presents an interesting focal point to this view and reinforces the character of the development as responding to the Edwardian character of the area.
-
- The proposal to split the children's play area into two separate parts in this case is

considered to be acceptable. The two spaces are to be designed as play areas along a route through the site, following pedestrian 'desire lines'. They are positioned in such a way as to maximise natural surveillance from the surrounding properties, so reducing the potential for anti-social behaviour.

-
- Play equipment is to be positioned at further points from the residential curtilages of the surrounding properties so as to minimise noise and disturbance. Management of these sites is to be retained by a management company established by the developer. Should management of this site prove to be inadequate the Council retains the option to assume control of this maintenance, provided a commuted sum payment is made. The calculation of this maintenance commuted sum is based on a period of 10 years maintenance period ie £62,500. This is to be secured through the S106 legal agreement. The submitted plans give photographic illustrations of the type of play equipment to be installed. A detailed specification of this play equipment could also be included within the S106 legal agreement.

-
- **Greenspace contribution.**

-
- A S106 legal agreement was signed by the landowner in respect of the outline planning permission N/2006/1054). This related to the provision of affordable housing, the provision of on-site children's play area and a contribution towards off-site Greenspace provision. This section 106 agreement would now require substantial re-wording and it is recommended that a replacement agreement is sought.

-
- With regard to the contribution towards off-site Greenspace, advice in SPD now states that where Greenspace is to be provided on site, this should be deducted from the calculation towards off-site provision. Therefore the commuted sum payment in respect of Greenspace should now be calculated on the basis of £1684 (55 sq metres) per dwellings, minus the 885 sq metres to be provided on site.

-
- This equates to 55 x 60 dwellings = 3,300 sq metres, minus 885 sq metres = 2,415 sq metres; divided by 55 sq metres
- = 44 x £1,684 = £74,096
- The developer has agreed to pay this total of £74,096

-
- **Density**

The density of the proposed development equates to 41 dwellings per hectare. This complies with policy H12 which seeks densities of 30 to 50 dwellings per hectare and the character of the surrounding area which is typically lower density.

-
- **Design and Appearance of Buildings**

-
- The height and scale of houses along Pilkington Road and Curzon Road frontages will be critical to the success of the development and its integration into the surrounding street scenes.

-
- In respect of Pilkington Road, the two buildings proposed to the north of the site, adjacent to the existing buildings are of a similar scale and height. The remainder of the houses along this street frontage are smaller in scale, with ridge height approximately 1.5 metres lower than the older Edwardian houses in the street. Whilst smaller in scale and with narrower gaps between houses than the existing houses, the proposed

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dwellings are consistent with the character of the area and are considered to be acceptable.

-
- The houses fronting Curzon Road will appear small in scale compared to the adjacent PCT headquarters building which is to be retained. However, the scale of the buildings immediately adjacent to existing houses on Curzon Road ie plots 33, 34 and 35 is similar to the neighbouring properties at 7 and 11 Curzon Road.
-
- The existing houses in Pilkington Road and Curzon Road have a consistency of style but are not all the same. Details of the elevational treatment of these frontage properties have attempted to echo the style of the Edwardian houses, including gables, fascia boards, bays and variety in the size of fenestration. Styles within the site are similar to those fronting Pilkington and Curzon Roads, but are simpler.
-
- Whilst the proposal is clearly that of 21st century design and for example include integral garages, elements are reminiscent of the surrounding area. The proposal attempts integrated into the Edwardian design of the surrounding area and, overall, is considered to achieve this aim satisfactorily. The proposal will make a positive contribution to the character of the surrounding area.
-
- Landscaping plans including full details of hard and soft landscaping have not been submitted at the time of writing this report. It is anticipated that these plans will be submitted prior to Planning Committee and an assessment of these plans will be reported as part of the late representations.

Accessibility

In respect of access into and within the site for pedestrians and private vehicles, full comments will be reported separately at Planning Committee. However, the principle of the proposed layout, with the use of shared pedestrian and vehicular surfaces on the cul-de-sacs within the site is appropriate. This will facilitate pedestrian movements through the site and connect the two play areas.

Residential Amenity

Guidance in SPG: New Housing Development seeks garden areas of 70 sq metres with a length of a minimum of 10.5 metres. The houses fronting both Pilkington Road and Curzon Road achieve the minimum garden length and exceed the recommended minimum garden area. Other plots within the site fall short of these garden areas, achieving between 55 and 60 sq metres. However, these garden sizes are considered to be appropriate for a suburban location and provide an adequate level of amenity for potential occupiers.

The rear gardens of houses at plots 6 to 18 back onto and existing hospital site which is to be re-developed for the same purpose. It is anticipated that an access road will be positioned along the boundary of these two sites and in order to protect these properties from undue noise and disturbance it is recommended that an acoustic fence is erected along this boundary.

Gardens at plots 37, 38 and 39 to the north of the site are approximately 8.5 metres long. Whilst this is not considered to cause significant overlooking of the rear garden

of 13 Curzon Road, it is considered reasonable and necessary to remove permitted development rights for the installation of dormer windows in these houses, in order to prevent such overlooking.

Throughout the proposed development, all habitable rooms will have a reasonable level of outlook.

With regard to the potential for overlooking, minimum window to window distances should be 21 metres between habitable room windows in 2 storey elevations, with an increase of 5 metres for each additional storey. Where 3 storey houses are proposed, these minimum standards are not met, but the potential for overlooking has been minimised. For example, plots 27, 57 and 59 include a rear facing dormer window; these are to be obscurely glazed. Plots 26, 28, 57 and 59 include two rear facing bedroom windows. Plans have been amended to remove juliet balconies and to reduce the size of these rear facing bedrooms, so that they are not the master bedroom in the house. This will help to reduce any sense of overlooking for the neighbouring occupiers.

In all other respects, the proposed layout is not considered to result in overlooking of either existing or proposed dwellings.

Tree Planting

Policy DQ3: Trees and Development requires 3 trees to be planted for each new dwelling and 2 for every tree removed from site. The proposal allows for 180 trees to be planted on site, thus meeting the requirement in respect of trees for new dwellings.

One small Tree on the Pilkington Road frontage, covered by a Tree Preservation Order (T4) is to be removed and 2 trees must be planted to replace this tree. Its loss will not be detrimental to the visual amenity of the area.

Recommendation

Delegated authority to approve subject to the expiry of the site notice and press advertisement, the removal of permitted development rights for the installation of dormers at plots 37, 39 and 39, the installation of an acoustic fence to the southern boundary of the site and the signing of a S106 legal agreement as outlined in this report in respect of:

- The provision of sufficient affordable houses bedspaces at the former Leaf site, Virginia Street, in compliance with UDP policy H2.
- Management arrangements for the two children's play areas
- Commuted sum payment in respect of off-site Greenspace provision in compliance with policy DQ4
- Detailed specification of play equipment within children's play areas

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

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

Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0075**
Land to Rear Kensington House
Sports & Social Club Station Road, Maghull
(Sudell Ward)

Proposal: Construction of 6 no. semi-detached two storey dwellings and access road

Applicant: Mr Graham Barlow

Executive Summary

This application proposes development on an area of private greenspace adjoining the bowling green at Kensington social club and extends the existing cul-de -sac at Gatley drive. The main issue concerns the acceptability of development on this greenspace in the context of the existing use and benefits of the greenspace and the greenspace system of which it is part. Other issues concern housing need, trees and ecology, residential amenity, access, design drainage and compliance with SPG guidance.

Recommendation(s) Approval

Justification

The proposed development on greenspace for housing which is needed in the area has been justified in terms of retaining the visual benefits of the greenspace and providing compensatory provision. In other respects the proposals meet UDP policies. Taking these and all other material considerations into account ,the development is acceptable.

Conditions

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. L-1 Protection of trees
4. H-2 New vehicular/pedestrian access
5. H-6 Vehicle parking and manoeuvring
6. The provisions of the submitted Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.
7. M-6 Piling
8. NC-5 Japanese knotweed scheme
9. NC-6 Japanese knotweed eradication

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10. L5 Landscaping (scheme)
11. L-4 Landscape Implementation
12. NC-4 Protection of breeding birds
13. NC-2 Species Survey
14. Any fencing provided within 3 metres of the canal bank shall be restricted to a picket fence not exceeding 1metre in height
15. S106 Agreement
16. The agreed actions set out in the memo from Leisure and tourism dated 21/04/10 shall be implemented in full except that the marketing shall be paid for by the applicant and not taken from the S106 contribution.
17. The access gate to the adjacent bowling green shall be used for maintenance access for the bowling green only and shall be kept locked at all other times.
18. X1 Compliance
19. No development approved by this permission shall be commenced until a detailed scheme for the disposal of foul and surface water drainage based on the SUDS review document has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the drainage system has been constructed and completed in accordance with the approved plans.

Reasons

1. RT-1
2. RM-2
3. RL-1
4. RH-2
5. RH-6
6. RH-11
7. RM-6
8. RNC-5
9. RNC-6
10. RL1
11. RL-4
12. RNC-4
13. RNC-2
14. to protect the visual character of the canal and comply with UDPpolicy G4
15. R106
16. To provide compensatory provision in respect of UDP Policy G2
17. To protect the amenity of nearby residenta in accordance with UDPpolicy CS3
18. RX1
19. RE-1

Drawing Numbers

150/1revA, 150/02A,150/3RevB, 150/04 rev A

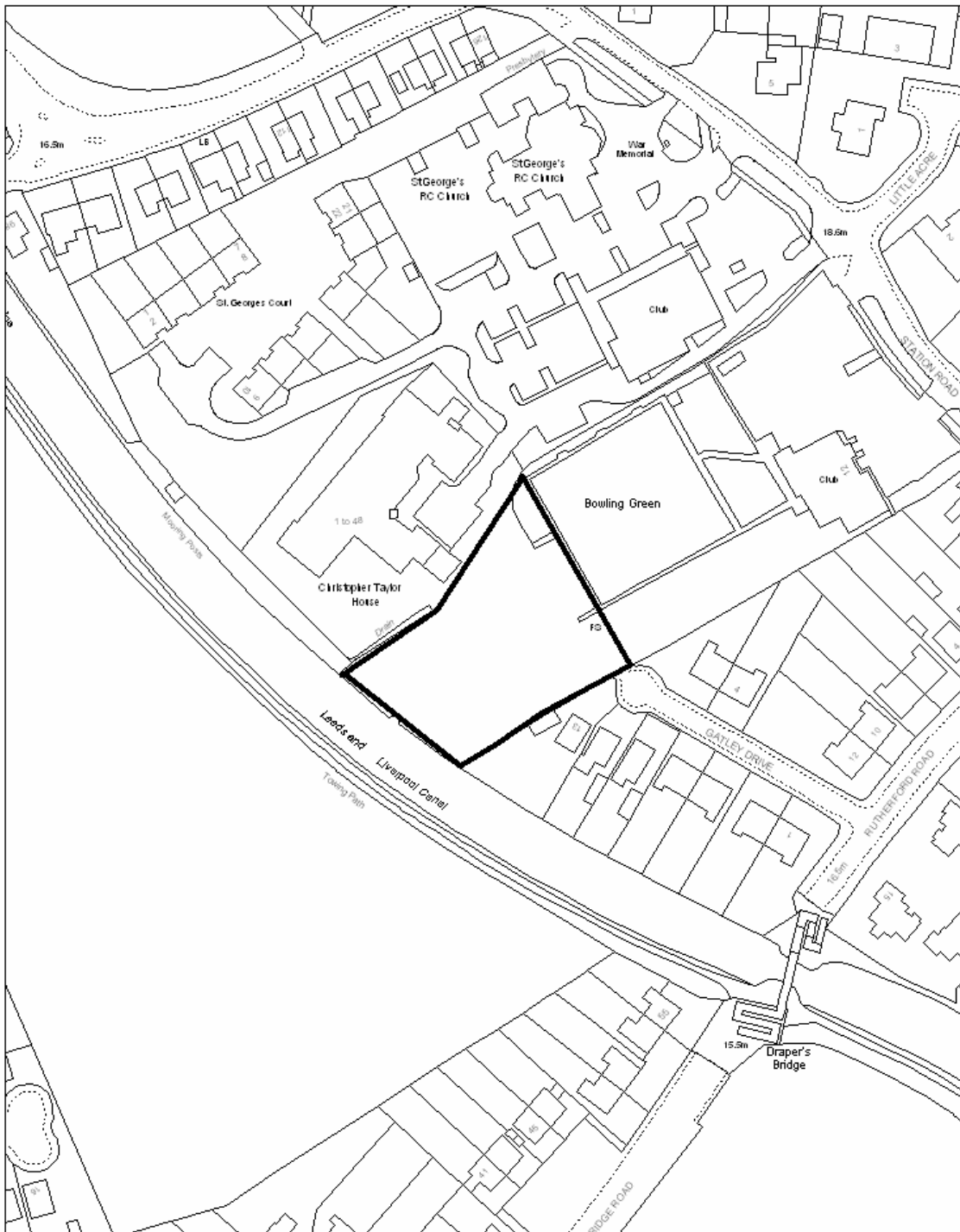
Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5b



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/0075 Land to Rear Kensington House Maghull			Standard Site Plan Scale: 1:1250 Date: 20/3/2010 Drawn By: EBERT on
	<small>OSGR: 337998, 401515</small>	<small>Sheet(s): 174B, 173C, 173D, 174A</small>	<small>Area: 2368 sqm</small>	

S/2010/0075

This application was considered at the Planning Committee Meeting on 7th April and the application was deferred to allow Officers to submit further information regarding the impact on greenspace, the highway and flood risk.

The Site

This application concerns a 0.26 ha site which is within the grounds of the Kensington House Sports and Leisure Club. It has formerly been a practice bowling green but this is not in good condition and is not presently used.

The site adjoins Christopher Taylor Home to the north-west and residential properties in Gatley Drive to the south-east. The Leeds and Liverpool canal lies to the south-west of the site. There are a number of large trees on the boundaries of the site and trees and shrubs adjacent to the canal.

Proposal

Construction of 6 no. semi-detached two storey dwellings and access road

The proposals comprise the extension of Gatley Drive to provide a small cul-de-sac 6 houses

History

None relevant.

Consultations

Highways Development Control - no objections as no highway safety implications. The site is in an accessible location close to the station, shops and local facilities. There is existing single yellow line restriction which will need to be extended into the new section of Gatley Drive. Conditions are recommended.

Environmental Protection – no objections subject to standard conditions. Floodlights on the bowling green may require reorientation to prevent lightspill/glare onto the proposed new houses.

Environmental Agency - the site is located in flood zone 1 and is less than a hectare in size. A formal FRA is not therefore required. Measures should be taken however to ensure that the proposed development can cope with the increased surface water runoff which would result. SUDS would be advised.

No objections in principle but any tree and shrub should take place outside the bird nesting season; lighting should not interfere with bat/bird foraging; landscape planting should use species which encourage wildlife.

MEAS - highlights the need for conditions in respect of ecology, surveys for invasive species, water vole survey, more details of landscaping scheme, tree and shrub

Agenda Item 5b

removal outside the nesting season, provision of nesting boxes. A Bat Method statement has now been submitted and is acceptable.

British Waterways - initial objection on land ownership grounds, subsequently removed when additional information provided by the applicant. Now raise no objections but remain concerned that the rear garden areas of Plots 1 to 4 will suffer from a loss of light and outlook as a result of the presence of the trees on British Waterways' land, which may result in pressure from the new occupiers to remove or maintain the trees. Would wish to see trees protected.

Conditions recommended to avoid pollution to the canal, and ensure appropriate surface water drainage.

Fire and Rescue Service - access for fire appliances adequate and premises will not cause unacceptable hazard to neighbouring premises.

Maghull Town Council - opposes the application for the following reasons

- loss of privacy
- traffic
- noise and loss of rural character
- houses are 3 storey and 1.8m higher than existing properties
- flooding/inadequate drainage
- ecological impact
- site not considered as part of the SHLAA process
- club is not a community resource and its financial difficulties should not justify permission.

Leisure Services - I am pleased to set out in more detail the general outcome and conclusions from my recent meeting at the Kensington Club's premises on 15th April. The purpose of the meeting was to explore ways in which the club could be helped to develop its community involvement in a way which would not conflict with its constitution or fundamental aims.

The discussions with the club's officers ranged more widely than the issue of the bowling green and I am therefore confident that my recommended way forward, which I set out below, will deliver a significant degree of compensatory provision to the Maghull community.

I found the club to be very receptive to the general issue of increased public use and they are willing to work with me, through the Sefton Sports Council to do this. In addition, I have also gleaned that their constitution is already set up to enable this and the club programme of use also reflects an open and inclusive operation upon which we can build. My observations of the club are one that is; accessible, well run and already a valued part of the local community.

In addition to the issues we discussed, I believe the applicant has also indicated, in principle, that he would make a financial contribution of just under £50,000 which would be used to provide a children's play area at Glen Park, which is around 600m

north of the application site.

The following actions were agreed;

- Club to join and actively participate in the Sefton Sports Council's activities;
- Club to make a small contribution (c to £250) to the Sefton Sports Bursary Scheme, to assist with local sports development or coaching needs.
- Use approx £1,000 to allow the club to prepare or improve its marketing materials.
- Club to actively promote the facility for wider community use (with above funds) by;
 - by offering to existing bowling groups without facilities to hire/use club
 - to produce publicity material promoting club memberships
 - hosting an open day to encourage community interest

We also discussed the possibility of the club making club membership available to special interest groups on a reduced or free basis. However, I understand that this may cause difficulties with the club's constitution, so is unlikely to proceed. However, the annual membership fee for the club is only £60 in any event, which based on what is on offer is both good value and not prohibitive.

In my view, if these elements are agreed, considerable community benefits will be delivered by the club to the Maghull area, over and above the financial contribution which will fund the children's play area at Glen Park. In my view the community benefits which I have described above will more than adequately compensate the planning application also needs to be considered against UDP Policy EDT 18 :Retention of Local Employment Opportunities because it would involve the loss of a local employment opportunity. However, given the site's very small size and restricted nature, the fact that the current and previous activity is undesirable due to its close proximity to neighbouring residential properties and its redevelopment would secure environmental improvements, it is appropriate that this site should be developed for housing.

-

Neighbour Representations

Last date for replies: 22/02 Site notice 24/02 Press

A petition of 47 signatures has been received ,endorsed by Councillor Mainey opposing the development but giving no grounds.

Individual objections received from 6,7,11,13, Gatley Drive,

Objections raised are

- loss of green space
- road is narrow and will cause traffic problems—alternative access should be

Agenda Item 5b

considered.

- loss of privacy (due to reduction of trees)
- noise and disturbance from increased pedestrian and vehicle movements
- devaluation of property and diversity in population (currently older people)
- visual impact
- loss of trees and wildlife
- concern that sales monies will be insufficient to improve the club and may bring pressure for more development
- gate to the club site from Gatley Drive should be removed
- more planting should be provided to protect neighbours from additional noise if club used more.
- inadequate drainage –possible damage to existing drains, alterations to water table,

A letter has been received from occupiers of 1 Christopher Taylor House requesting proper management of the trees on the joint boundary.

An objection has also been received from 16 Far moss road Blundellsands objecting to the public use of the bowling green as they consider this to be a private members only facility.

The Maghull and District Conservative club has written in support of the application, pointing out that whilst the club is unable to offer free and unfettered public access to the community it is keen to work with Leisure Services to promote and develop the facility to the benefit of the local community

Policy

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

- AD1 Location of Development
- AD2 Ensuring Choice of Travel
- CS2 Restraint on development and protection of environmental assets
- CS3 Development Principles
- DQ1 Design
- DQ3 Trees and Development
- DQ4 Public Greenspace and Development
- DQ5 Sustainable Drainage Systems
- G1 Protection of Urban Greenspace
- G2 Improving Public Access to Urban Greenspace
- G4 Development adjacent to the Leeds and Liverpool Canal
- G5 Protection of Recreational Open Space
- H12 Residential Density
- NC2 Protection of Species
- NC3 Habitat Protection, Creation and Management

RSS Policy L4 Regional Housing Provision

Comments

The issues which need to be considered in respect of this application are :

- the principle of development on this greenspace site in the context of greenspace policy
- trees and ecology and relationship to the canal
- recreational facilities
- housing need
- access and parking
- detailed layout and design
- drainage

Greenspace

The land is designated in the UDP (2006) as being Urban Greenspace and presently comprises a disused small bowling green which is associated with Kensington House Sports and Social club. The site adjoins the Leeds and Liverpool canal and is part of a Greenspace system. The site has a series of mature trees running alongside the canal and northern boundary.

The site was assessed as part of the Urban Greenspace Audit 2007. The site scored as being average in the audit. The trees along the canal contribute towards the visual amenity of the area and provide visual relief on the canal bank from the sites either side which are mainly built up. There are also a number of trees on site that have a visual amenity value.

The site forms part of the wider Urban Greenspace system which runs along the canal from the Green Belt into the southeast edge of the centre of Maghull. This system includes some very large, high quality open spaces including playing fields, schools, sports pitches and open land around Damfield Lane which include the Whinney Brooke SLBI. The system as a whole delivers a wide variety of Greenspace benefits but this particular site does not form a critical part of this system and is in fact a bit detached from the main greenspace areas. The application site is quite self contained as a site, offering mainly visual benefits because of its tree cover.

Overall, the site is not in a Greenspace accessibility deficit area and does not contribute significantly towards the open character of the wider Greenspace system nor towards the publicly accessible Greenspace in the area.

UDP policy G2 allows for some development on sites with no public access where public accessibility is improved to much of the Greenspace site. By itself, this site is not appropriate for public access due to its location but the applicant is seeking to set up a programme of increased public access to the bowling green in conjunction with Leisure Services.

UDP policy G1 also allows for development of sites when replacement provision is provided. The applicant would be required to provide 0.258 hectares of suitable

Agenda Item 5b

Greenspace elsewhere. If this is not possible or practical then funding to improve the quality of or accessibility to public Urban Greenspace on another local site may be acceptable and outweigh the loss of part of the Urban Greenspace. In this case the applicant has agreed to provide funding for other greenspace improvement in Maghull in accordance with the priorities identified by Maghull Town Council. The applicant has agreed to provide a sum of £50,000 which is the equivalent cost of providing the proposed play equipment at Glen Park which is relatively close to the site.

Trees and ecology

There are a number of large attractive trees mainly on the perimeters of the site. The applicant has carried out a tree survey and has amended the plans to enable retention of all trees which are of value on the site. Some tree removal is proposed but this is mainly to remove Leyland cypress which are not native and not appropriate in this setting. The other removals are for dead/dangerous trees, those which present structural issues in relation to adjoining property or those which require thinning because of suppression. Only one sycamore is to be removed to accommodate development. All trees removed would be required to be replaced on a 2:1 basis either on site or with a commuted sum for off site provision. Some trees around the perimeter would be pruned. Overall the tree removal/pruning is for good management reasons and is acceptable.

In terms of ecological value, the applicant has submitted an ecological survey report which has been reviewed by MEAS. Subject to the imposition of conditions in respect of invasive species, tree planting scheme, breeding birds and water voles, no issues are raised. A Bat Method statement has now been supplied and is acceptable.

British Waterways raise no objections but are concerned to ensure retention of trees and suggest conditions in this regard, and also conditions to protect the canal bank during construction and for surface water drainage.

Recreational facilities

The proposal technically removes a potential bowling green. The site has, in the past been used a bowling green but this was not full size and has fallen into disrepair. The applicant points out that there is no need for such provision given that there are more than adequate bowling greens in Maghull. The applicant has however offered increased public use of the main bowling green in accordance with a scheme to be agreed with Leisure Services. In addition the applicant indicates that proceeds from the development of the land would be used to ensure the long term retention of leisure facilities on the site.

Since the previous report to committee a meeting has been held between Leisure Services and the applicant to resolve the detail of this wider public access and is reported in detail above. On the basis of implementing this agreement the proposal would offer benefit to sufficiently compensate the loss of recreational facility in terms of the practice bowling green.

Housing need

There is an identified shortage of housing land throughout the Borough, a position that was confirmed by Sefton's recently published Strategic Housing Land Availability Assessment (SHLAA). With regards to Maghull (inc Lydiate), the SHLAA identified potential for only 143 dwellings to be accommodated within the area over the next 15 years. Sefton's annual housing requirement, as defined by the Regional Spatial Strategy for the NW, is for a minimum of 500 net additional dwellings per year over the plan period. Whilst this is a Borough-wide figure, it is noteworthy that Maghull accounts for 10.1% of Sefton's population; therefore if Maghull were to take a proportionate share of this housing requirement then it would need to accommodate at least 750 dwellings over the next 15 years. This housing need is a material planning consideration which offers some support for new housing development on this site.

Access and parking

The proposal takes access from Gatley Drive but there is significant local opposition much of which centres on the increased traffic on a narrow width of the road and potential for congestion and disturbance. However the Highways Development control team raise no concerns. They point out that there are parking restrictions in Gatley Drive and these would be extended into the new section of road. The development provides appropriate parking for the new houses –drives sufficient for 2 cars.

Detailed layout and planning requirements

The proposed disposition of houses on the site is acceptable in streetscene terms and would provide development at the head of the cul-de –sac. Distances all meet SPG standards in terms of overlooking and the layout is designed to respect the outlook from Christopher Taylor Homes adjacent. Although claims of overlooking are made by local residents,the Director cannot substantiate these.

The design of the houses is traditional with pitched roof and bays. The proposals initially had a strongly asymmetric pitch and were effectively 3 storey at the rear. These plans have now been amended to provide dormers in the rear. The ridge height is 0.10m higher than the existing older houses in Gatley Drive.but 1.5m higher than 9-13 Gatley Drive which are adjacent but have a ridge significantly lower than the older houses surrounding. These details are now considered acceptable.

A commuted sum for off site greenspace is required for all new dwellings where such provision cannot be made on site. In this case the figure is 5 x £1734.50 =£10,407.

The requirement for trees is 3 per dwelling (18) and 24 to replace trees to be removed. 11 new trees are proposed giving a total of 31 to be provided off site at a sum of £460-40 ie £14,272.40

Flood risk and drainage

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As the site is located in flood zone 1 and is less than a hectare in size, a formal Flood Risk Assessment has not been required. Local residents are concerned about drainage provision in the area and this was a concern for the committee when the application was previously considered.

Since the previous meeting a SUDS review document has been produced by the applicant. This examines the “runoff rates” for the site and means of storing the volumes of surface water which the proposed development will produce this concludes that “there is more than sufficient space for this volume to be easily accommodated on site, either in a single location, or split into separate units located in different parts of the site.” Consequently the development will not increase the risk of flooding in this area. This document has been reviewed by the Capita drainage team who consider that the developer's drainage report is technically acceptable, subject to the detailed design conforming to that report. This can be ensured by condition.

Other issues

Residents have raised concerns about the provision of a gate providing maintenance access to the bowling green. However, such access already exists and its usage is very infrequent. A condition is however recommended that requires this gate to be kept locked except when required for maintenance access. This does not open any prospect for further development as residents fear.

Issues are also raised about the social club. The applicant has put forward the argument that the proposal will provide community benefit by providing much needed finance to enable the club to continue. Residents are concerned that this could result in an intensification of use which could be to the detriment of amenity for local residents. This issue is not one which can be considered as part of this application. The social club has a lawful use for that purpose and any amenity concerns relating to that use are a separate matter.

Conclusion

This is a greenspace site and its development can only be permitted if it can be shown that the need for the development outweighs the need to retain the greenspace and that the benefits of the greenspace are protected and enhanced. In this case the housing need is a significant starting point. However, the consideration of greenspace benefits is very much a site specific analysis. In this case the greenspace benefits of tree cover and visual benefit to the canal is retained and enhanced; the loss of the practice bowling green is fully compensated for by the agreement on increased public use of the main bowling green; the physical loss of greenspace is compensated for by the provision of a commuted sum to provide a necessary upgrade to local greenspace in Glen Park and the existing greenspace itself has no public access and little wider value or value as part of a greenspace system. Taken together there is a strong case to permit development on this site. This would not prejudice the Council's case in resisting development proposals on other greenspace as any other proposals would need to be assessed in a similar

way and could not bring the same combination of benefits.

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

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Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0327**
Land to Rear of 131-133 Upper Aughton Road,
Birkdale
(Kew Ward)

Proposal: Erection of 18 no. two storey dwellings comprising: 10 no. three bed properties, 2 no. four bed properties, 6 no. two bed apartments, landscaping and layout of new access road.

Applicant: Ms A Dooley Adactus Housing

Executive Summary

The proposal seeks the construction of 18 two storey dwellings, with access derived from Upper Aughton Road. The issues relate to the acceptability of residential development in principle, with regard also to the impact on nearby residential dwellings, and implications for highway safety.

Recommendation(s) Approval

Justification

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

Conditions

1. T-1 Full Planning Permission Time Limit
2. S-106 Standard S106
3. D-3 Slab levels
4. M-2 Materials (sample)
5. M-6 Piling
6. L-4 Landscape Implementation
7. No vehicular or pedestrian access to the completed development shall be derived from Elm Road (between nos 3 and 5) and Eastbourne Road (between nos 4 and 6).
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. X1 Compliance
14. M-8 Employment Charter

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Reasons

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

Drawing Numbers

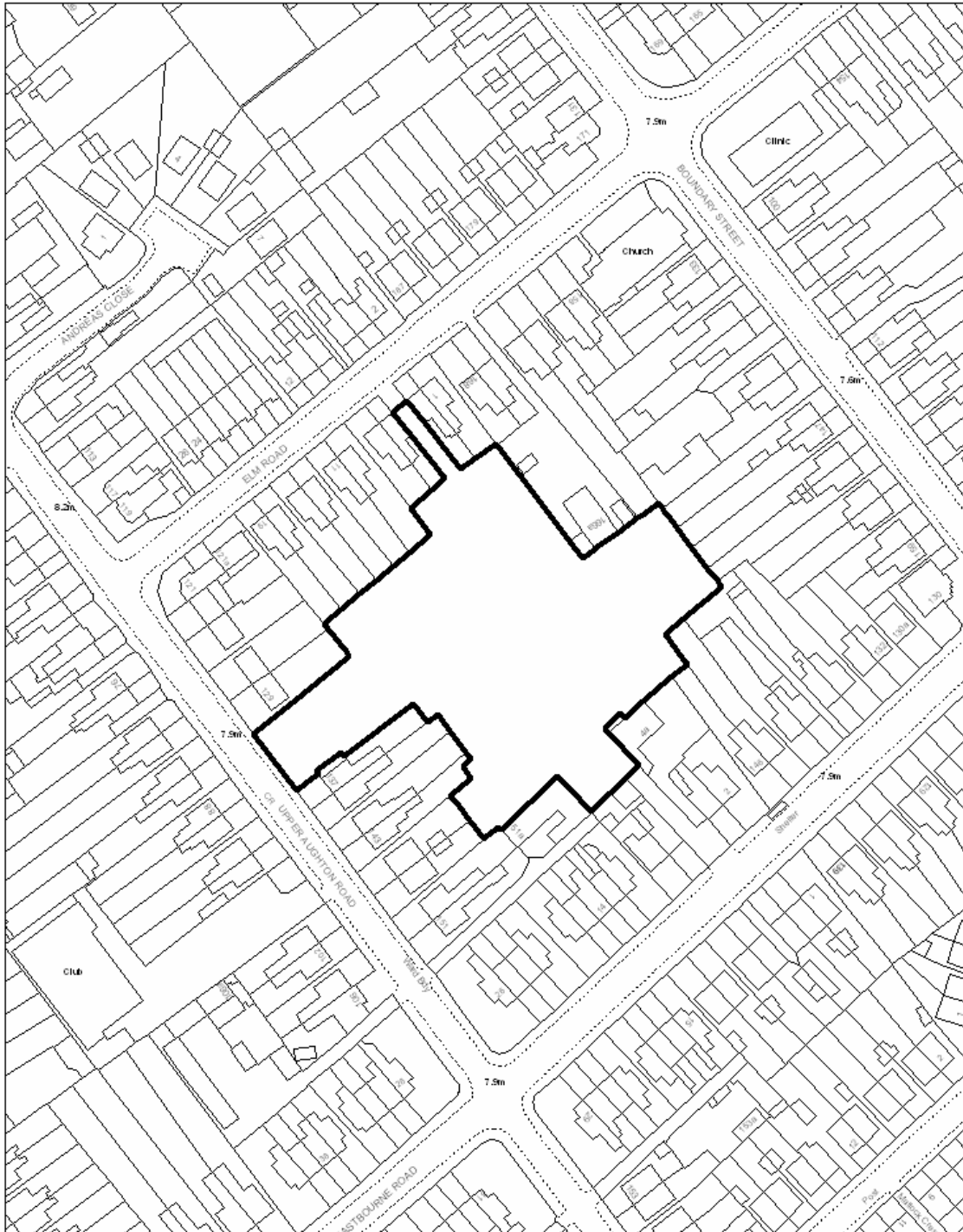
Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5c



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/0327 Land to Rear of 131-133 Upper Aughton Road Birkdale PR8 5NJ OSGR: 333684, 415742		Sheets: 449C		Area: 5720 sqm
	Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. <small>Sefton Council Licence No. 1000181921</small>		Standard Site Plan Scale: 1:1250 Date: 20/5/2010 Drawn By: EBERTON		Ward(s): Kew Postcode Sector(s): PR8 5, PR8 4 Polling District(s): T6 Parish(es): None Found

S/2010/0327

The Site

The site is accessed from Upper Aughton Road and was in historically in office use, however, the previous two storey building on the site has now been removed and the area is unmaintained grassland.

It is faced by the rear elevations/outriggers of residential properties and is shaped irregularly due to the varied length of neighbouring gardens and the presence of several non-residential buildings to the rear of existing properties.

Proposal

Erection of 18 no. two storey dwellings comprising: 10 no. three bed properties, 2 no. four bed properties, 6 no. two bed apartments, landscaping and layout of new access road.

History

N/2000/0647 - Outline Application for the layout of a road and erection of 6 three storey dwellinghouses, 13 two storey dwellinghouses and one single-storey dwellinghouse and garages (20 in total) after demolition of existing premises - approved 14/11/2000.

N/2000/0941 - Outline Application for the layout of road and erection of 6 three storey dwellinghouses and erection of 13 two storey dwellinghouses (19 in total) after demolition of existing premises (alternative to N/2000/0647 withdrawn 14/11/2000) – approved 19/01/2001

N/2002/0671 - Layout of road and erection of 4 pairs of two storey semi-detached dwellinghouses and 5 blocks of 3 two storey terrace houses (total 23 dwellinghouses) after demolition of existing buildings – withdrawn 20/09/2002

N/2002/1015 - Layout of road and erection of 6 pairs of two storey semi-detached dwellinghouses and 3 blocks of two storey town houses (total 21 dwellings) after demolition of existing buildings (Alternative to N/2002/0671 withdrawn 20/9/2002) – approved 16/01/2003

Consultations

Highways Development Control – comments awaited

Environmental Protection Director – no objection but full suite of contaminated land and piling conditions required.

United Utilities – request detail on how surface water will be managed.

Fire Authority – no objections.

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Neighbour Representations

Last date for replies: 7 April 2010.

A Petition containing 26 signatures (not endorsed) has been received from residents of Elm Road and Hampton Road commenting on concerns over building design and increased traffic.

5 Elm Road comment on issue of what happens between their property and no. 3 and refer to specific conditions from last time.

7 Elm Road have commented on the wall to their rear boundary being adequate as it stands.

88 Upper Aughton Road comment on increased traffic causing further concerns if development permitted.

Letter from 84 Upper Aughton Road in support of the development.

Policy

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

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
EP3	Development of Contaminated Land
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
H12	Residential Density
H2	Affordable Housing
H3	Housing Land Supply

Comments

The principle of residential development is established already as a material start was made to the previous planning permission for 21 dwellings in total. The site area is 0.59 hectares, giving rise to a housing density of 30.5 per hectare.

The latest scheme comprises 18 dwellings. One detached dwelling would directly front Upper Aughton Road and would part fill the street scene gap to Upper Aughton Road.

The remainder of development is in a linear arrangement with two storey dwellings and flats also of two storey height directly addressing the central access road. The scheme is designed to allow individual dwellings to have their own secure private

amenity space, which will be achieved by low level railings, and a continuous “garden wall” is designed to reflect what is thought to be the old rear boundary of dwellings to Elm Road.

In recognition of the potentially austere nature of this approach, the plans have been amended to further punctuate this part of the scheme and add interest, with ‘climber’ planting also introduced.

A number of dwellings also benefit from semi-private amenity area and though they have traditional elements in terms of brick and slim grey roofing tiles, a variety of materials are to be employed in the design which will add interest to an area which comprises no particular consistent styles of design.

Some revisions are anticipated to the elevations to slightly soften their impact, with greater emphasis on render as opposed to the heavily clad proposals. These will be reported by late representation. They will improve considerably on what is already permitted.

The dwellings are intended to meet Code 3 Sustainable Homes and Lifetime Home standards and the scheme will provide for 100% affordable housing.

With regard to residential amenity, all gardens comfortably achieve minimum size requirements and in some cases by a significant margin. The access to the rear of plot 15 will be closed off with walling provided. All habitable room windows maintain significant distance to neighbouring properties.

Some residents have raised concerns in respect of rear boundary treatments. This in part stems from the consequences of much demolition on site and significant variation in quality.

In the circumstances, it is considered reasonable to require that all rear boundaries in respect of new dwellings are a minimum height of 1.8 metres and the discussion over the exact nature of rear boundary treatment whether retention of existing walls, building of new bespoke fences etc should be a matter between the applicants and surrounding residents with all parties needing to have regard to the provisions of the Party Wall Act.

There is significant variance in heights in no small part due to the mounding present. It remains unclear as to whether the required remediation strategy will involve the removal of spoil or spreading of that existing and it is considered prudent to require all slab levels to be confirmed and sections provided through the site (including of neighbouring land) to demonstrate that dwellings will not be at a height causing adverse impact in terms of overlooking, nor in respect of surface water run off.

Highways Development Control have not yet commented in detail but have requested amendments which will involve the applicant either providing footway on one side of the access spine to enable two cars to pass, or a form of shared surfacing. This and any other comments/conditions will be reported by late

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representation.

The principle of residential in terms of traffic impact cannot be questioned given there is already an extant permission for more houses than this development proposes. The previous permissions precluded access other than from Upper Aughton Road directly and this is repeated within this proposal.

The plans demonstrate tree retention and in total only one will be removed. The overall tree requirement is therefore 56 in total, and 54 have been provided leaving a shortfall of two. There is considered ample room for these to be accommodated and the applicant has been requested to add these to the plan thereby complying in full with Policy DQ3.

The provision of 18 dwellings brings a requirement for £31,221 as a commuted sum towards public green space in compliance with DQ4. The applicant has been asked to confirm their agreement to this provision.

A full Stage 1 desktop study has also been undertaken with a view to assessing levels of contamination at the earliest of stages. The full requirements for remediation are covered by Condition.

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

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

Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0400**
Land to rear 1 Cambridge Avenue, Crosby
(Blundellsands Ward)

Proposal: Construction of a bungalow on former builder's yard on land to the rear of 1 Cambridge Avenue

Applicant: Mr John Cole

Executive Summary

The proposal is for the erection of a detached bungalow on land to the rear of 1 Cambridge Avenue, Crosby. The issues to consider are the impact on the amenity of neighbouring properties and the effect on the street scene.

Recommendation(s) Approval

Justification

It is for the reason of the proposal having no detrimental impact on the amenity of neighbouring properties or the area as a whole that it is considered to comply with UDP policies AD2, CS3, DQ1, DQ3, EDT18, H10. It is for these reasons that it is recommended for approval

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. Before any construction commences, samples of the facing and roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.
4. Prior to the commencement of the development, full details of fence and gate shall be submitted to and agreed in writing by the LPA.
5. The approved hard and soft landscaping scheme shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved (3 trees) in the first available planting season unless the Local Planning Authority gives its written consent to any variation.
6. H-6 Vehicle parking and manoeuvring
7. R-2 PD removal garages/ extensions/outbuildings

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8. R-3 PD removal windows
9. Con-1 Site Characterisation
10. Con- 2 Submission of Remediation Strategy
11. Con-3 Implementation of Approved Remediation Strategy
12. Con-4 Verification Report
13. Con-5 Reporting of Unexpected Contamination

Reasons

1. RT-1
2. RX1
3. RM-2
4. In the interests of visual amenity and to comply with policies DQ1 and CS3 of the Sefton UDP
5. RL-4
6. RH-6
7. RR-2
8. RR-3
9. RCON-1
10. RCON-2
11. RCON-3
12. RCON-4
13. RCON-5

Notes

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.
2. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 9-13 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition Con-5 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.

Drawing Numbers

425/1 and 2

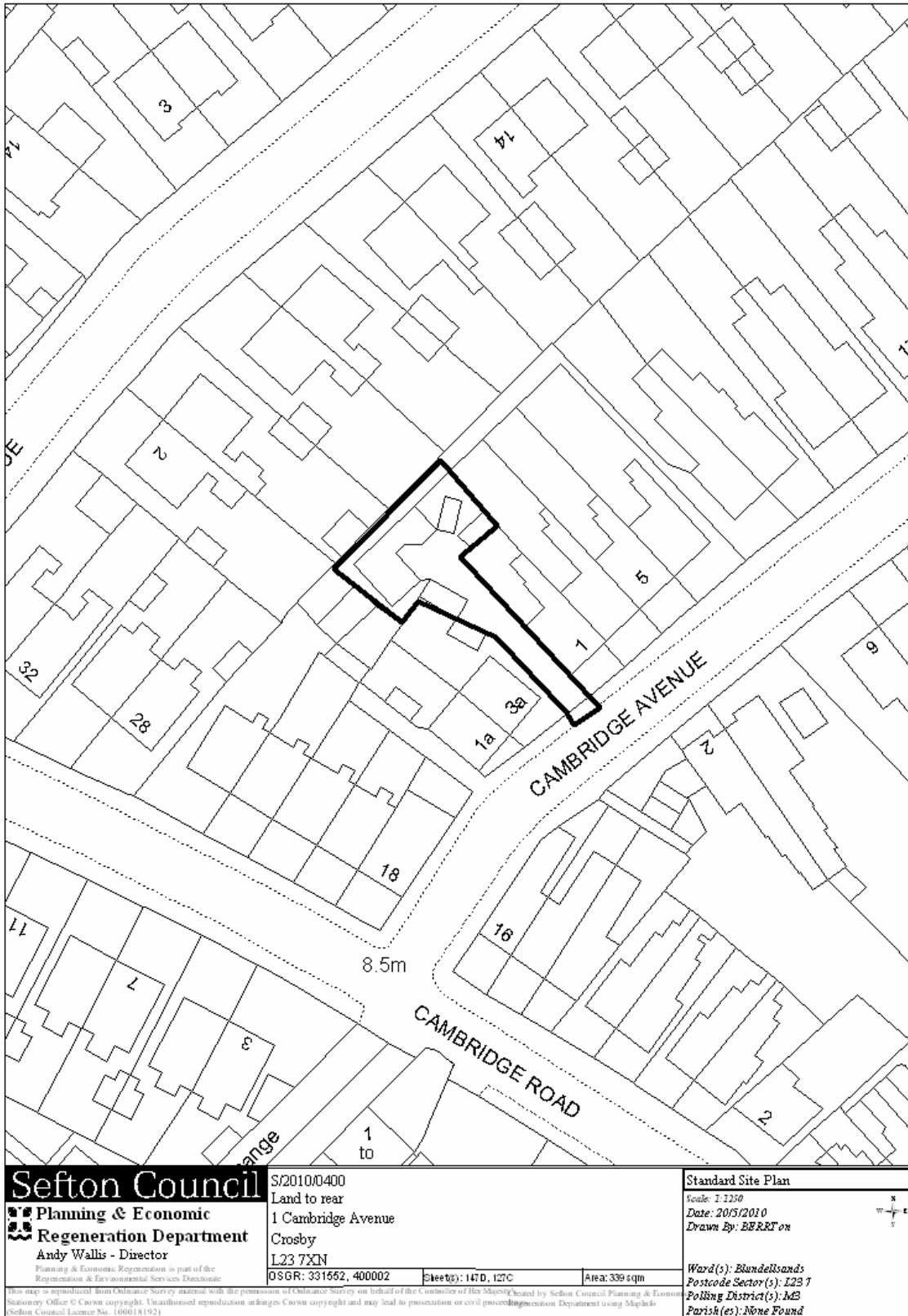
Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5d



The Site

The site comprises land to the rear of 1 Cambridge Avenue, Crosby.

The applicant / owner of the site, has been using the site for the storage of building materials and plant. Prior to this, it would appear it was used as a mechanics / garage business.

Proposal

The proposal is for the construction of a bungalow.

History

No history

Consultations

Highways Development Control - There are no objections to the proposal to erect a detached bungalow at this site as there are no highway safety implications. There is an existing footway crossing in situ, which provides vehicular access to this site.

The following conditions and informatives should be added to any approval notice :
H-6 - Vehicle parking and manoeuvring,
I-1 Addresses

Environmental Protection Director - have no objections

Contaminated Land Officer - We advise that the standard land contamination conditions and informative should be attached to any planning decision –
Con -1, Con - 2, Con - 3, Con - 4, Con - 5, I-1

We advise that the Environmental Agency should be contacted to ascertain their views regarding the risk to controlled waters.

Neighbour Representations

Last date for replies: 3/5/2010

Objections received from 5 Cambridge Avenue, 4, 6, Ince Avenue re; blocking of access/right of way to properties, land is not a former builders yard it is a former mechanics/garage business, not consulted, potential overlooking, concern over tree in neighbours garden (6 Ince Avenue), no change of use to a builder's yard applied for, out of character, high density, too close to neighbouring properties.

No objection to the proposed bungalow from 1, 1a Cambridge Avenue but concerns over storage of construction materials, hours of construction, loss of light, privacy,

Agenda Item 5d

property value, access, parking issues, site is currently an eyesore and a security issue.

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
DQ1	Design
DQ3	Trees and Development
EDT18	Retention of Local Employment Opportunities
EP3	Development of Contaminated Land
H10	Development in Primarily Residential Areas
H3	Housing Land Supply

Comments

There is no objection to the principle of residential development following the relaxation of the housing restraint policy H3.

The main issues to consider relate to the use of land formerly used for employment purposes, the impact of the proposal on the amenity of neighbouring properties and the effect on the street scene.

The planning application needs to be considered against UDP Policy EDT 18: Retention of Local Employment Opportunities because it would involve the loss of a local employment opportunity. However, given the site's very small size and restricted nature, the fact that the current and previous activity is undesirable due to its close proximity to neighbouring residential properties and its redevelopment would secure environmental improvements, it is appropriate that this site should be developed for housing. In its present form the site represents a commercial use that is established, but undesirable given the close proximity of neighbouring residential properties. The proposal for residential would therefore remove an inappropriate use and secure environmental improvements.

The proposed bungalow will be set back to the rear of the site 1m from the existing boundary wall to the rear of properties on Ince Avenue, however this wall is particularly high (approximately 3m) and will screen the bungalow from view. The proposed bungalow is positioned to respect the required interface distances between habitable rooms and surrounding properties in Cambridge Road, Cambridge Avenue and Ince Road. The main windows to the living room and bedrooms will look inwards to prevent overlooking and privacy issues. Windows to the rear and side are at a high level. The bungalow is small in scale and incorporates a hipped roof to minimise its bulk. Traditional materials such as brick and tiles blend in with the area in terms of texture, colour and appearance. These can be secured by condition.

Agenda Item 5d

The proposal represents a less intensive use compared to any future commercial enterprise and will improve the general character of the area. The external view when viewed from Cambridge Avenue will enhance visual amenity. The design of the development is visually pleasing and will provide satisfactory living accommodation for future occupants and an improvement in living conditions for those who are surrounding the site.

The proposed garden is in excess of 70m² and meets the required amenity space provision. Policy DQ3 requires 3 new trees to be planted for each new home created. These can be provided within the development site. This can be secured by condition.

One off street parking space is provided. Concern has been raised by residents over parking issues, however Highways raise no objections to the proposal with regards to highway safety. There is on street parking available and the site is in an accessible location.

Residents concerns over access rights, property values are not planning issues and it is considered issues of privacy, overlooking, loss of light have been satisfactorily addressed.

Due to the contaminative land uses that have been identified on the site, the Environmental Protection Director advise that any approval should be conditioned and the Environment Agency contacted to ascertain their views.

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

Case Officer: **Mrs C Fass Telephone 0151 934 3566
(Mon & Thurs)**

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Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0402**
9 Lambshear Lane, Lydiate
(Park Ward)

Proposal: Erection of 2 no. two storey detached dwellings after demolition of detached bungalow and outbuildings

Applicant: Wickstead Developments

Executive Summary

This is a full application for two detached dwellings to replace a single bungalow. The main issues to consider include the principle of the development and its effects on the character of the area, on residential amenity, highway safety and on trees.

Recommendation(s) Approval

Justification

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

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. S-106 Standard S106
4. M-2 Materials (sample)
5. M-6 Piling
6. L-1 Protection of trees
7. L-2 Method Statement
8. L-3 No felling
9. H-2 New vehicular/pedestrian access
10. H-6 Vehicle parking and manoeuvring
11. R-2 PD removal garages/ extensions/outbuildings

Reasons

1. RT-1
2. RX1
3. RS-106
4. RM-2

Agenda Item 5e

5. RM-6
6. RL-1
7. RL-2
8. RL-3
9. RH-2
10. RH-6
11. 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. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense.
Please contact the Highways Section on 0151 934 4175 or development.control@technical.sefton.gov.uk for further information.

Drawing Numbers

1A, 3, 4 & 5 and FOS-448/1

Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5e

S/2010/0402

The Site

The site lies on the north side of Lambshear Lane and comprises a detached bungalow with detached outbuilding. The site contains a large amount of vegetation, particularly around the perimeter and there is a single vehicular access onto Lambshear Lane.

The site is surrounded by residential properties of various styles.

Proposal

Erection of 2 no. two storey detached dwellings after demolition of detached bungalow and outbuildings.

History

None

Consultations

Highways Development Control – no objections subject to conditions relating to access and parking provision and informatives regarding new addresses and works to the highway.

Environmental Protection Director – no objections subject to standard piling condition.

Neighbour Representations

Last date for replies: 3/5/10

Letters of objection have been received from 11 Lambshear Lane, 13 and 15 Roseland Close. Grounds of objection include loss of privacy, reduction in property values, disruption during construction work, loss of mature trees, planning application at 11 Lambshear Lane denied due to bulk and adverse impact on 9, concerned that current application is for maximum commercial gain, would not object to one house, proposal is over-development of the plot, too close to no. 11, additional driveway will exacerbate parking and driving conditions on Lambshear Lane.

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
DQ1	Design
DQ3	Trees and Development
H10	Development in Primarily Residential Areas

Comments

The main issues to consider include the principle of the development, effect on the character of the area, impacts on residential amenity, highway safety and on trees.

The site lies within a residential area where Policy H10 of Sefton's UDP permits new residential development in principle. The plot is considered large enough to accommodate two dwellings and the two plots created will still be larger than many of the surrounding plots. The proposal is therefore considered acceptable in principle.

The design of the proposed dwellings has been informed to some extent by the properties either side although the area is characterised by a variety of house types and styles. The new dwellings are two storey in height where they sit side by side with their roofs sloping down to create a single storey building on the opposite sides where they adjoin existing dwellings, namely 29 Roseland Close (a dormer bungalow) and 11 Lambshear Lane (a two storey house with a single storey element adjacent the site). The proposed dwellings contain dormers which are characteristic of the area. The walls of the dwellings are to be constructed in red brick with some render and they are to have grey tiled pitched roofs. Overall, it is considered that the design of the proposed dwellings and their scale, mass and position on the plot will respond positively to the character and form of their surroundings.

Some local residents have expressed concern about the development causing loss of privacy. The proposal has been assessed against SPG advice on New Housing Development and satisfies this guidance in respect of interface distances and space standards. For instance, the proposed rear gardens have a minimum depth of 10 m (increasing to 18 m) and an area exceeding 70 sq m. Interface distances between the new houses and the properties to the rear are more than 31 m which far exceeds the guideline of 21 m. The relationship of the new dwellings with the properties either side is also considered acceptable. Overall, it is considered that the proposal will not have a detrimental impact on surrounding residential amenity through significant overlooking and overshadowing.

The proposal involves the creation of an additional access to provide individual drives for the dwellings leading to integral garages. Highways Development Control are satisfied with this arrangement and raise no objections on highway safety grounds. Conditions are recommended to ensure satisfactory access and parking provision.

Agenda Item 5e

The site contains a 1.8m high hedge along its frontage together with a significant amount of tree planting particularly around its perimeter. The proposal involves retention of the majority of this vegetation although a section of frontage hedge will be lost to accommodate the new access and several trees will be lost either side of the site to accommodate the new buildings. The loss of this vegetation is not considered sufficient to warrant refusal of the scheme and conditions can be imposed to protect and retain the remaining trees. In addition, a condition requiring the submission and implementation of a method statement will be required to ensure the long term health of existing trees which may be affected during construction of the new dwellings and the driveways.

Policy DQ3 requires the provision of 3 trees per dwelling plus 2 new trees for each tree removed. A total of 20 new trees will be required in this case. It will not be appropriate to plant any new trees on the site due to the number of existing trees therefore a condition will be required to ensure the provision of 20 trees to be planted off-site by way of a commuted sum payment via a S106 agreement.

Local residents have raised concerns about a reduction in property values, disruption during construction work and commercial gain however these matters are not considered to be planning issues which can affect the decision made on the application.

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: **02 June 2010**

Title of Report: **S/2010/0412**
97 Park Lane, Netherton
(Netherton & Orrell Ward)

Proposal: Change of use from retail (A1) to cafe (A3)

Applicant: Mr J Ferguson

Executive Summary

This application is for change of use of one half of a double retail unit to a daytime cafe. A petition and individual objections have been received. The issues mainly concern highway safety and local amenity but impact on the shopping parade and visual impact should also be considered.

Recommendation(s) Approval

Justification

It is considered that this proposal would have no significant detrimental affect on highway safety, on the amenities of the surrounding premises on the vitality/viability of the shopping parade or on the visual amenity of the street scene, and therefore it complies with Policies H10, R7 and MD6.

Conditions

1. T1 Time Limit - 3 years
2. X1 Compliance
3. P-5 Plant and machinery
4. P-8 Kitchen Extraction Equipment
5. The premises shall not open outside the hours of 0700-1800 Monday- Sunday.

Reasons

1. RT1
2. RX1
3. RP-5
4. RP-8
5. In the interests of residential amenity.

Agenda Item 5f

Drawing Numbers

Drawing 11 Hex 2 submitted on 13th May,2010.

Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5f



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/0412 97 Park Lane Netherton L30 1QB OSGR: 338067, 398435 Sheet(s): 1128 Area: 74 sqm	Standard Site Plan Scale: 1:1250 Date: 20/3/2010 Drawn By: BEERTON Ward(s): Netherton & Orrell Postcode Sector(s): L30 1 Polling District(s): D4 Parish(es): None Found
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S/2010/0412

The Site

Comprises a single storey terraced retail shop premises No 97 Park Lane, Netherton.

Proposal

Change of use from retail (A1) to cafe (A3)

History

S/1996/0658 Demolish the first floor above the existing shops . Approved 16/1/07.

Consultations

Public Protection- No objections subject to Conditions.

Highways DC- No objections.

Neighbour Representations

Last date for replies: 30/4/10. Two neighbour objections from 108 and 114 Park Lane and a Petition consisting of 26 names against the proposal re noise, litter, youths congregating , already enough food outlets and highway issues.

Policy

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

H10 Development in Primarily Residential Areas

R7 Local Shopping Parades

MD6 Food and drink uses

Comments

The issues to consider here are the affects that this proposal will have on the amenities of the surrounding premises, on highway safety and on the shopping parade as a whole.

The property subject of this application is a former chandlers store No 97 Park Lane, Netherton.

The proposal is for change of use of the premises to a café.

The property, currently is vacant, and occupies two units. The idea is for the change

Agenda Item 5f

of use of No 97 to the café with No 99 being renovated to form a single retail outlet.

The unit to be the café is the end unit on a single storey block of shops on Park Lane. Along this row and the row on the other side of Brecon Walk there are an assortment of shops normally associated with a local shopping parade comprising uses such as a general store, a post office, a Sayers, a newsagents, a hot food takeaway and a betting shop.

The premises is situated in an area allocated as Primarily Residential on the UDP for Sefton and therefore Policy H10 Development in Residential Areas is relevant.

This Policy states that development will normally be allowed where it will not have a detrimental affect on the amenities of the surrounding premises and where it will otherwise be compatible with the surrounding area.

The nearest house to this development is immediately to the rear and is situated 7m away. The nearest houses opposite the premises are some 50 m distant.

Policy R7 Local Shopping Parades states that development will normally be allowed where a premises is brought back into use which otherwise may remain vacant and where the proposed use would not harm the overall provision of facilities and the appearance of the area.

Policy MD7 Food and Drink Uses states that uses will normally be allowed where they will not harm the amenities of nearby premises , where they will not lead to a grouping of such uses and where any external ventilation /flues will not harm residential amenity.

The applicant has stated that the premises are to be used as a café with limited opening times which will mean that the premises will not be open late into the evening. As this café will only be opened during normal shopping hours I do not believe it will adversely affect the neighbouring properties and the flue /ventilation systems to be installed can be conditioned so as to be acceptable.

In front of the premises there is a lay by to enable off road parking.

There has been a Petition against the proposal citing noise nuisance, potential highway issues, litter, late night gathering of youths and the fact that there are already sufficient outlets in the area serving food and drinks together with two neighbour letters of objection on the same grounds. At the time of writing this Petition has not been endorsed by a Councillor.

Some of these objections relate to evening opening which is not proposed and will be restricted by condition. No highways issues are raised by the Highways Development Control Team and noise/fumes issues will be dealt with by Conditions. The number of outlets in the area is not a relevant consideration in this case.

Agenda Item 5f

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

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

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Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0431**
Former Peerless site Dunnings Bridge Road,
Netherton
(Netherton & Orrell Ward)

Proposal: Construction of a single storey building with Use Classes B1(c), B2 and B8 involving associated car parking, service yard, new access from Heysham Road and landscaping

Applicant: Chancerygate (Aintree) Limited

Executive Summary

The application seeks full planning permission for the redevelopment of 1.42 hectares of the former Peerless Refinery site with a new building designed to provide flexible employment accommodation. The principal issues relate to design/landscaping, traffic generation, impacts on residential amenity and highway safety.

Recommendation(s) Approval

Justification

The scheme complies with the aims and objectives of the Sefton UDP and in the absence of any other overriding material 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-8 Employment Charter
4. Detailed elevations of all boundary treatment in respect of height and design of external fencing and gates shall be submitted to and approved in writing prior to the commencement of development. The agreed treatment shall be constructed prior to the building being first brought into use and thereafter retained.
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. NC-5 Japanese knotweed scheme
11. NC-6 Japanese knotweed eradication

Agenda Item 5g

12. P-5 Plant and machinery
13. P-4 Soundproofing
14. H-9 Travel Plan required
15. M-6 Piling
16. S-2 Renewable Energy
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-7 Cycle parking
24. R1 Use Classes Limitation
25. No external lighting shall be installed to the rear or side of the building or above ridge height (other than that required in association with emergency exits) unless the Local Planning Authority gives its express consent.
26. X1 Compliance

Reasons

1. RT-1
2. RS-106
3. RM-8
4. RM-1
5. RCON-1
6. RCON-2
7. RCON-3
8. RCON-4
9. RCON-5
10. RNC-5
11. RNC-5
12. RP-5
13. RP-4
14. RH-9
15. RM-6
16. RS-2
17. RL-4
18. RL-5
19. RH-1
20. RH-2
21. RH-5
22. RH-6
23. RH-7
24. RR1
25. RA-2
26. RX1

Notes

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.
2. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency may be required for any discharge of sewage or trade effluent into water, including groundwater via soakaways, and may be required for any discharge of surface water liable to contamination of such controlled waters or any discharge of sewage or trade effluent from buildings or fixed plant or into waters which are not controlled waters. Such consents must comply with the requirements of the Groundwater Regulations 1998 including prior investigation, technical precautions and requisite surveillance and may be withheld. (Controlled waters include rivers, streams, groundwater, reservoirs, estuaries and coastal waters).
3. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@technical.sefton.gov.uk for further information.
4. 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.
5. For advice with regard to Local Labour Agreements (condition M8) please contact Karen Towle, Employer Liaison Officer, Sefton@work, 268-288 Stanley Road, Bootle, L20 3ER. Tel 0151 934 2621.
6. The applicant is advised that the site must be drained on a separate system, with only foul drainage connected into the foul sewer.
The applicant is advised that if the proposal results in trade effluent discharge to a public sewer, Trade Effluent Consent may be required and the applicant is required to discuss this with United Utilities on 0151 906 5234.

Drawing Numbers

10776/TP/1, TP2 (ILLUSTRATIVE), TP3A, TP6, TP7, TP10, TP11, TP13, 010.858.001 Rev A, 11501393-D001 Rev A, supporting information received 6 April 2010.

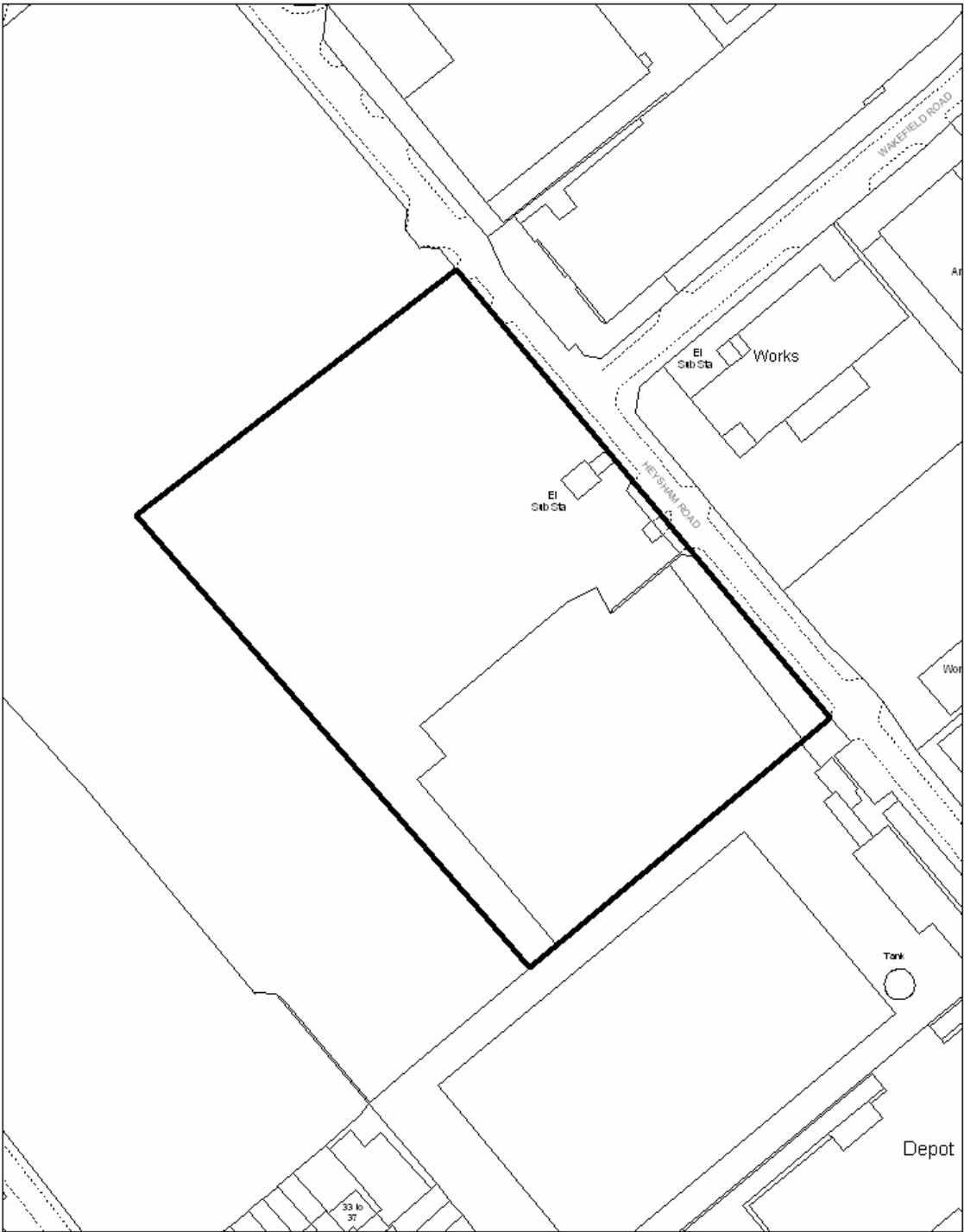
Agenda Item 5g

Financial Implications

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

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

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/0431 Former Peerless site Dunning's Bridge Road Netherton		Standard Site Plan Scale: 1:1250 Date: 20/3/2010 Drawn By: EBERT on
	OSGR: 336315, 398789	Sheet(s): 112A	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181923</small>			Ward(s): Netherton & Orrell Postcode Sector(s): L30 6 Polling District(s): D5 Parish(es): None Found

S/2010/0431

The Site

Agenda Item 5g

The site is located in the south eastern corner of the larger Peerless Refinery site, on the southern side of the Dunnings Bridge Road. The overall site area of the former Peerless site extends to 6.9 hectares, with the application site itself occupying some 1.6 hectares of the total site area. The site originally comprised of a complex of industrial buildings that formed an edible oils refinery and disinfectant factory.

Following closure in the 1990s, the site was cleared and has remained vacant since. The application site has a frontage to Heysham Road, which links Dunnings Bridge Road to Ormskirk Road. There is a large industrial building immediately to the south, and beyond that and on the eastern side of Heysham Road is further industrial and warehousing development.

Proposal

Construction of a single storey building with Use Classes B1(c), B2 and B8 involving associated car parking, service yard, new access from Heysham Road and landscaping

History

The following applications are of most relevance:

S/2004/1399 – Outline application for the erection of a two-storey non food retail store (class A1) together with car parking, service yard and new vehicular access to Heysham Road including off site highway works and landscaping- withdrawn 6 December 2005.

S/2003/1309 – Erection of a two storey non-food retail store including cafe together with car parking service yard, landscaping and lighting; provision of a new access to Dunnings Bridge Road / Heysham Road and improvements to Dunnings Bridge Road – withdrawn 6 December 2005.

S/1999/0620 – Outline application for the erection of a Class A1 DIY warehouse, garden centre and bulk store, Classes B1, B2 & B8 commercial development together with associated parking and ancillary facilities - withdrawn October 2000.

Consultations

Highways Development Control comment as follows:

Analysis demonstrated that the junction can accommodate the additional traffic, which is likely to be generated by this development without any significant effect on the highway network.

Access

The amended Site Layout (Dwg No. 10776/TP/3 rev. A) is now acceptable and satisfactorily addresses the points raised in my formal comments.

Adequate cycle parking provision is shown;
The width of the access is now acceptable (6.1m);
A satisfactory route for pedestrians within the site has been identified; and
Appropriate signage is shown to advise drivers exiting the site to turn left to avoid the low bridge.

There are existing redundant vehicular accesses, along the Heysham Road site frontage, which will need to be reinstated as footway between the site boundary and the edge of the carriageway.

Vehicular access to the remainder of the Former Peerless site will be safeguarded through the identification of a 'wedge' of land towards at the northern most corner of the site. This will be set-aside so that that a right turn lane and associated 'ghost' markings can be introduced. However, it should however be noted that this junction layout will only be implemented if and when the remainder of the site comes forward for development.

Since this site has its own dedicated vehicular access onto Heysham Road it can be built and occupied independently of the remainder of the site being developed.

Parking

This application is for a single unit of 7,430sq.m GFA to be used as B1(c), B2 and B8.

The Supplementary Planning Document "Ensuring Choice of Travel" specifies maximum car parking standards which for B1(c), B2 & B8 uses are 1 space per 35sq.m, 1 space per 45sq.m and 1 space per 100 sq.m respectively. Applying these standards would result in a maximum provision of 206, 165 and 74 spaces respectively, plus between 4 and 10 spaces for disabled persons.

The applicant proposes a level of parking which is less than the maximum allowable parking provision for B1(c) & B2 uses, but more than that for B8 uses. The site plans accompanying this application shows an acceptable car park layout with a total of 100 spaces (including 4 spaces for disabled persons and 53 which are also designed to accommodate vans) which is appropriate.

The level of cycle parking which should be provided is specified in the Supplementary Planning Document "Ensuring Choice of Travel". There should be a minimum of one secure staff space per 500sq.m for this type of development. Applying these standards would result in a minimum provision of 15 spaces.

The site plan shows six cycle stands located beneath the canopy. If they are 'Sheffield' stands they will be suitable for accommodating up to twelve bikes, which is slightly less than that required by the minimum standard, but acceptable.

Servicing

Agenda Item 5g

There is adequate space within the service yard to enable both articulated and rigid delivery/servicing vehicles, to enter and leave the site in a forward gear.

Accessibility

The nearest bus stops are on Dunnings Bridge Road and are just less than 400 metres away. Aintree Rail Station is 1.25 km away. An assessment of the level of accessibility of the site has been undertaken and a modest package of improvements identified. They consist of:-

1. Improvement of the existing footway on the south-west side of Heysham Road (between Dunnings Bridge Road and Ormskirk Road). Works will include the closure of redundant accesses and reinstatement of the footway together with the provision of flush kerbs and tactile paving at all existing vehicular accesses and junctions.
2. The introduction of a scheme to promote and safeguard part of the Strategic Cycle Network within Sefton. Works will include the provision of traffic signs and carriageway markings along Heysham Road (between Dunnings Bridge Road and Ormskirk Road).
3. Upgrade 2 no. existing bus stops on Dunnings Bridge Road with access kerbs, enhanced carriageway markings and shelters, including, where necessary, the construction of new footway areas.

Notwithstanding these improvements, there are separate proposals to introduce uncontrolled pedestrian facilities at the traffic signal controlled junction of Dunnings Bridge Road/Heysham Road/Leisure Park access, which will greatly assist pedestrians crossing at the junction.

Travel Plan

A Travel Plan First Draft has been submitted with the application, however, given that the eventual occupiers of the development are unknown it is difficult to develop the travel plan to a point where it would be acceptable. In view of this, a condition will be attached in order to secure a satisfactory Travel Plan shortly after the development has been occupied.

Conditions are required in respect of all of these issues.

Environmental Protection Director – no objection in principle subject to the following:

- In the event of B2 use a scheme of sound insulation to minimise noise breakout to be submitted for prior approval.
- Scheme of noise control in the event of any plant/equipment being provided.
- Condition required to cover piling.
- Full suite of contaminated land conditions required and investigation required to

ascertain potential presence of Japanese Knotweed.

Comments on issues relating to Air Quality awaited.

Environment Agency – further discussion relating to discharge rates ongoing.

Highways Agency – comments awaited.

MEAS – comments awaited.

Police Architectural Liaison Officer – no objection, recommends weld mesh fencing to the boundaries and maintenance of landscaping to prevent climbing aid, and measures to ensure that access locked at night even if work taking place on 24 hour basis.

United Utilities – no objection subject to side being drained on separate system.

Merseytravel – comments awaited.

SP Energy – no observations.

Neighbour Representations

Last date for replies: 4 May 2010.

Press notice and site notice expiry 14 May 2010.

Letters received from 16, 30 and 32 Sandiways Avenue, on the following grounds:

- Concern over flooding as site is not level and any heightening of land or additional clay base would cause further flooding.
- Raising of site levels could cause loss of privacy and reduce security.
- Concern that noise from car/lorry movements could cause disturbance late at night.
- Lighting would cause disturbance to residential properties.
- Complaints made over actions of applicants in respect of tree felling and previous boundary disputes; would like tree planting to rear of their properties before development commences on this site.

Policy

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

AD1	Location of Development
AD2	Ensuring Choice of Travel
AD3	Transport Assessments

Agenda Item 5g

AD4	Green Travel Plans
CS3	Development Principles
DQ1	Design
DQ2	Renewable Energy in Development
DQ3	Trees and Development
DQ4	Public Greenspace and Development
DQ5	Sustainable Drainage Systems
EDT1	Strategic Employment Locations
EDT3	Strategic Employment Sites in the Dunning's Bridge Corridor
EP2	Pollution
EP3	Development of Contaminated Land
EP6	Noise and Vibration
EP7	Light Nuisance
EP8	Flood Risk
T1	Transport Network Priorities
UP1	Development in Urban Priority Areas

Comments

The proposal is for a single building with vehicular access will be taken from Heysham Road, with van and car parking provided at the northern end of the plot and a service yard at the southern end.

The building will provide 7,430 sqm of flexible light industrial (B1(c)), General Industrial (B2) and storage and distribution (B8) floorspace. The end users are not yet known.

Planning Policy Framework

Policies at national and regional level emphasise the need for local authorities to support good quality development, which is sustainable and consistent with planning policy. There is also support for schemes which assist with achieving regeneration objectives whilst making efficient and effective use of land, particularly previously developed land.

There is also an aim to strengthen the regional economy whilst securing investment in buildings and infrastructure, secure high quality development and encourage sustainable development that minimises its impact on the environment.

Sefton UDP Policy EDT3 confirms that at Strategic Employment Sites planning permission will be granted for industrial developments falling within Use Classes B1 and B2 that comply with the following criteria:

- the proposal is for large scale development of the whole site or substantial part of it;
- if a partial development, it would not make it difficult to achieve an appropriate form of development on the remaining area; and
- the development is for a use that has high employment floorspace.

Should permission be sought for non B1/B2 development, the policy requires that applicants demonstrate that this would have a major benefit for the regeneration of the area. In deciding whether proposals will have a beneficial effect in terms of regeneration, the Council will consider whether the development will deliver visual and environmental enhancements to the Dunnings Bridge Road Corridor and create high quality skilled employment opportunities.

In addition, applicants will also be required to demonstrate that the alternative uses cannot be accommodated on any more appropriate sites.

The development of the Strategic Employment Sites is crucial to the achievement of the Council's regeneration strategy. Strategic Employment Sites to be developed on a comprehensive basis and in particular, a high quality of development will be required fronting the Dunnings Bridge Road.

Specific advice is also given in relation to the relationship between new development on the Peerless Refinery site and the residential areas to the south and west of it. In particular, it is necessary to ensure a suitable buffer between new development and the adjacent houses.

Policy DQ1 requires development to respond positively to its surroundings, or in areas of lesser quality to enhance its surroundings. Site layout, design and access must be of a high quality ensuring safe and easy access, protection of local amenities, safety and security and the creation of attractive outdoor areas that follow sustainable development principles. Buildings and other structures should be designed to make a positive contribution to their surroundings.

DQ2 identifies a requirement for all major non-residential development proposals to incorporate renewable energy production equipment to provide at least 10% of their predicted energy usage from renewable sources.

An objective of Policy DQ3 is to ensure that existing trees worthy of retention are protected and secure the planting of new trees in association with major development schemes. In relation to major industrial schemes, the policy requires that trees are provided at a ratio of 1 tree per parking space or 1 tree per 50 sqm of new floorspace (whichever is the greatest).

Policy DQ4 also allows the Council to seek the provision of public green space from major industrial schemes or secure a financial contribution in lieu of on site provision. Importantly, the text that accompanies both policies indicates that where the application of the requirements for the provision of trees or green space would make it difficult to achieve regeneration, then the Council may take a flexible approach towards the requirements of Policy's DQ3 and DQ4.

Policy DQ5 requires, where ground conditions permit and where it would not give rise to significant land or water pollution, sustainable urban drainage systems to be incorporated into residential, commercial, industrial or leisure schemes.

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Policies EP3, EP7 and EP8 seek to protect users of a site and/or neighbouring land users from land contamination, light nuisance and flooding respectively. The policies require that developers demonstrate that their schemes will not pose an environmental risk through the submission of appropriate technical reports.

In July 2004, Sefton Council adopted a development brief for the whole of the Peerless Refinery site. The purpose of the brief was to set the context for the determination of the planning applications that the Council anticipated would be forthcoming for the redevelopment of the site. The development brief describes the site and its context in both physical and socioeconomic terms.

Of most relevance to the determination of this application are the development parameters contained in section 5 of the brief. In terms of land use reference is made to policy EDT3 of the then emerging UDP (now adopted), the development parameters highlight the need for redevelopment proposals to:

- achieve good quality building of a modern design;
- bring about environmental improvements and enhance the public realm;
- manage and mitigate on site contamination;
- provide appropriate access to the site;
- improve accessibility to the site by non-car modes;
- protect residential amenity; and
- create new jobs for the local population.

Principle of Development

The Director considers that the proposal will make a significant contribution towards meeting the objectives for economic regeneration in the southern part of the Borough, by bringing part of a disused Strategic Employment Site back into constructive use.

The scheme delivers a modern employment unit that is expected to help to 'kick start' the regeneration of the wider Peerless Refinery site. It will make efficient use of previously developed employment land, offer a range of accessible by modes of transport other than the car, and being close to existing residential areas, which would provide the opportunity for residents to work in close proximity to where they live.

Whilst Policy EDT3 clearly expresses a preference for the comprehensive redevelopment of the Refinery Site, it does not prevent redevelopment in phases provided that this approach would not prejudice complete redevelopment eventually. Equally more clarification is being sought in respect of the specific mix of B1, B2 and B8 usage and a condition will be required in this respect once this information has been received.

The applicant has provided an illustrative masterplan showing how access to the wider site can be achieved via Heysham Road on the northern side of the proposed development and that the size and positioning of future development plots within the remainder of the site will not be constrained by the proposals that are the subject of

this application.

The proposal is acceptable in principle and is considered to accord with the requirements of Policy EDT3 of the Sefton UDP.

Site Context, Layout, Design, External Appearance and Landscaping

The site is located within an established industrial and commercial location. The area surrounding the site is therefore characterised by employment related development, comprising of the application site and the established industrial areas formed around Heysham Road, Wakefield Road and Leckworh Road. Given that this is the case, the application proposals are consistent with the established character of the area.

There are residential dwellings to the west side of the site, which are partly divorced from the application site by the remaining undeveloped area of the former Peerless site. The dwellings at Lunt Avenue are some 70 metres away and those at Sandways Avenue are 190 metres distant.

The proposed building will be set to the rear of the site, with its main façade, landscaped areas, car and van parking areas and service yard facing Heysham Road. In due course, access to the wider Chancerygate Business Centre site will be via a dedicated estate spine road that will be formed adjacent to the northern boundary of the application site.

Only the northern and eastern boundaries of the site will be publically visible. Provision has therefore been made for generous landscaping strips along these sides of the site. Set behind the landscaping will be 2.5 metre high security fencing that incorporates a sliding gate across the site entrance (which will remain open during working hours).

Trees will also be planted within the proposed van/parking area and around the edge of the proposed service yard.

Parking provision will be made for 41 cars and 59 vans. Cycle and disabled parking facilities will be located adjacent to the main entrance to the unit. The service yard will serve 2 loading bays and have space to accommodate refuse skips, recycling facilities and a sprinkler tank if required.

The applicants have agreed to safeguard a portion of the land for future improvements to the access to the wider Chancerygate Business Centre site, which could be resolved via the widening of the estate road. Land has been reserved for this purpose in the north eastern corner of the site but this does not compromise the implementation of landscaping.

The building has been designed, in response to detailed discussions with the Council's officers, such that it responds positively to both Heysham Road and the adjacent estate road. This has been achieved through the inclusion of nearly full height glazed feature panels in both elevations and at the northern corner of the

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building.

Cladding around the northern corner of the building has also been extended above the eaves/gutter level to create a significant feature in the street scene. The building will be set on top of a 2.4 metre tall masonry plinth wall. Masonry is a material that is used widely in the locality and its use will also enhance building security. Elsewhere, composite cladding panels will be used in contrasting colours.

The result will be an attractive and durable building.

Substantially improved landscaping will be planted around the northern and eastern boundaries of the site and this will comprise a mixture of trees and native shrubs. Landscaping in these areas will deliver significant environmental improvements, particularly along the Heysham Road. Native species will be used throughout the development and the landscaping scheme will result in a net gain of trees.

It is considered that the application proposals will deliver a building of high quality that is appropriately located within a well landscaped plot. By doing so, the visual amenities of Heysham Road will undoubtedly be substantially enhanced and as a consequence it can be concluded that the requirements of the Council's Design Brief for the site and Policies CS3 and DQ1 of the UDP have been complied with.

Trees and Greenspace

The overall tree/greenspace requirements are as follows:

A total of 149 trees are required by the development and 84 are shown on the landscaping plan meaning a shortfall of 65.

The Section 106 figures have altered in line with the 2010/11 financial year and now break down as follows:

Greenspace: £26,017.50

Trees: 65 not provided x £460.40 = £29,926.00.

Total requirement: £55,943.50.

The applicant has agreed to these sums and the Section 106 is being progressed at present. A condition is attached requiring that the applicant enters into a Section 106 but this may be removed if the document is capable of being signed following a resolution to grant planning permission and prior to it being issued.

Residential Amenity

It is not considered that the application proposals will affect the amenities enjoyed by local residents. The site is located some 70 metres away from the nearest residential properties, which are located to the west of the application site. In addition to the distance between the application site and the nearest homes, the proposed layout of the site will prevent any nuisance to neighbours as the proposed building will act as a barrier to any noise and light generated through the use of the

parking areas and service yard.

The neighbouring building, located to the south of the application site, will also act as a noise barrier as will development on the remainder of the refinery site when it comes forward. The construction of the rear wall of unit 1 is such that it will prevent noise break out when the building is operational and a condition is attached to secure this in the event of the operation being a B2 use.

It is considered that the combination of factors relating to the distance between the site and neighbouring properties, and the positioning of the building and the vehicular movements associated with the scheme not requiring the use of residential roads, are such that there will be no impact on residential amenity.

Residents have raised concerns relating to flood risk the implications of which are detailed elsewhere in the report. I cannot require the applicant to plant trees to the rear of residential properties at Sandiways Lane, however, future proposals for redevelopment will require a minimum 10% buffer. Residents report the poor condition of the site at present but again this is not a matter for the current application and if anything implementation will serve as a catalyst for works to the remainder.

Traffic, Transport and Green Travel Plan

A robust assessment to the appraisal of the traffic and travel implications of the application proposals have been adopted by MBC, meaning that traffic generation has been assessed on the basis of Unit 1 being used wholly for B1(c) purposes (ie the worst case scenario) and account has been taken of nearby committed sites, including Atlantic Park.

The Transportation Assessment confirms that the proposed simple priority junction to gain access to the application site meets relevant highways design standards and also that provision of land for a ghosted right turn lane on the Heysham Road frontage will ensure that the proposals for Unit 1 will not prejudice access to the wider Chancerygate Business Centre development in the future.

Taking account of the sites very good accessibility by modes of travel other than the car and the fact that even on a worst case basis the application proposals would not have a material impact in terms of traffic generation and impact on nearby junctions and that the scheme will enable the delivery of the remainder of the Peerless and Lunt site by enabling the ghosted right turn junction to the site.

The Transportation Assessment and Green Travel Plan confirm that the application site is well located in relation to surrounding residential areas, that pedestrian/cycle access between these residential areas and the site is excellent and that there are very good options for accessing the site by modes of transport other than the car.

The Green Travel Plan that accompanies the application establishes a strategy for achieving a reduction in the number of movements to and from Unit 1 by private car. This involves interviewing staff having sought local labour and ongoing review of

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measures. A condition is attached requiring the final version once the end user(s) is/are known and for ongoing implementation and review.

Contamination

The wider Peerless Refinery Site was used as an edible oils refinery and disinfectant factory for a number of decades. It is well acknowledged that there is a legacy of contamination at the site and in recognition of this WSP has been instructed to prepare a remediation strategy for the application site.

Remediation for the remainder of the Peerless Refinery site is not however the subject of this application and will be dealt with via subsequent planning applications.

Sustainability and Energy Conservation

WSP has also undertaken a renewable energy assessment energy in order to determine how 10% of the energy estimated to be used by Unit 1 will be delivered by renewable sources.

The applicant has agreed to pursue solar photovoltaics and much work has been done in designing the building, appraisals of available renewable energy supply technologies has shown that solar photovoltaic panels would be an effective source of renewable energy and be capable of meeting the 10% requirement, saving some 90,000 kilograms of CO2 per annum.

Drainage and Flood Risk

The site is not identified as being located in an area at risk from flooding. However, as it has an area in excess of 1 hectare a Flood Risk Assessment has been submitted in accordance with the requirements of PPS25: Development and Flood Risk. Discussion is ongoing with regard to the implications of this for neighbouring property and the recommendation is caveated on there being no objection from the Environment Agency in terms of what is proposed.

Air Quality

An air quality assessment has been carried out by WSP, in light of evidence of existing air quality in the vicinity of the application site and the findings of the Transportation Statement prepared by MBC Traffic in relation to traffic generation. The assessment makes an appraisal of the potential impacts of the application proposals on local air quality during the construction and operation phases of the development.

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

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

Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0458**
40 Hampton Road, Southport
(Kew Ward)

Proposal:

Conversion to 6 self-contained flats involving alterations to the side access and the erection of a two storey extension at the rear after demolition of the existing outrigger at the rear of the premises.

Applicant: Mr I Cafferkey

Executive Summary

This application is for the conversion of 40 Hampton Road into 6 self-contained flats. The main issues for consideration are the impact of the development on residential amenity, the character of the area and the interests of road safety.

Recommendation(s) Approval

Justification

The proposed development complies with the Council's Unitary Development Plan Policies and Supplementary Planning Guidance and will not cause demonstrable harm to the character of the area, the amenities of nearby residents or the interests of highway safety.

Conditions

1. T1 Time Limit - 3 years
2. M-1 Materials (matching)
3. L-4 Landscape Implementation
4. M-6 Piling
5. H-1 Remove existing vehicular/pedestrian access
6. H-2 New vehicular/pedestrian access
7. H-6 Vehicle parking and manoeuvring
8. H-7 Cycle parking
9. S-106 Standard S106
10. X1 Compliance

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Reasons

1. RT1
2. RM-1
3. RL-4
4. RM-6
5. RH-1
6. RH-2
7. RH-6
8. RH-7
9. RS-106
10. RX1

Notes

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

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

Drawing Numbers

221/1A, 410/1B

Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5h



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/0458 40 Hampton Road Southport PR8 6SS OSGR: 334446, 416554 Sheet(s): 470A Area: 1019 sqm		Standard Site Plan Scale: 1:1250 Date: 20/3/2010 Drawn By: BBERT on	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921</small>		<small>Created by Sefton Council Planning & Economic Regeneration Department using MapInfo</small>		Ward(s): Kew Postcode Sector(s): PR8 6 Polling District(s): T4 Parish(es): None Found	

S/2010/0458

The Site

40 Hampton Road which is a detached property on the east side of Hampton Road, Southport.

Proposal

Conversion to 6 self-contained flats involving alterations to the side access and the erection of a two storey extension at the rear after demolition of the existing outrigger at the rear of the premises.

History

None previous

Consultations

Director of Environmental Protection – No objections in principle, subject to the imposition of a condition which would require the submission of details regarding piling

Highways Development Control – No objections in principle subject to the imposition of Conditions regarding the removal of the existing vehicular and pedestrian accesses, the provision of the new pedestrian and vehicular accesses, the provision of on site car parking and cycle parking.

Neighbour Representations

Last date for replies: 10th May 2010

Objections to this application have been received from the occupants of 38, 39 and 41 Hampton Road on the grounds that the area is predominantly one of family houses and a development of 6 flats is not acceptable. The previous occupants of the property created a lot of noise and disturbance. The development would lead to additional on road parking and traffic congestion in close proximity to a road junction and Primary School.

Councillor Rimmer has requested that this application be the subject of a Committee site visit.

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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
DQ4	Public Greenspace and Development
H10	Development in Primarily Residential Areas
MD2	Conversion to Flats
SPG	New Housing Developments

Comments

The application site is a detached Victorian property which has been extended to the rear in a piecemeal fashion. The premises have a historical use as 2 self-contained flats and more recently have been used as an unauthorised House in Multiple Occupation. The premises have been severely damaged by a fire in the rear part of the property and are currently vacant.

This application involves the demolition of the rear outrigger and its replacement with a 2 storey extension. The property would be converted into 6 self-contained flats, with the provision of 4 car parking spaces within the curtilage of the site. The main issues for consideration in assessment of this application relate to the impact of the development on the character of the area, on the amenities of nearby residents and on highway safety.

Character of the area

The applicant proposes to convert the property into 6 self-contained flats. Policy MD2 in the UDP relates to flat conversions and indicates that such schemes will be permitted where the development would not cause significant harm to the character of the area. 40 Hampton Road has formerly been subdivided and has been altered and extended over previous years. There is an existing enclosed staircase which has been added to the side of the property and previous rear extensions. Given its existing layout and former use, it is unlikely to be occupied as a single family dwelling.

Although Hampton Road is an area of mainly single family dwellings, there are other properties converted into flats in the vicinity of the application site. 40 Hampton Road is of a sufficient size to facilitate a satisfactory conversion and a similar sized property at 71 Hampton Road already has planning permission to be used as 6 self-contained flats. The adjoining property at 42 Hampton Road is a converted into 2 flats. On balance, the proposed use of the application site is not considered to be detrimental to the overall character of the area.

Impact on residential amenity

Policy MD2 in the UDP also requires that developments should not cause harm to the amenities of occupiers of the proposed dwellings or neighbouring occupiers, in terms of overlooking, noise or disturbance. Policies CS3 and DQ1 seek to protect the amenities of residents living in close proximity to proposed developments. The impact of the proposed 2 storey rear extension and use of the property on neighbouring properties must be considered. In order to facilitate a conversion to 6 self-contained flats, the applicant proposes to demolish the existing rear outrigger and replace it with a 2 storey rear extension.

The proposed rear extension would be larger than the existing rear outrigger which is to be demolished. At present the rear outrigger is part 2 storey with a pitched roof, and part 1 and a half storey, with a flat roof. The 2 storey element projects 6.45 metres from the main rear wall of the dwelling and the flat roofed element projects a further 2.6 metres. The 2 storey element is inset from the party boundary with 38 Hampton Road by 2 metres and the 1 and a half storey element is inset from the boundary by 4.3 metres. Together the existing extensions have an overall projection of 9.1 m from the rear of the property. The applicant proposes to completely demolish the previous extensions and erect a 2 storey extension, projecting 10.1 metres from the rear back wall of the original dwelling and being inset from the party boundary with 38 Hampton Road by 2 metres and from the boundary with 42 Hampton Road by 7.4 metres. The extension would have a height to the eaves of 5.2 metres.

The proposed extension is similar in length to the existing 2 storey extension at 38 Hampton Road. Number 42 Hampton Road has a similar length single storey outrigger. Number 38 Hampton Road has side facing ground and first floor windows which already face the existing 2 storey outrigger at 40 Hampton Road. Aspect and prospect from these windows would not be significantly worsened by the proposed extension. Aspect and prospect from one side facing ground floor window would be detrimentally affected as a result of the proposed extension but this window is secondary as it serves a room which has dual aspect. Although the single storey outrigger at 42 Hampton Road has side facing windows, there would be a 9.6 metre separation distances from the windows to the side wall of the proposed extension. These windows look onto the existing outriggers at 40 Hampton Road and their aspect and prospect would not be significantly worsened as a result of the proposed development. The application site has a 30 metre long rear garden and the proposed extension will have no impact on the property to the rear. The extension is considered to have a satisfactory relationship to the surrounding properties and to be of an appropriate scale and design.

The Council's SPG on New Housing developments indicates recommended

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separation distances between first floor habitable room windows and facing windows and private rear gardens in adjoining properties. The recommended distances are complied with. The property also provides an acceptable level of amenity for future occupants with reasonable aspect and prospect from all habitable room windows and adequate external amenity space. The proposed development is therefore considered to be compliant with UDP Policies CS3, DQ1, MD2 and SPG on New Housing Development.

Impact on highway safety

The Highway Authority has been consulted with regard to the application. The applicant proposes to provide 4 car parking spaces within the curtilage of the site. Although neighbours have expressed concern that the level of car parking is inadequate, the Highway Authority is satisfied that 4 car parking spaces is an acceptable level of provision for 6 flats, given the accessible location, in close proximity to Scarisbrick New Road and Southport Town Centre and the availability of on-street car parking close by. As required by policy AD2 in the UDP the scheme makes provision for on site cycle parking.

Trees and Greenpeace

As required by Policy DQ3 in the UDP, the applicant proposes to plant 18 new trees within the curtilage of the site. The applicant has been asked to confirm his willingness to enter into a legal agreement for the provision of a financial contribution of £8,672.50 for the upgrade of public urban greenspace. An appropriate condition has been attached.

The conversion of 40 Hampton Road into 6 self-contained flats is considered to comply with Unitary Development Plan Policies and Supplementary Planning Guidance and is therefore acceptable in principle.

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

Case Officer: **Mrs C A Thomas Telephone 0151 934 2203 (am
only)**

Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0466**
8 Sandringham Road, Southport
(Dukes Ward)

Proposal: Erection of a two storey detached garage incorporating a dormer to the front and a balcony to the rear after demolition of the existing detached garage

Applicant: Mr Marcel Zachariah

Executive Summary

The main issues to consider are compliance with policy and the impact on neighbouring residential amenities. The size, scale and design of the garage with a balcony at the rear are the relevant matters for consideration.

Recommendation(s) Approval

Justification

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

Conditions

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

Reasons

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

Drawing Numbers

01A, 02, list of classic cars

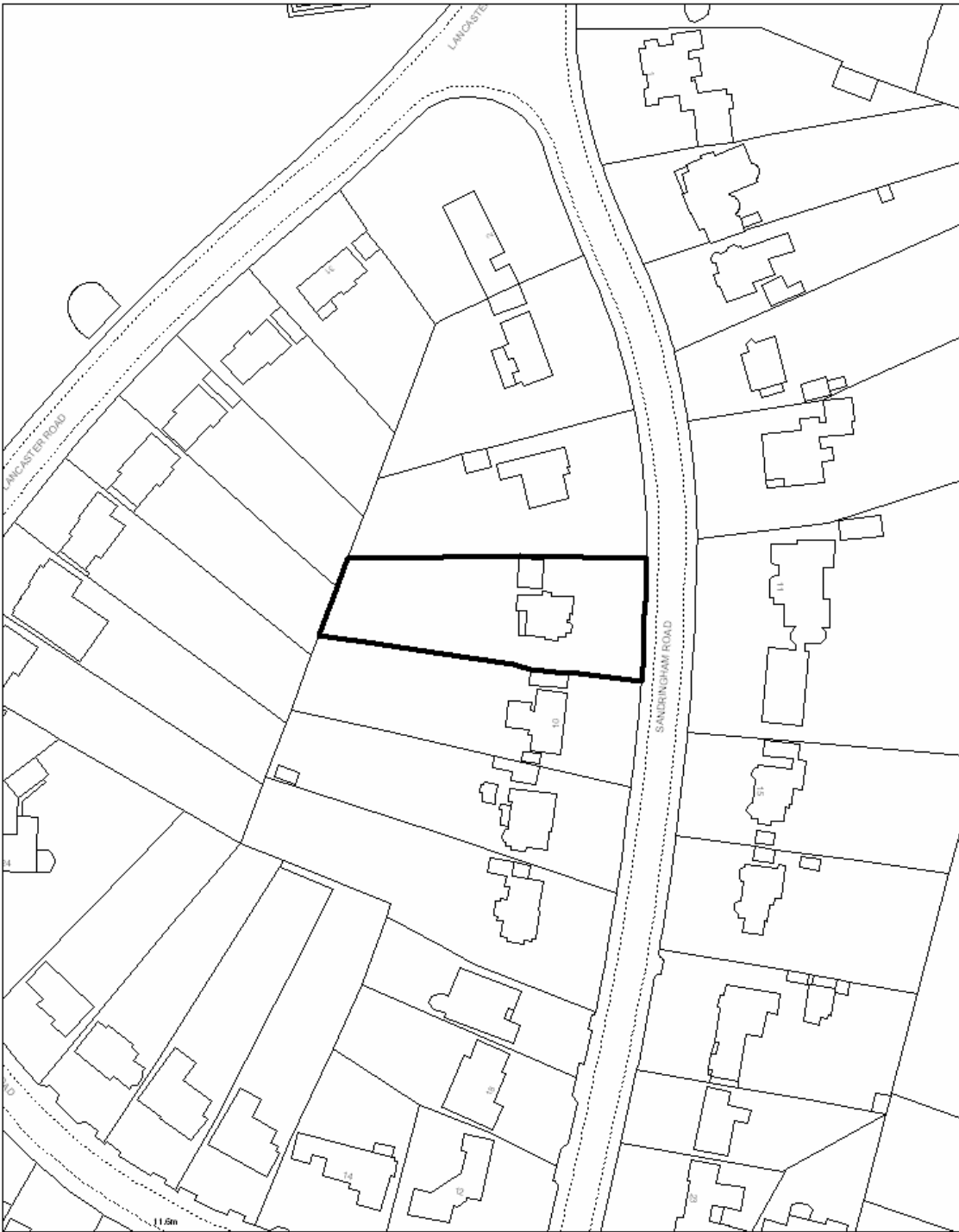
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Financial Implications

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

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

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/0466 8 Sandringham Road Southport PR8 2JZ OSGR: 332010, 415333 Sheet(s): 4488, 4470 Area: 2062 sqm		Standard Site Plan Scale: 1:2250 Date: 20/3/2010 Drawn By: EBERT on	
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S/2010/0466

Agenda Item 5i

The Site

A detached two storey dwellinghouse situated on the western side of Sandringham Road. The area is characterised by large detached dwellinghouses.

Proposal

Erection of a two storey detached garage incorporating a dormer to the front and a balcony to the rear after demolition of the existing detached garage

History

N/A

Consultations

Highways Development Control – no objections as no highway safety implications

Neighbour Representations

Letter of objection from No. 10 Sandringham Road & 37 Lancaster Road re: proposals breach many of the principles set out in the UDP and SPG, tantamount to a large commercial storage facility with elevated patio (not a balcony) for the use of the applicant's teenage children, design appropriate for a light industrial estate but not a highly desirable residential area, what is Council policy on building on the boundary line, balcony would overlook garden (No. 37 Lancaster Road), query balcony on garage, is he proposing to turn it into a flat later on?

A second letter/report from No. 10 Sandringham Road re: contravenes policies including CS3, MD1, SPG, EP1, DQ1. Should have a pitched roof, too high and bulky, a garage not a warehouse, large recreation area created next to bedrooms creating noise and light issues, detract from street scene and create terracing effect, creates poor outlook, invades privacy, wall created too high and beyond wall of property, overwhelming and obvious enlargement, prevent safe dispersal of fumes from boiler flues, should not be built on boundary lines. Description of balcony and plans are misleading, large tree may be removed, poor design, existing garage is approximately 15 cubic metres new garage is nearly 4 times the size, does not harmonise with existing dwellings, no explanation provided for non-compliance with standards, balcony could accommodate up to 15 people, loss of privacy to garden, view from rear garden would be over 9m high, 19 foot long wall 1.5-2m from boundary wall – too close, visible from patio, create unwelcome precedent, unique road and properties, may cause encroachment, could be converted, alternative plans could be submitted to mirror buildings at No. 10.

Policy

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

Adopted Unitary Development Plan.

CS3 Development Principles
MD1/SPG House Extensions

Comments

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

The proposed garage measures 8.6m, 3.1m in width and 6.4m high with a dual pitched roof. The garage would have a first floor incorporating a games room with a dormer to the front elevation and a balcony at the rear. The balcony measures 5.3m in length and 4.7m in width.

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 seeks to ensure that the design is acceptable and that the proposal responds positively to the character and form of its surroundings.

Policy MD1 and the associated SPG are relevant to this application. The policy and SPG seek to ensure that proposals are of a size, scale and mass that is subordinate, the design harmonises with the existing, adequate parking space remains, would not cause significant harm to the character of the area or to the amenities of neighbours.

Policy EP1 Managing Environmental Risk is not relevant in this case.

The garage has been set back from the front elevation of the main dwellinghouse by 2.1m (currently only 0.7m). The dormer to the front elevation would be similar to that at No. 10 (adjacent) and the garage would have a lower roof than the extension at No. 10. The front garden has a depth of over 15m and there are mature trees and shrubs to the boundary. It is considered that the design of the garage is acceptable and that no significant adverse impact would therefore be created to the street scene. The applicant has stated that the size of garage is required to house his classic cars.

The garage would extend to the same rear building line as the single storey element at No 10. A 1.7m high wall is proposed to the south elevation of the balcony to protect the residential amenities of No. 10 in relation to noise and privacy.

A 1.1m high wall with a 0.7m high obscurely glazed screen is proposed to the north elevation of the balcony to protect the privacy of the residents at No. 6.

The garden is 45m in length and is well screened by mature trees. The garden to No. 37 Lancaster Road, at the rear of the site, is approximately 48m in length and the interface distances between the properties are well in excess of the SPG

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recommendations. No loss of privacy would therefore be created.

Whilst the proposed garage/balcony is substantial in size it is considered to be in keeping with the size of the property. It follows a similar building line to the front and rear as the extension built alongside at No. 10. The proposed wall to the balcony, which would provide screening, would project 5.5m from the rear bedroom window at No. 10. There would be a distance of 1.6m increasing to 2.6m between the buildings. As there is a single storey element to the rear of 10 the proposal is considered to be acceptable in terms of the SPG.

Balconies have become popular and similar extensions with balconies have been granted planning permission throughout the borough. Issues such as noise and light, from residents using balconies, are not matters that can be controlled through the planning application process but could be dealt with by the Environmental Protection Department should any such problems arise.

Whilst the proposal would be built along-side the boundary it would be built, in part, on the footprint of the existing garage. There is a gap of 1.2m between the extension to the side of No. 8 and the boundary. A terracing effect would not therefore be created.

The existing garage is 4.8m in height and the maximum height of the proposed garage would be 6.4m. There is a fall in the levels to the rear gardens of the properties. The extension to the side of No. 10 has a maximum height of 8.8m.

With regards to the issue of the dispersal of fumes from the boiler flues (from No. 10) this is not a material planning consideration and would be dealt with by Building Regulations.

Any proposals to convert the building to a self-contained flat would require a separate planning permission. The agents have confirmed that the applicant may consider removing the tree to the front garden.

The proposal 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**

Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0518**
LA Fitness Marine Drive, Southport
(Cambridge Ward)

Proposal: Change of use to a place of worship/church hall with ancillary D2 use (assembly and leisure)

Applicant: Mr Malcolm Hathaway Elim Foursquare Gospel Alliance

Executive Summary

This application is for a change of use of a former Health Club to a mixed use as a place of worship/church hall with ancillary assembly and leisure use.

The main issues for consideration in the assessment of this application are the principle of the use within a residential area, as identified on the UDP proposals map, and impact on residential amenity.

Recommendation(s) Approval

Justification

The proposed use is appropriate in this location and will not have a significant detrimental impact on residential amenity. No external alterations are proposed so no design or street scene issues arise. The proposal therefore complies with Policies EDT13, EDT15, H10 and the granting of planning permission is justified.

Conditions

1. T1 Time Limit - 3 years
2. H-7 Cycle parking
3. Within 2 years of the commencement of the use hereby permitted, at least 10% of the energy requirements for this development shall be met from renewable sources on site and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
4. X1 Compliance

Reasons

1. RT1
2. RH-7
3. To ensure that the proposed development meets the requirements of Policy

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- DQ2 in the Sefton Unitary Development Plan in the interests of sustainability.
4. RX1

Drawing Numbers

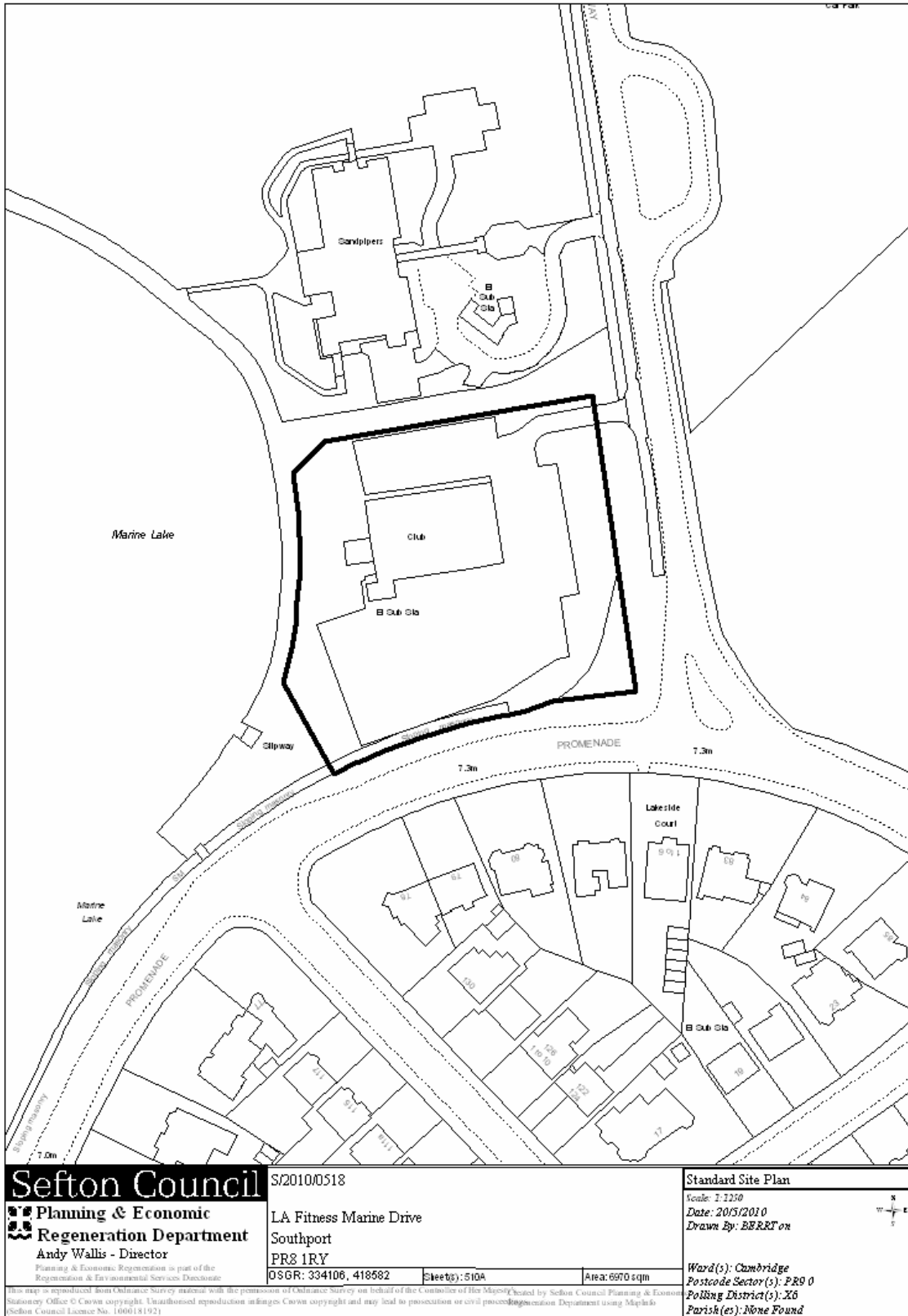
Financial Implications

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

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

History referred to
Policy referred to

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/2010/0518

The Site

The site comprises an existing two storey building occupying a corner plot at the junction of Promenade and Fairway. Formal car parking is laid out to the front and side of the premises and vehicular access to the site is from.

Proposal

Change of use to a place of worship / church hall with ancillary D2 use (assembly and leisure)

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 playing 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 park and extension to all-weather football pitch. Granted 17/08/1988.
- N/1993/0273 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.

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Consultations

Highways Development Control – *There are no objections to the proposal as there are no highway safety implications, however, no cycle parking has been shown on the drawings. In accordance with SPD Ensuring Choice of Travel, 3 spaces for visitors (i.e. 2 Sheffield cycle stands) located close to the main entrance to the building must be provided. In view of the above, there are no objections to the proposal subject to the condition requiring cycle parking.*

Environmental Protection Director – *No objections*

Neighbour Representations

Last date for replies: 28th May 2010

Received: None at date of report

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
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 use within a residential area, as identified on the UDP proposals map and impact on residential amenity.

The site lies within an area designated 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 improved 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 change of use does not

affect the overall function of the seafront area in that the unit did not contribute towards the area's function with its previous use as a private fitness club. The proposal complies 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 proposed layout plans indicate that the ground floor will be used as ... with the former pool being used as a church hall with the insertion of a floor. At first floor level will be a coffee shop...

In this case, the proposed change of use to a place of worship is replacing a gym / fitness club which has operated from the site for a number of years. The closest residential dwellings are 75 metres away on the opposite side of the Promenade (no. 80). Given this distance, the type of use proposed, and that the site was previously used as a leisure use, the proposal will not have a significant detrimental impact on residential amenity. Many places of worship and church halls are located within residential areas and the use is entirely appropriate in this location. As such the application complies with Policy H10.

Renewable Energy

Policy DQ2 requires proposals for major non-residential development to incorporate renewable energy production equipment to provide at least 10% of their predicted energy requirements from renewable sources. In this case, the applicant's agent has confirmed in writing that they are currently working on proposals to create a new church hall and other support facilities on the site of the current LA Fitness car park and anticipate that this application will be made in the next few months. They have confirmed that as part of this they would include design-in renewable energy technologies that would satisfy Policy DQ2 in respect of the present development. It is therefore recommended in this case to use a Condition requiring the renewable energy element to be met within 2 years of the commencement of the use permitted here. Whilst this is an unusual method, it is considered the best option in this case as renewable energy can be achieved more successfully as part of new build scheme rather than backfitted to an existing building.

No external alterations are proposed as part of this change of use and therefore no street scene or design issues arise from this application.

In terms of Policy DQ4, there is no requirement for a contribution towards the provision of public greenspace. SPD Green Space, Trees and Development refers to major commercial, industrial and leisure development. As this proposal does not fall within these categories (the leisure element is ancillary and not over 1,000 sq m) there is no requirement for public greenspace provision.

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The proposed change of use is appropriate within this location which is identified as Southport Seafront and Southport Central Area and allocated as Primarily Residential Area. Given the type of use proposed as a place of worship / church hall with ancillary D2 use, it is appropriate within this location. The building is some distance from the closest residential dwellings and will not therefore cause significant detrimental harm to residential amenity. The application is therefore recommended for approval.

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

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

Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0533**
17 Shore Road, Southport
(Ainsdale Ward)

Proposal: Layout of road and erection of 5 detached dwellinghouses (three fronting onto Shore Road and two to the rear) after demolition of existing building

Applicant: Mr Durkin & Mr Coulter c/o MD Joinery

Executive Summary

The application is seeking consent for the layout of a road and erection of 5 new detached dwellinghouses (three fronting onto Shore Road and two to the rear) following demolition of the existing dwelling at 17 Shore Road.

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

Recommendation(s) Approval

Justification

The proposed dwellings will make a positive contribution to their surroundings in terms of their scale, massing and design and will not have a significant detrimental impact on residential amenity 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. M10 Window Reveals
5. Landscaping (scheme)
6. L-4 Landscape Implementation
7. L-1 Protection of trees
8. L-2 Method Statement
9. P-1 Demolition
10. S106 Agreement
13. H-1 Remove existing vehicular/pedestrian access
14. H-2 New vehicular/pedestrian access

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15. H-5 Off-site Highway Improvements
16. H-6 Vehicle parking and manoeuvring
17. H-10 Mud on carriageway
18. H-11 Construction Management Plan
19. X1 Compliance

Reasons

1. RT-1
2. RM-2
3. RM-6
4. RM1
5. RL-4
6. RL-4
7. RL-1
8. RL-2
9. RP-1
10. R106
13. RH-1
14. RH-2
15. RH-5
16. RH-6
17. RH-10
18. RH-11
19. RX1

Notes

1. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@technical.sefton.gov.uk for further information.
2. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.
3. 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.

Drawing Numbers

7689_T:200:1:1, 0207417/01B, 02, 03, 04, 05, 06, 07, 08, 09, 11

Financial Implications

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

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

History referred to
Policy referred to

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Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/0533 17 Shore Road Southport PR8 2PU OSGR: 330840, 412332 <small>Sheet(s): 386D</small>		Standard Site Plan Scale: 1:1250 Date: 20/3/2010 Drawn By: BEERT on Ward(s): Ainsdale Postcode Sector(s): PR8 2 Polling District(s): R3 Parish(es): None Found	
<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>Created by Sefton Council Planning & Economic Regeneration Department using MapInfo</small>		<small>Sefton Council Licence No. 1000181921</small>	

S/2010/0533

The Site

The site comprises land to the side of 17 Shore Road which was previously a treed area of land within the private ownership of no. 17 and the site of the existing dwelling at 17 Shore Road. The levels vary across the site both from east to west and north to south and the site is bound by residential dwellings, flats and sand dunes.

Proposal

Layout of road and erection of 5 detached dwellinghouses (three fronting onto Shore Road and two to the rear) after demolition of existing building.

History

N/2006/0850 Retention of ground floor offices and change of use of first floor to form self-contained flat, installation of security shutters and layout of car park. Refused 09/11/2006.

N/2007/0077 Retention of ground floor offices and retention of use of first floor as self-contained flat for a temporary period of 1 year (alternative to above). Granted 12/04/2007.

Consultations

Merseyside Environmental Advisory Service – Comments awaited and will be added as a late representation.

Highways Development Control – There are no objections in principle to the proposal as there are no highway safety implications. This site is in an accessible location close to the rail station and local shops and facilities. The applicant will need to construct 4 new vehicular crossings to Shore Road in line with the position of the new vehicular access. In addition, the existing vehicular access to Shore Road will need to be closed off and the existing footway crossing reinstated as footway to match the existing footway either side of the access. A minor scheme of highway improvements will be required in relation to the complete reconstruction of the footway on the south-east side of Shore Road directly adjacent to the site, for the entire length of the site boundary. The installation of flush kerbs and tactile paving will also be required at the junction of Shore Road and Delamere Road. As a result there are no objections to this application on the grounds of highway safety, subject to conditions and informatives

Environmental Protection Director – No formal consultation but verbally agreed piling condition should be required.

Neighbour Representations

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Last date for replies: 18th May 2010

Received: Letters from 20 & 15 Shore Road raising the following concerns:

- This stretch of Shore Road is noted for the variety of mature houses of individual designs. Would be shame for no. 17 to be demolished instead of being modernised and retained.
- Three dwellings proposed on Shore Road should be of different designs rather than have a block of three identical modern buildings set in estate formation.
- Dwellings to the rear of the site should be retained as 2 storey to prevent overlooking.
- Designs do not retain the character of the road.
- Concerns over demolition of no. 17 and the potential impact this may have on no. 15 adjacent, particularly their boundary wall.
- Concerns over type of foundations of new buildings especially if pile driving is to be used. This will cause damage to surrounding properties.
- Hours of demolition and construction a concern, levels of noise during construction.
- Eight sycamore trees along boundary with no. 15 are to be retained. These trees are not good quality and cause problems with debris falling into gardens. Trees are not protected by TPO and would like to see their removal.

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
DQ4	Public Greenspace and Development
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
H12	Residential Density
L4	Regional Housing Provision
NC2	Protection of Species

Comments

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

Principle

The site lies within a residential area where new residential development is

considered acceptable subject to other policy constraints.

Policy L4 seeks for Local Authorities to monitor and manage the availability of land identified in plans and strategies and through development control decisions to achieve the housing provision set out in Regional Spatial Strategy. Policy H12 sets out that the recommended density for new housing development is between 30 – 50 dwellings in order to contribute to the efficient use of land. This proposal redevelops the site at a density of 13.2 dwellings per hectare which is less than the recommended. Policy H12 states that development at a lower density will only be permitted where the design considerations in Policy DQ1 justify a lower density. As set out below, the character of this area is that of large detached dwellings on spacious plots and therefore the reduced density is acceptable in this location. To develop at a higher density would not be in keeping with the character of the surrounding area.

Design, Streetscene and Character of the Area

Policy DQ1 requires development to respond positively to the character and form of its surroundings. The character of this locality is fairly large detached dwellings on spacious plots set back from the street frontage and with reasonable rear gardens. Some dwellings on Delamere Road have extremely long rear gardens but these are not typical of dwellings fronting Shore Road. The layout of the site is considered acceptable with three detached dwellings being proposed fronting Shore Road and an access road leading to two further detached dwellings to the rear. Backland dwellings are not typically characteristic of this area but on balance it is considered a reasonable layout of dwellings for this location, given the current pressures for new housing. Policy DQ1 also requires the arrangement of buildings, structures and spaces within the site relates positively to the character and form of the surroundings, achieves a high quality of design in terms of their scale, form, massing, style, detailing and use of materials.

The three frontage dwellings are of an appropriate scale and massing for their position within the Shore Road street scene. Plot 1 is individually designed, plots 2 and 3 are duplicated in terms of the front elevation but have different roof designs. This adds to the variety of the character of this street scene where each dwelling is different to the next. This is a positive feature of this scheme. A objection was received on this basis stating that the dwellings should be more varied in design. However, it is considered that the level of variety is sufficient to make a positive impact on the street scene.

The levels across the site vary and as such the frontage dwellings step up the slope whilst respecting and retaining the scale of the neighbouring developments. The dwellings are designed using traditional materials including brick, render, with strong glazing features, and stone cills to some windows but are of a contemporary design. The overall design of the development is appropriate in this setting and makes a positive contribution to its surroundings thus complying with policy DQ1.

The depths of plots 2 and 3 are consistent with 13a and 15 Shore Road which maintain the character and spaciousness of the area. Plot 1 has a larger rear

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garden extending beyond plots 2 and 3 to reflect the larger dwelling type at plot 1.

The boundary treatments for the site are a 900mm brick boundary wall to the front of plots 1, 2 and 3 with railings on top to a total height of 1.5m. This is considered acceptable within the street scene. The side boundaries to the frontage dwellings along the access road which serves plots 4 and 5 to the rear has low brick base walls with railings above at varying heights which reflect the changes in levels across the site.

Residential Amenity

The scheme seeks consent for the erection of 3 dwellings to the Shore Road frontage and 2 sited in a backland position at the rear of the site. In terms of the impact on neighbours and residential amenity, the site has been assessed against the minimum amenity space requirements and interface distances set out in SPG New Housing Development. All dwellings comply with the SPG in terms of amenity space and interface distances to surrounding gardens and dwellings. No objections have been received specifically relating to the siting of the dwellings themselves and the potential effect on residential amenity.

The depths of plots 2 and 3 are consistent with 13a and 15 Shore Road which maintain the character and spaciousness of the area. The gardens are between 14 and 16 metres in depth which exceeds the recommended minimum interface distances. Plot 1 has a larger rear garden which reflects the fact that it is a larger dwelling. Each proposed dwelling will have a good level of amenity space and will provide quality residential accommodation.

Plot 4 backs onto the rear garage court of the flats adjacent to the site at 19 Shore Road at a distance of 12 metres and so no residential amenity issues arise. Furthermore, given the change in levels across the site, plot 4 is 2 storey to the rear, but 3 storey to the front. This prevents the dwelling being excessive in height and having a detrimental impact on its surroundings.

Concern was raised by a neighbour regarding the first floor rear balcony proposed for plot 5. An additional section has been submitted showing the relationship between plot 5 and 14 Delamere Road in order to make a full assessment of the impact of this on amenity. This shows the balcony as 15 metres from the rear garden of 14 Delamere Road which complies with the SPG. Plot 5 also has a small second floor window serving a bedroom on the rear elevation which, again, meets the guidance. A number of trees are proposed to be planted along the boundary with plot 5 and 14 Delamere Road which will offer screening once established. Whilst the siting of a balcony in this position is not considered ideal, the refusal of planning permission on this ground alone cannot be justified on the basis that it meets the SPG.

Neighbours have also raised concerns relating to the demolition process and the effect that demolition and construction may have on their amenity in terms of hours of working during construction and damage to their properties for example. The agent is, in response to these concerns, preparing details which will set out the

applicant's intentions in this respect. Further comment may be made once this information is submitted at late representation stage.

Trees and Greenspace

Policy DQ3 requires the planting of 3 new trees on site per new dwelling. This gives 15 new trees required to be planted. The site plan shows 30 new trees to be planted in total which complies with policy DQ3. A condition will be used to request a more detailed landscape plan to be submitted prior to the commencement of development.

Policy DQ4 requires a financial contribution towards the provision of or improvement of public greenspace. The applicant's agent has confirmed in writing that the applicant is aware of the requirement to enter into a section 106 agreement to make a financial contribution towards this at the current rate of £1,734.50 per dwelling which gives a total contribution of £8,672.50. The proposal therefore complies with policy DQ4.

There are two trees to the front of the site which the Council's tree officer has stated should be retained as part of the proposal, an early maturing Copper Beech and a Pine. The trees are important to the street frontage and must be retained and protected through and beyond the construction process. Despite the site plan showing the trees to be retained and this is welcomed, it may be prudent to make a TPO for these trees. There are also 8 trees along the eastern boundary of the site with no. 15. The neighbours have stated that they would welcome the removal of these trees however the plans show their retention. The Council's tree officer does not require the retention of these trees, however, it is considered that if they were to be removed, the site would be far more visible to the surrounding neighbours and the presence of mature trees within a modern housing development is a positive feature. Furthermore, the trees would need to be replaced on a 2:1 ratio and there may be insufficient space for the additional 16 trees to be accommodated successfully.

A bat and red squirrel survey along with a Natterjack Toad survey have been carried out for the site. Formal comments from MEAS are awaited and will be added as late Representations to this report.

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Conclusion

The proposal is acceptable in principle in this location and is appropriate to the character and form of the area. The dwellings will not have a significant detrimental impact on residential amenity given that minimum interface distances are met. The design of the dwellings offers further variety to the street scene of Shore Road and will make a positive contribution towards the surrounding area. The application is therefore recommended for approval.

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

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

Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0577**
Ingleside Sandy Lane, Hightown
(Manor Ward)

Proposal: Erection of a two storey extension to the front / side of the dwellinghouse

Applicant: Mr J Gibson

Executive Summary

This proposal is for a two storey extension to the side and front of the dwellinghouse. The issues concern the affect of the proposal on the visual amenity of the street scene and on the amenities of the adjoining premises.

Recommendation(s) **Approval**

Justification

It is considered that this proposal, by reason of its siting and design, would have no significant detrimental affect on either the visual amenity of the streetscene or on the amenities of the adjoining premises and therefore it complies with UDP Policy MD1.

Conditions

1. T1 Time Limit - 3 years
2. X1 Compliance
3. The facing and roofing materials to be used in the external construction of this extension shall match those of the existing building in respect of shape, size, colour and texture.

Reasons

1. RT1
2. RX1
3. To ensure a satisfactory external appearance and to comply with Sefton UDP Policy MD1.

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Drawing Numbers

Drawings 6510-001Rev B submitted on 19th May and 002 submitted on 23rd February, 2010.

Financial Implications

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

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

History referred to
Policy referred to

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Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/0577 Ingleside Sandy Lane Hightown L38 3RP OSGR: 330087, 403544	Standard Site Plan Scale: 1:1250 Date: 20/3/2010 Drawn By: EBERT on
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921</small>		Sheet(s): 206A Area: 607 sqm	Ward(s): Manor Postcode Sector(s): L38 3 Polling District(s): 01 Parish(es): Hightown C

S/2010/0577

The Site

Comprises a detached dwellinghouse Ingleside, Sandy Lane, Hightown.

Proposal

Erection of a two storey extension to the front / side of the dwellinghouse

History

None.

Consultations

Tree Officer - agreed with applicant to fell two trees.

Neighbour Representations

Last date for replies: 26/5/10. No objections received to date.

Policy

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

MD1 House extensions
SPG House extensions

Comments

The issues to consider are the affects that this proposal will have on the visual amenity of the street scene and on the amenities of the adjacent residential premises.

The property to be extended is a detached dwellinghouse Ingleside, Sandy Lane, Hightown and the proposal is for the erection of a two storey extension to the front/side of the dwellinghouse.

This property is set in its own grounds being positioned 7m off the back edge of the pavement in Sandy Lane.

The proposal is to extend the property at the front and side to two storey level but the extension would be no nearer to the highway than the existing house with the extension basically squaring off the property in its appearance when viewed from Sandy Lane.

The extension will project towards Sandy Lane by a maximum of 6.4m measuring 5m across by a maximum height of 7m with a ridgeline to match the existing main

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roof.

At ground floor level there will be a porch and a lounge /study with a bedroom extension and an additional bedroom at first floor level.

The extension will have no detrimental affect on the immediate neighbours,-it will not be visible from Sandhurst, and will be 25m away from the Presbytery next door in Sandy Lane.

This extension complies with the Council's Policies in that it will be well designed, will have a pitched roof and will have materials, design details and features to match the existing house with window styles to match the existing property.

Two trees will be removed to make way for the extension but these are a sycamore and rowan which are of no particular value and will be replaced by 4 replacement trees on the front boundary. This is acceptable and meets the requirements of UDP Policy DQ3.

Having taken all of the above into account, I believe that this proposal, if allowed, will have no significant detrimental affect on either the visual amenity of the street scene or on the amenities of the adjoining premises and therefore the Planning Director I recommends that planning permission be granted subject to conditions.

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

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

Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0565**
Former Hugh Baird College Site Church Road,
Litherland
(Litherland Ward)

Proposal: Extension of Time application pursuant to planning permission S/2006/0865 approved 11/05/2007 for: Outline application for the erection of residential development and the creation of public open space

Applicant: Mr Pat Farrell Hugh Baird College

Executive Summary

This application is for an extension of time to an outline residential permission at the Hugh Baird College site in Church Road. The issues concern the changes in planning circumstances since the original approval together with the issues previously considered. These changes - the end of the housing restraint, the strengthening of affordable housing requirements and the South Sefton Interim Planning guidance are all considered along with the issues previously raised to conclude that the extension of time should be granted.

Recommendation(s) **Delegate to Director subject to the updating of the S106 in respect of use of the full receipt for the land for the development of higher education provision in South Sefton.**

Justification

The proposed development is considered to contribute to the regeneration of the area by provision of improved further educational provision as a result of reinvestment of the capital receipts. This benefit is considered to outweigh the requirement of Policies H2 in relation to provision of affordable housing. The proposals, subject to conditions, otherwise comply with UDP Policies.

Conditions

1. T-2 Outline planning permission (Time Limit)
2. Detailed plans showing layout, scale, appearance and landscaping and boundary treatment of the site shall be submitted to and approved by the Local Planning Authority before the development is commenced.
3. The residential development hereby approved shall be strictly limited to the area (shown on the indicative site layout) of 0.99 ha in size.
4. Notwithstanding the submitted illustrative site layout, the details submitted as

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reserved matters shall comply with the recommended minimum distances between buildings set out in Paragraph 4 of the SPG 'New Housing Development' and the height of buildings shall not exceed 2 storeys (although consideration can be given to utilisation of the roofspace as living accommodation).

5. The proposed development shall meet the requirements of the South Sefton Interim Planning Guidance in respect of dwelling sizes and achieving at least Code 3 Sustainable Homes.
6. D-3 Slab levels (Outline)
7. D10 Drainage
8. M-6 Piling
9. L1 Trees, Submission of a Survey
10. L6 Landscaping (outline)
11. L8 Landscape Implementation
12. L10 Landscape Management Plan
13. No part of the development shall be occupied until the proposed accesses have been completed in accordance with the approved plans.
14. No part of the development shall be occupied until the existing vehicular accesses to Spooner Avenue and Church Road have been effectively and permanently closed and the footway reinstated to match the footway to each side of the access.
15. No part of the development shall be occupied until off street parking provision has been constructed, surfaced, marked out and made available in accordance with plans to be approved in writing by the Local Planning Authority. This parking area shall then be retained and permanently reserved for the parking of vehicles.
16. No part of the development shall be occupied until space and facilities for cycle parking have been provided in accordance with plans to be approved in writing by the Local Planning Authority. These facilities shall then be retained and permanently reserved for cycle parking.
17. No part of the development shall be occupied until a scheme of highway improvements to increase the accessibility for pedestrians between the site and nearby schools and bus stops on Orrell Road, by introducing a pedestrian refuge, flush kerbs and tactile paving across St Philip's Avenue at its junction with Spooner Avenue has been submitted, approved and implemented to the satisfaction of the Local Planning Authority.
18. No part of the development shall be occupied until a highway improvement scheme designed to improve conditions for cyclists on Spooner Avenue (between St Mathew's Avenue and Orrell Road), by introducing traffic calming measures and association traffic signs, has been submitted for the approval of the Local Planning Authority and the approved scheme has been implemented in full.
19. No part of the development shall be occupied until a scheme of highway improvements to increase the accessibility for users of public transport, by introducing access kerbs and altering footway levels at the bus stops on Church Road, has been submitted, approved and implemented to the satisfaction of the Local Planning Authority.
20. A scheme of acoustic/thermal glazing for habitable rooms with line of sight to Church Road shall be submitted for approval prior to the commencement of the

development. The approved scheme shall be implemented before the occupation and retained thereafter.

21. A scheme of acoustically treated ventilation to habitable rooms with line of sight to Church Road shall be submitted for approval prior to the commencement of the development. The approved scheme shall be implemented before the occupation and retained thereafter.
22. A scheme of acoustic fencing to protect garden areas shall be submitted for approval prior to the commencement of the development. The approved scheme should be implemented before occupation and retained thereafter.
23. P1 Contamination
24. The play equipment (LEAP) shall be provided prior to the occupation of any of the houses.
25. M-8 Employment Charter

Reasons

1. RT-2
2. This is an outline application and is to comply with Sefton UDP Policy CS3.
3. To comply with Sefton UDP Policy H3.
4. To meet the requirements of the South Sefton SPG and comply with UDP policy DQ1.
5. To achieve a satisfactory development and comply with UDP Policies H12 and DQ1.
6. RD-3
7. RD10
8. RM-6
9. RL1
10. RL1
11. RL1
12. RL1
13. To safeguard the safety and interests of users of the highway and to comply with Sefton UDP Policies AD2 and DQ1.
14. RH3
15. RH1
16. RH1
17. In the interests of pedestrian safety and to comply with Sefton UDP Policy AD2.
18. In the interests of safety for cyclists and other users of the highway and to comply with UDP Policy AD2.
19. To ensure access to public transport and comply with UDP Policy AD2.
20. To protect the amenities of future residents from noise on Church Road in accordance with UDP Policy EP5.
21. To protect the amenities of future residents from noise on Church Road in accordance with UDP Policy EP6.
22. To protect the amenities of future residents from noise on Church Road in accordance with UDP Policy EP6.
23. RP1
24. To ensure the provision of play equipment to meet UDP Policy DQ4.
25. RM-8

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Drawing Numbers

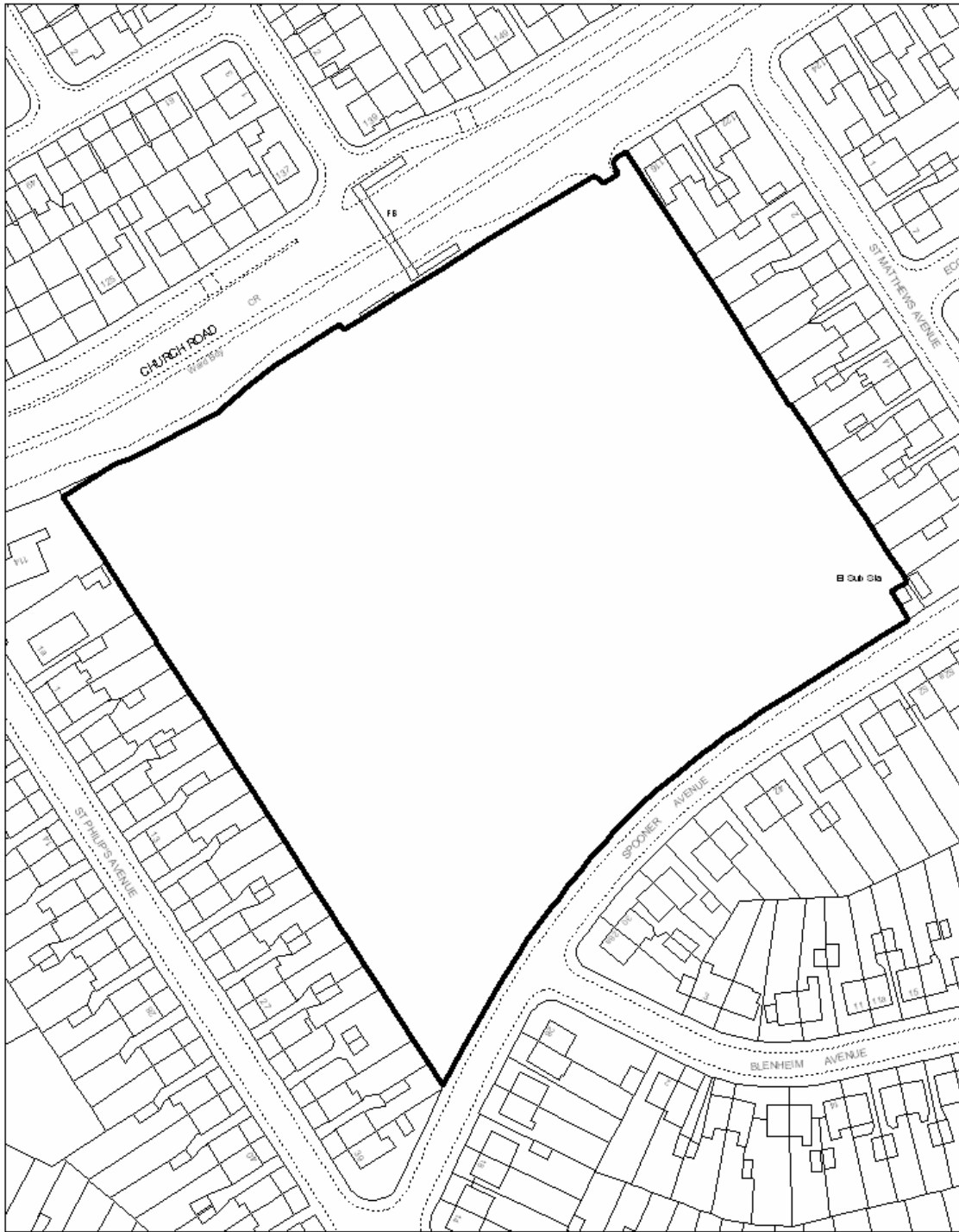
Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5m



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/0565 Former Hugh Baird College Site Church Road Litherland		Standard Site Plan Scale: 1:1250 Date: 20/3/2010 Drawn By: BBERT on
	OSGR: 334354, 397648	Sleep(s): 90A	Area: 24537 sqm

The Site

The application site comprises the land formerly occupied by the Hugh Baird Catering College. The buildings have now been demolished and the site lies vacant and is used for informal recreation. The site lies between Church Road and Spooner Avenue and adjoins houses to both east and west boundaries.

Proposal

Extension of Time application pursuant to planning permission S/2006/0865 approved 11/05/2007 for: Outline application for the erection of residential development and the creation of public open space

History

- S/2006/0865 - Outline application for the erection of residential development and the creation of public open space. Approved 11/05/2007
- 95/0716/S : Outline application for 68 houses – refused 16/05/97 – dismissed on appeal 24/06/98
- 95/0717/S : Outline application for a medical surgery, residential home and sheltered housing – refused 16/05/97
- 95/0718/S : Outline application for a petrol filling station – refused 04/09/96
- 95/0719/S : Outline application for the erection of a public house – refused 04/09/1996
- 97/0742/S : Outline application for 62 two storey dwellinghouses together with public open space and landscaping to Church Road (following 95/0716/S (refused) – refused 24/04/98
- S/2003/0642 :Erection of 1.2 m high fence along Church Road boundary – granted with conditions 14/07/03

Consultations

Highways Development Control -No objections to extension of time. Previous comments remain valid as follows

Traffic Impact - A Transport Assessment has been submitted as part of this application. By assessing data from TRICS for privately owned houses, it has been estimated that the development would generate an extra 50 vehicle trips in the AM peak hour (08.00-09.00) and 53 trips in the PM peak hour (17.00-18.00) on a typical weekday. This would equate to approximately 1 or 2 extra vehicles per minute using Spooner Avenue during the peak periods, and as such, will not result in any traffic problems or any noticeable increase in congestion on the surrounding highway network. Modelling software (PICADY) has also been used to demonstrate that the two junctions created by the new access roads with Spooner Avenue will operate satisfactorily, with very little queuing traffic or delay.

Notwithstanding the fact that the extra traffic that is likely to be generated by the

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development it can easily be accommodated on the highway network without detriment. Spooner Avenue forms part of the Council's Strategic Cycle Network and, as such, the developer will be required to fund a scheme of traffic calming on Spooner Avenue (between St. Matthews Avenue and Orrell Road) to mitigate the effects of the additional traffic by reducing vehicle speeds and therefore making the route more conducive to cycling.

Vehicular Access - There will be two areas of housing development within the site, one to the rear of the properties fronting St. Matthews Avenue and one to the rear of properties fronting St. Philips Avenue, with the area between being retained for public open space. Vehicular access will be in the form of two new cul-de-sacs off Spooner Avenue. There are areas set aside at the ends of each cul-de-sac to enable delivery and refuse collection vehicles to manoeuvre and turn around, so that they are able to enter and leave the site in a forward gear.

The existing redundant vehicular accesses along Spooner Avenue and Church Road will be closed off and the footway reinstated.

Parking - The applicant has advised that car parking provision across the site will be based on Sefton Council's adopted car parking standards of 1.5 spaces per dwelling. Almost all parking associated with the development will be contained within the site with very little on-street parking likely to take place on Spooner Avenue and the surrounding area. The applicant will also be required to provide secure cycle parking facilities for residents of the flats as well as a number of cycle stands for visitors.

Accessibility for non-car modes - The layout submitted shows a direct pedestrian link through the site between Spooner Avenue and Church Road which will not only provide convenient access on foot for residents of the proposed development, but will also significantly improve pedestrian access to bus stops and local amenities for the surrounding community. However, a network of footways at least 2.0m in width will also be required adjacent to the carriageways of the cul-de-sacs in order to ensure safe access for pedestrians to and from the houses and flats.

Despite there being a good pedestrian link through the site, good access to bus services on Church Road and Orrell Road; and Spooner Avenue being part of the Council's Strategic Cycle Network, an accessibility audit of this site has been undertaken and has identified a shortfall in accessibility for pedestrians and users of public transport. As a result a package of measures to improve accessibility for non-car modes has been identified and the developer will be expected to wholly fund a scheme of highway works, which will include the following improvements:-

- * the closing off of the existing redundant vehicular accesses on Church Road and Spooner Avenue and the reinstatement of the footway; the construction of two new access roads with adjacent footways having flush kerbs and tactile paving at their junctions with Spooner Avenue;
- * the provision of a pedestrian refuge, flush kerbs and tactile paving across St. Philip's Avenue at its junction with Spooner Avenue;
- * the introduction of a scheme of traffic calming measures and associated traffic signs on Spooner Avenue (between St. Matthews Avenue and Orrell Road) and

- * the introduction of access kerbs and alteration of the footway levels at two bus stops on Church Road adjacent and opposite the site.

Conditions will be added to any approval to secure these improvements and the applicant will be advised that an agreement under Section 278 of the Highways Act 1980 will be required to ensure the implementation of the off-site works.

Suggested amendments to layout - Although layout is not a matter under consideration at this stage, there is a fair degree of detail shown on the site layout drawing and as such I would make the following observations:-

- * footways at least 2.0m in width must be provided adjacent to the carriageways of the cul-de-sacs;
- * the alignment of the direct pedestrian link through the site between Spooner Avenue and Church Road must be amended to that it is immediately adjacent to the carriageway of the new access road in order to avoid small unusable areas of verge which are difficult to maintain;
- * a satisfactory scheme of traffic calming measures on the access roads within the extent of the development site must be incorporated into the layout.
- * secure cycle parking for residents of the flats and visitors must be provided in accordance with the Supplementary Planning Guidance 'Ensuring Choice of Travel'

The applicant will also be required to put forward a plan showing the intended limits of highway to be considered for adoption.

In view of the above, I have no objection to the proposal in principle, subject to the attachment of conditions to any approval.

Environmental Protection (previous comment) - no objections in principle. Standard remediation condition is required. Conditions are required in respect of acoustic/thermal glazing and acoustically treated ventilation to habitable rooms in line of sight to Church Road and a scheme of acoustic fencing for gardens.

Neighbour Representations

One letter received from occupiers of 44 Spooner Ave concerned about the size of development and the location of the access opposite his house. He is concerned that plans may have been finalised when he had understood that there would be a future opportunity to comment.

Policy

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

AD1	LOCATION OF DEVELOPMENT
AD2	ENSURING CHOICE OF TRAVEL
CS1	DEVELOPMENT AND REGENERATION

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CS3	DEVELOPMENT PRINCIPLES
DQ1	DESIGN
DQ3	TREES AND DEVELOPMENT
DQ4	PUBLIC GREENSPACE AND DEVELOPMENT
DQ5	SUSTAINABLE DRAINAGE SYSTEMS
EP6	NOISE AND VIBRATION
G5	PROTECTION OF RECREATIONAL OPEN SPACE
H10	DEVELOPMENT IN THE PRIMARILY RESIDENTIAL AREAS
H12	RESIDENTIAL DENSITY
H2	REQUIREMENT FOR AFFORDABLE, SPECIAL NEEDS AND HOUSING
UP1	DEVELOPMENT IN URBAN PRIORITY AREAS

Comments

This application seeks extension of time of an existing outline permission. Since the application has been submitted before the previous application expired, the same outcome would be expected unless there has been a material change in planning circumstances which would justify a different view. The issues in this case are as follows;

- the principle of residential development
- the amount of development acceptable on the site and the arrangement and balance of residential and open space uses.
- affordable housing
- loss of recreational open space
- the density and layout and mix of the housing development (bearing in mind that this is illustrative only)
- traffic considerations
- other issues –noise, air quality

Principle of residential development

The site is within the Primarily residential area as designated in the adopted Sefton UDP which indicated that development of part of the site is acceptable subject to compliance with other policies.

At the time of the previous application Policy H3 sought to restrict new housing development except within the Urban Priority wards where a significant regeneration benefit can be demonstrated. In this case the applicant argued urban regeneration benefit in terms of the receipt from sale of the land helping to finance the future growth and accommodation strategy for Hugh Baird College. The housing restraint is no longer in place and indeed there is a recognised shortage of housing land in the Borough. The principle of residential use is therefore acceptable.

Amount of development and balance of uses

The Inspector at the time of the UDP Inquiry accepted the redesignation of the site

as residential on the basis that 25% of the site was previously developed. This comprised college buildings and associated use located in the north east corner of the site. The remainder of the site was open space, including playing pitches, associated with the college. The applicant has argued that restriction of development to 25% of the site area would not generate sufficient capital receipts to facilitate the college's development programme on the local area. A development of 40% site area is therefore proposed which makes the best use of the site to provide well overlooked public open space and to provide appropriate layout and design

The application is in outline only and the proposed layout is only illustrative but a condition can be used to restrict the extent of development to that shown on this layout.

Affordable housing

At the time of the initial outline approval ,UDP Policy H2 normally required the provision of 30% affordable housing on a development of more than 25 houses. In this case, however, it was agreed that the receipt for the development would be put back into improving the educational provision which mainly serves the urban priority wards of south Sefton which display high levels of deprivation. The applicant demonstrated that the provision of social housing would be a burden which would reduce the value of the development to a level which would reduce the effectiveness of the input to educational provision.

The planning situation has changed since the outline approval in that the evidence base for the need for social housing is stronger and the requirement is normally for 30% affordable housing (80% social rented, 20% intermediate housing) for developments of more than 15 dwellings. The applicant has submitted a statement explaining that the whole of the capital receipt will be committed within 3 years to towards new developments at Hugh Baird college Bootle. This college is located in an area of high deprivation and provides a range of courses including vocational qualifications and a strong Workforce Development Unit working with a wide variety of employers. The college had been seeking significant LSC funding for a major new development at Connolly House but this has not been achieved because of national LSC funding constraints. The receipt from the Church Road site would offer the possibility of a smaller development on the Connolly House site likely to provide both for Higher Education and further growth of the Workforce Development Unit .

The Director considers that this is an exceptional case. It is not a case of the development being unable to provide affordable housing on economic grounds, but a unique opportunity for funds to be generated to benefit educational growth and growth of the Workforce Development Unit which in the particular circumstances of this case would provide great benefit to regeneration in South Sefton. On this basis it is considered that affordable housing should not be required, subject to a S106 agreement which requires that all the proceeds from sale used to benefit educational provision in south Sefton.

Loss of recreational land

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UDP Policy G5 does not permit the loss of open space which is used for recreational open space or which could meet a recreational need in the area unless the proposed development is for facilities ancillary to the principal use or enhances the recreational function or an equivalent and equally convenient open space area is provided. In this case the applicant at the time of the initial outline application considered the previous use of the site, assessed the recreational needs of the local area and the wishes of the local population and proposes to provide a new area of informal public open space including a LEAP (play area).

The former use of the site was predominantly for sports pitches, but these were associated with the college and have not been formally used for a period of about 10 years. More recently the site has been used for informal recreation and dog walking but the site is not maintained nor does it have any legal status as public open space. The applicant has assessed playing pitch provision within a 3km area and has concluded that the existing provision exceeds the standards of provision of 1.2 ha per 1,000 population as set out in the adopted UDP - the actual figure here is 77.3ha for 92,915 persons compared to a requirement of 75.7ha. The new provision at Moss Lane and other facilities in the area are adequate to meet existing need and this was recognised in the local survey where only 13.6% of respondents requested reuse for formal sports pitches. On this basis, the Director concludes that there is no need to protect the application for formal sports provision.

However, surveys of the local population indicated a desire for more play facilities with 29.5% of respondents requesting this, and the desire for informal recreation is clear from the existing use. The applicant therefore proposes to provide an area of public open space including a LEAP. This would meet the requirement of Policy G5 by providing an enhanced recreational function and formalising the public use of the site. However, it will be necessary, through a S106 Agreement undertaking for the applicant to dedicate the area for public use and ensure long term maintenance.

Density, layout and housing mix

The application is accompanied by an illustrative layout for 32 houses and 32 apartments giving a density of 64 dwellings per hectare on this 1ha site. Whilst Policy H12 of the adopted UDP prefers densities of 30-50 units per hectare, it also recognises that in accessible locations higher densities can be acceptable. The proposal is considered acceptable here.

The illustrative layout proposed includes two points of access from Spooner Avenue and no direct access to Church Road. The development would comprise two wings - one on each side of a central area of public open space. The properties backing on to St Philips Avenue and St Matthews Avenue would be mainly 2 storey houses in small terraces. The properties fronting Spooner Avenue would be 2 storey apartments whilst fronting Church Road 3 storey houses and apartments are proposed. Local residents have expressed concern about the character, location and height of the proposed dwellings. Houses in Spooner Avenue previously enjoyed on open outlook. The illustrative layout fails to demonstrate full compliance with the SPG, but with minor amendment and careful consideration of detail is capable of doing so for 2 storey dwellings. A condition can be imposed to ensure that the

proposals meet the normal privacy distances to protect the amenity of existing and future residents. The 3 storey element has caused local concern. On the basis of the illustrative layout, adequate privacy distances cannot be achieved for part of the 3 storey element. Also, all surrounding houses do not exceed 2 storey, although several have rooms in the roofspace. I consider that restriction to 2 storey, but permitting use of the roofspace, if of appropriate design, would be appropriate for the proposed new development.

The proposal will involve some loss of trees. The access will require removal of one large tree and trees to the north west corner would require removal, although these are diseased. A tree survey will be required as part of the reserved matters with replacement of trees on a 2 for 1 basis. Policy DQ3 requires planting of 3 new trees per unit. These can be accommodated within the overall site, either within the residential development or on the open space. Policy DQ4 requires provision of public open space. The area proposed more than meets the requirements of this policy, although the applicant will be required to make provision for future maintenance as well as laying out the public open space and providing the LEAP in the first instance. Detailed design of the open space area will be required and this should make provision for sustainable urban drainage for the site.

The housing mix of apartments and houses previously raised local concern, but there is no planning reason on this site to resist the provision of some apartments. These would however be apartments for sale. The requirement of the IPG for south Sefton with regard to dwelling sizes and meeting Code 3 Sustainable Homes should be included in conditions.

Traffic and access

The Highways Development control team has reviewed the Transport Assessment submitted with the application and raises no objections to the proposals. However a scheme of traffic calming to Spooner Avenue is required as this is part of the national cycle network and a number of detailed conditions are also requested. Parking can be provided within the site to comply with the Council's parking standards.

Other issues

The Director of Environmental Protection requests conditions with regard to site remediation and protection of dwellings from noise on Church Road. Air quality

Conclusion

This proposal is an extension of time of an earlier approval. The changes in planning circumstances relate to the end of the housing restraint, the strengthening of the affordable housing requirements and the development of additional standards in the IPG. The ending of the restraint increases the justification for this development. In respect of affordable housing, the applicant previously argued that the benefits to educational provision outweighed the need to provide affordable housing on this site and a strengthened justification has been put forward to show that this remains the case. The full receipt is to be put into such provision. In

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respect of the IPG the required standards can be incorporated in conditions. All other issues remain as previously accepted.

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

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REPORT TO: Planning Committee
Cabinet
Council

DATE: 2nd June 2010
10th June 2010
8th July 2010

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

**WARDS
AFFECTED:** Manor

REPORT OF: Planning and Economic Development Director

**CONTACT
OFFICER:** Dorothy Bradwell

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

Following public consultation to seek confirmation of the Moor Park Article 4(2) Direction, making its effects permanent.

REASON WHY DECISION REQUIRED:

Pursuant to the Council's duty under sections 69 and 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDATION(S):

- a) That Planning Committee recommend to Cabinet that the Moor Park Article 4(2) Direction be confirmed without modification.
- b) That Cabinet recommend to Council that the Moor Park Article 4(2) Direction be confirmed without modification.
- c) That Council confirm the Moor Park Article 4(2) Direction without modification

KEY DECISION: no

FORWARD PLAN: no

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IMPLEMENTATION DATE: With immediate effect

ALTERNATIVE OPTIONS:

There are two alternative options available;

- a) The first is to confirm the direction in a modified state. Any of the householder's permitted development rights that are currently removed could at this stage be reinstated.
- b) Alternatively members could elect not to confirm the direction. The effect of this would be that the restrictions currently in place would lapse and permitted development rights would be reinstated to householders.

IMPLICATIONS:

Budget/Policy Framework:

Financial:

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

Legal:

Risk Assessment:

Asset Management:

N/A

CONSULTATION UNDERTAKEN/VIEWS

EXTERNAL

1.1 A questionnaire was sent to all properties (copy attached) The questionnaire sought to establish whether there is local support for the measures to remain in place.

1.2 Of the 90 questionnaires sent out, the conservation team received 33 responses - a response rate of 37%

Headline statistics

- **94% of respondents thought that it was important to preserve the character and appearance of the conservation area.**
- **73% were generally in favour of an article 4(2).**

1.3 Turning to the specific restrictions the greatest levels of support were for removal of permitted development rights over alterations to roofs and hard surfaces.

- **82% over alterations to roof slopes,**
- **82% on hard surfaces**

1.4 Strong support was also shown for the removal of permitted development rights for other alterations:

- **73% on alterations and removals of chimneys; and,**
- **76% new porches**
- **76% painting (other than maintenance)**
- **61% architectural features, such as windows and doors.**

1.5 Some respondents wanted greater removals of rights than the article 4(2) provides for:

- **50% wanted greater regulation than the article 4(2) provides for alterations at the side.**
- **20% wanted greater regulation than the article 4(2) provides over rear alterations and extensions**

INTERNAL

Finance – No need for re-consultation

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Legal – The Legal Department have confirmed that the prescribed procedures for the making of the direction have been correctly followed.

CORPORATE OBJECTIVE MONITORING:

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

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

Planning Policy Statement 5: Planning for the Historic Environment

'Heritage at Risk' English Heritage, 2009.

Moor Park Conservation Area Appraisal, Sefton MBC, March 2008

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Background

- 1.1 Despite living in a conservation area householders have rights to make quite a number of changes to their properties, which though relatively minor individually, can have a significant cumulative effect on the character of the building and the wider area.
- 1.2 Changes that can be permitted without there being an Article 4(2) direction in place include changes to roof materials, addition of porches, erection of walls and gates, replacement windows and creation of hardstandings.
- 1.3 The residents association have written letters to the Council requesting an Article 4(2) Direction be implemented
- 1.4 On 13th January 2010 Council agreed to the making of an Article 4(2) Direction within the Moor Park Conservation Area, to restrict the range of permitted development rights, pending public consultation. A copy of the report is at appendix 1.
- 1.5 The range of rights which have been removed by the Direction are listed in the attached notice (appendix 2). The Direction is now in force, but to remain so it needs to be confirmed by the Council. Without confirmation the Direction will expire on 13th July 2010.
- 1.6 The aim of the Direction is not to prevent alteration, but to control development through requiring planning permission to ensure that alterations to properties are in keeping with the character of the area.
- 1.7 The results of the public consultation have now been received and are as detailed above. It was stated in the covering letter that a non-response would be taken to mean that householders were happy with the measures. Consequently the actual rate of support may be higher than can be proven numerically.

Summary

- There is a demonstrably good level of support from people living in the area for the introduction of the Article 4(2) Direction
- The measures will prevent further harmful alterations from taking place within the Moor Park conservation area
- In determining planning applications received as a result of the direction, individual proposals will be assessed on their own merits, taking into account the contents of the Moor Park Conservation Area Appraisal

Appendix 1 Copy of report authorised by Council 13th January 2010

REPORT TO: Planning Committee
Cabinet
Council

DATE: 13th January
14th January
14th January

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

**WARDS
AFFECTED:** Manor

REPORT OF: Planning and Economic Regeneration Director

**CONTACT
OFFICER:** Dorothy Bradwell

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

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

REASON WHY DECISION REQUIRED:

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

RECOMMENDATION(S):

That Planning Committee:

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

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

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

That Council subject to the above recommendations:

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

KEY DECISION: N/A

FORWARD PLAN: N/A

IMPLEMENTATION DATE: N/A

ALTERNATIVE OPTIONS:

a) Article 4(1) Direction

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

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

b) Not to make a direction

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

IMPLICATIONS:

Budget/Policy Framework: N/A

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

Legal: N/A

Risk Assessment: N/A

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS

INTERNAL

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

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

FD280 – THE FINANCE AND IS DIRECTOR HAS BEEN CONSULTED AND HIS COMMENTS HAVE BEEN INCORPORATED INTO THIS REPORT

EXTERNAL

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

CORPORATE OBJECTIVE MONITORING:

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

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

Planning Policy Guidance Note 15: Planning and the Historic Environment

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'Heritage at Risk' English Heritage, 2009.

Moor Park Conservation Area Appraisal, Sefton MBC, March 2008

1. BACKGROUND:

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

2. PROPOSAL

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

Hard landscaping front gardens

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

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

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

DIRECTION MADE UNDER ARTICLE 4(2)

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

NOW THEREFORE the said Council in pursuance of the Power conferred on them by article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by article 3 of the said Order shall not

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apply to development on the said land of the descriptions set out in the Schedule below to the extent permitted by Article 4(2)-(5) of the 1995 Order.

THIS DIRECTION is made under article 4 (2) of the said Order and in accordance with article 6 (7) shall remain in force until the 14th July 2010 and shall then expire unless it has been confirmed by the said Council. Any representations concerning the Direction should be made to:

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

SCHEDULE I

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

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

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

Class F of Part 1 of that Schedule, consisting of the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or the replacement in whole or in part of such a surface, where the hard surface would front a highway, waterway or open space;

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

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

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

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

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

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REPORT TO: Planning Committee

DATE: 2nd June 2010

SUBJECT: Core Strategy for Sefton - update

WARDS AFFECTED: All

REPORT OF: Planning & Economic Development Director

CONTACT OFFICER: Steve Matthews, Ext 3559

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To bring Members up to date with progress in preparing the Core Strategy for Sefton and agree the next steps.

REASON WHY DECISION REQUIRED:

To agree how to progress the Core Strategy for Sefton.

RECOMMENDATION:

That a workshop is arranged for members of Planning Committee in the near future to consider key issues which the Core Strategy for Sefton must tackle, a vision for the borough by the end of Core Strategy period (2027), and a strategy for achieving this.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: N/A

ALTERNATIVE OPTIONS:

The alternative option is not to have a workshop. This would make it more difficult to get consensus on agreeing the key issues and vision for the Core Strategy.

IMPLICATIONS:

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Budget/Policy Framework: N/A

Financial: None

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

Legal: N/A

Risk Assessment: N/A

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS
None

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	

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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

N/A

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1. Introduction

- 1.1 Over the past year Members have received a number of reports on progress in preparing the Core Strategy, and have attended a workshop on the issues related to finding land for new homes and jobs.
- 1.2 This report brings members up to date with progress since then, and provides an overview of the next stages.

2. Progress with studies

- 2.1 A lot of evidence has been gathered. Members have received reports on two separate housing studies and also on an employment land and premises study. Other studies are still being completed. Two of the most significant are the Green Belt study and the Overview Study.

Green Belt Study

- 2.2 In October 2009, Members authorised a study of the Green Belt to be carried out. Members will recall that this was considered necessary as recent analysis of housing and employment land supply showed that Sefton is not able to meet all its needs for land for new homes and jobs within the existing built-up area for the whole of the Core Strategy period (up to 2027).
- 2.3 This Green Belt study is being carried out in-house and consultants have been engaged to review our approach to the study and its emerging findings, in order to ensure that the study is as independent and objective as possible. The results of the draft study will be reported to September Planning Committee. It will be possible to arrange a workshop for Members in advance of this. However, because of the tight timescale to which this report is being prepared, any workshop would be likely to be in August.

Liverpool City Region Overview Study

- 2.4 A related sub-regional study has recently been commissioned by the six Greater Merseyside authorities, together with West Lancashire Borough Council and Cheshire West and Chester Council. This is also supported by 4NW (the regional leaders' board for the North West) and GONW. The study will take 22 weeks to conclude and will be completed in October 2010
- 2.5 The study will review the conclusions of the various housing and employment land studies that have been carried out by these authorities. The key purpose of the study is to identify whether there is scope for any authority to meet some of the housing or employment needs of an adjoining authority in a situation where an individual local authority cannot meet all its own needs.
- 2.6 Joint housing work with West Lancashire and Knowsley has shown that these authorities face similar difficulties to Sefton in finding land to meet future housing needs. The draft study will be available in September, and its

conclusions will be critical in developing the Core Strategy. The findings of this study will be reported to Members later this year.

Strategic Housing Market Assessment (SHMA) Limited Further Analysis

- 2.7 Further to the completion of the SHMA in June 2009 by Fordham Research, have recently been appointed to undertake limited further analysis of disaggregated affordable housing needs in Sefton and a sample household survey analysis of Sefton's residents housing aspirations. The further analysis is intended to inform and refine current and future affordable housing policy in Sefton, whilst the household survey will inform the Overview Study referred to above. This limited work will be completed by the end of July 2010. The findings of these two pieces of work will be reported to Members later this year.

3. Next steps

- 3.1 The progress of the Core Strategy has been reviewed recently by the 'critical friend' service offered by the Planning Officers' Society. The main conclusion was the need to build wider agreement on the key issues the Core Strategy must tackle, and then to agree a more detailed vision and strategy before recommending possible options for achieving this.
- 3.2 We have already presented key issues to members arising from what we are required to do through Government guidance, also as a result of the various studies we have undertaken, and following our widespread consultation last summer. We have also reported on a possible spatial strategy.
- 3.3 However it is clear we now need a sharper focus on the overriding issues which the Core Strategy must tackle, and then ensure that the vision and strategy relate closely to this. This is particularly the case in view of some of the difficult issues which our studies have brought to light.
- 3.4 These matters require detailed deliberation which would be best suited to a workshop. It is proposed that this should be held as soon as practicable.

Recommendation

It is recommended that a workshop is arranged for members of Planning Committee in the near future to consider key issues which the Core Strategy for Sefton must tackle, a vision for the borough by the end of Core Strategy period (2027), and a strategy for achieving this.

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APPENDIX

Committee: PLANNING

Date Of Meeting: 2nd June 2010

Title of Report: TOWN AND COUNTRY PLANNING ACT 1990 APPEALS

Report of: A Wallis Planning and Economic Regeneration Director

Case Officer: Telephone 0151 934 4616

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

Purpose of Report:

To advise Members of the current situation with regard to appeals. Attached is a list of new appeals, enforcement appeals, developments on existing appeals and copies of appeal decisions received from the Planning Inspectorate.

Recommendation(s):

That the contents of this report be noted.

Corporate Objective Monitoring

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

Financial Implications

None.

Departments consulted in the preparation of this Report

None.

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

Correspondence received from the Planning Inspectorate.

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Appeals Received and Decisions Made

From 15 April 2010 to 20 May 2010

Decisions

40 Waterloo Road, Birkdale, Southport

S/2009/0897 – 212367

Erection of a single storey extension to the rear of the dwellinghouse after demolition of the existing two storey extension

Appeal Type: Written

Lodged Date: 04 March 2010

Decision: Allowed

Decision Date: 27 April 2010

61 & 63 Albert Road, Southport

S/2009/0874 - APP/M4320/A/10/2120504/NWF

Outline planning application for the erection of a block of five, four storey town houses fronting onto Albert Road and a block of six, part three, part four storey town houses at the rear after demolition of existing buildings

Appeal Type: Informal

Lodged Date: 18 January 2010

Decision: Dismissed

Decision Date: 14 May 2010

14 Redhill Drive, Southport

S/2009/1207 - APP/M4320/D/10/2124367

Retention of a fence to the front of the dwellinghouse

Appeal Type: Written

Lodged Date: 16 March 2010

Decision: Dismissed

Decision Date: 10 May 2010

WITHDRAWN**Formby Football Club Altcar Road, Formby**

S/2009/0596 - AP/M4320/C/10/2124291/3/5/6/7/8/9

Application for temporary planning permission for a period of two years, for the change of use of land to football / rugby pitches, erection of 9 no. floodlighting columns 10m in height with ball retention netting between posts, earth bunding surrounding the pitches, retention of the existing portacabins / structures and layout of car parking

Appeal Type: Written

Lodged Date: 18 March 2010

Decision: WITHDRAWN

Decision Date: 20 April 2010

New Appeals

42 Duke Street, Formby

S/2010/0216 - 2128496

Retrospective application for the display of 1 no non illuminated banner sign to the front of the premises

Appeal Type: Written

Lodged Date: 14 May 2010

Decision:

Decision Date:

Rear of 79-95 Linaker Street, Southport

N/2009/0214

Outline application for the erection of 12 dwelling houses after demolition of the existing building

Appeal Type: Written

Lodged Date: 14 April 2010

Decision:

Decision Date:

1 Camberley Close, Southport

S/2010/0082 - APP/M4320/D/10/2127219

Retrospective application for the erection of a boundary fence to a maximum height of 2m fronting onto Palace Road

Appeal Type: Written

Lodged Date: 29 April 2010

Decision:

Decision Date:

New Enforcement & Planning Appeals

1 Kenworthy 61 Bath Street, Southport

S/2009/0891 - 2126576

Retention of a 2m. high timber fence and access gates to the rear of the flats facing Booth Street

Appeal Type: Written

Lodged Date: 20 April 2010

Decision:

Decision Date:

15 Galloway Road, Waterloo

S/2009/0960 - 2126817

Retrospective consent for the retention of change of use from 2 flats and shared accommodation comprising 4 rooms, to 5 self-contained flats and shared accommodation comprising 3 rooms

Appeal Type: Hearing

Lodged Date: 04 May 2010

Decision:

Decision Date:

55-57 Merton Road, Bootle

CLB/ENF0354

Without planning permission the change of use of the premises from convent/hostel to mixed use of 18 self contained flats and house in multiple occupation.

Appeal Type: Hearing

Lodged Date: 29 April 2010

Decision:

Decision Date:

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63 Handfield Road, Waterloo

CLB/ENFO356

Without planning permission the change of use of the premises from a single family dwelling house to 5 self contained flats and House in Multiple Occupation

Appeal Type: Hearing

Lodged Date: 29 April 2010

Decision:

Decision Date:



Appeal Decision

Site visit made on 13 April 2010

by **Kay Sheffield BA(Hons) DipTP MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
27 April 2010

Appeal Ref: APP/M4320/D/10/2123677

40 Waterloo Road, Birkdale, Southport, Merseyside PR8 2NG

- 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 Carl Dawbarn against the decision of Sefton Metropolitan Borough Council.
- The application Ref S/2009/0897, dated 14 October 2009, was refused by notice dated 9 December 2009.
- The development proposed is the erection of a single storey extension to rear of dwelling house after the demolition of the existing two storey extension.

Procedural matter

1. The above description of development is taken from the appeal forms as I consider it to be a more accurate description than that entered in the planning application.

Decision

2. I allow the appeal, and grant planning permission for the erection of a single storey extension to rear of dwelling house after the demolition of the existing two storey extension at 40 Waterloo Road, Birkdale, Southport, Merseyside PR8 2NG in accordance with the terms of the application, Ref S/2009/0897, dated 14 October 2009, 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 Drawing Nos.: - WR/JW/12-08/1; WR/JW/12-08/2; WR/JW/12-08/3; WR/JW/12-08/4; and 1:1250 scale location plan.
 - 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

3. I consider the main issue to be the effect of the development on the living conditions of the occupiers of the neighbouring property, 38 Waterloo Road.

Reasons

4. The appeal site lies at the junction of Waterloo Road and Selworthy Road in a predominantly residential area. The appeal property is a large detached two storey dwelling set in a large landscaped plot and is characteristic of the area.
5. The proposed development includes the demolition of part of the first floor of an existing two storey extension. It would be replaced by an orangery which would form a link between the existing dwelling and a single storey flat roofed building which would enclose the existing open air swimming pool and include a fitness room, shower room and plant room. The development would be set off the boundary with 38 Waterloo Road by a minimum of 0.9 metres and would extend to within 2.9 metres of the rear boundary of the site.
6. The boundary between the appeal site and No. 38, which is marked for a majority of its length by a solid timber fence approximately two metres in height, is currently well screened by existing tree and shrub planting. The majority of this planting is within the garden of No. 38 and whilst the building which would enclose the pool would project approximately 0.5 metres above the top of the fence, views of it from within the garden of No. 38 would be broken by the existing planting to such an extent that I do not consider that the full scale of the development would be discernable.
7. Views of the development would be possible from the rear first floor windows of No. 38 and whilst these would be predominantly of the flat roof section of the extension enclosing the pool, they would be limited as the existing planting would play a significant part in screening views from this direction.
8. I accept that the building would stretch along almost the entire length of the boundary with No. 38 and that it would project above the existing boundary fence. However I do not consider that, given the level of existing planting which screens views from No. 38 towards the appeal site, the height, length and proximity of the extension to the boundary would result in an overbearing structure or significantly increase the sense of enclosure of the rear garden of No.38. On this basis I conclude that the development would not be detrimental to the living conditions of the occupiers of 38 Waterloo Road and would accord with saved Policy MD1 of the Sefton Unitary Development Plan, 2006.
9. I have considered the conditions suggested by the Council in the light of the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. I have imposed the standard time limit condition and, for the avoidance of doubt, I have confirmed the drawings on which my decision is based. In order to ensure that the development would be acceptable in its surroundings I have imposed a condition in respect of the materials to be used on the development.
10. For the reasons given above, and having had regard to all other matters raised, I allow the appeal.

Kay Sheffield

INSPECTOR



Appeal Decision

Hearing held on 28 April 2010

Site visit made on 28 April 2010

by **Keith Manning BSc (Hons) BTP MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
14 May 2010

Appeal Ref: APP/M4320/A/10/2120504 61 & 63 Albert Road, Southport PR9 9LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr T R R Jaeger against the decision of Sefton Metropolitan Borough Council.
- The application Ref S/2009/0874, dated 23 September 2009, was refused by notice dated 17 December 2009.
- The development proposed is: The demolition of house at 61 Albert Road and flats at 63 Albert Road: Replace with 5 four storey town houses fronting Albert Road and 6 four storey/three storey town houses at the rear. Total 11 units

Procedural Matters

1. The application is in outline with all matters reserved for subsequent approval.
2. It was agreed by the parties that reference to the recently constructed flats referred to on occasion as "Regency Gardens" should, for the purposes of this appeal, reflect what is now understood to be their postal address, i.e. "Regency Court". This is in any event consistent with the Ordnance Survey extract used for the site location plan.
3. The Council accepted that the analysis of the interface distances given in the officer's report on the application was based on a misconception that stemmed from what were accepted by the appellant to be inaccuracies in the presentation of the relevant scale information on the indicative plans. As a result of the clarification of the apparent conflict between the linear and numerical scales and the relevant given paper sizes on certain of the plans, the Council accepted that its initial concerns regarding the privacy of neighbouring occupiers and amenity space for future occupiers were, in practice, unlikely to be issues that would of themselves cause it to object to the proposal.

Decision

4. I dismiss the appeal.

Main issues

5. I consider the main issues to be; the potential effect of the proposed development on the character, form and quality of its surroundings and its potential effect on the living conditions of neighbouring occupiers with particular regard to outlook.

Reasons

6. The appeal site comprises two substantial Victorian houses (one of which has been converted into flats) which are of a scale comparable to that which typifies the variety of buildings that now fronts Albert Road and faces Hesketh Park, which is formally designated for its historic significance. Although varied in terms of age and appearance, the buildings on Albert Road have generally retained large plots, including communal gardens to the front in the case of flatted development. Although not itself subject to any special designation, Albert Road is locally distinctive and an important aspect of the immediate setting of Hesketh Park, notwithstanding the changes that have taken place since the area was originally laid out.
7. The large scale of the buildings fronting Albert Road is matched by the depth of the plots to the rear, beyond which lie the rear gardens of dwellings on Fleetwood Road. The latter is a wholly different environment with relatively modern bungalows facing a golf course and the coast beyond. Nevertheless, the intervening space and consequent sense of spaciousness between the two lines of buildings are important components of the character, form and high quality ambience of the area, albeit concealed to a certain extent by the bulk of the Regency Court development extending along Park Road West.
8. Insofar as an outline application such as this seeks to establish the principle of re-developing the appeal site, it is pertinent that the Council is not opposed to such redevelopment for residential purposes. On that basis, I acknowledge the appellant's contention that the drawings accompanying the application are intended as a communication tool and that much could change, as thinking develops, between approval in principle and the specifics of any particular redevelopment scheme.
9. Nevertheless, the description of the development applied for is quite clear in portraying the essence of what is proposed. Moreover, practice and formal guidance has in recent years evolved in the direction of greater certainty at outline stage. Circular 01/2006 states that a basic level of information on layout, even if reserved, is required and it seems to me that the spirit of that advice is to inject a greater degree of clarity into the process as to how a developer would envisage a particular site being developed, in order that local communities, decision makers and others may understand what is proposed in principle, with clear linkages through to the subsequent approval of reserved matters through the Design and Access Statement. Albeit that an indicative layout cannot, by definition, be a final and definitive portrayal of the precise location of any particular building it must, to be meaningful in the context of the application as a whole and the decision making process, broadly signify what is intended.
10. On that basis, I am clear that what is intended in this instance is not one block of development fronting Albert Road, but two terraces of houses set one behind the other and that approval in principle of the application in its current form would effectively be a commitment to that form of development. It follows that the broad form of development proposed cannot therefore be divorced from its acceptability or otherwise in principle. Any other approach could, in the event of approval, clearly lead to important and determinative issues of principle being susceptible to radical change at reserved matters stage. In taking that

- view, I am conscious that the appellant made clear at the hearing that he considered there were good reasons for adopting the approach described in the application and indicated on the associated drawings.
11. PPS3 *Housing* encourages efficiency of land use and the provision of a range of house types to meet need and market demand in the interests of achieving mixed communities. It also emphasises that change should not be stifled and that replication of existing style and form is not a matter that should be dictated by the density of existing development. Moreover, it explains that, if done well, imaginative design and layout of new development can lead to more efficient use of land without compromising the quality of the local environment. Reflecting policy in PPS1 *Delivering Sustainable Development*, it also emphasises that design should contribute positively to making places better for people and that design which is inappropriate in 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.
 12. The latter intentions regarding a positive response to context are reflected in saved policy DQ1 of the Sefton Unitary Development Plan (UDP) which also seeks to protect the living conditions of neighbouring occupiers. Saved policy H10 allows for new residential development in Primarily Residential Areas, such as that within which the appeal site is located, provided that it is demonstrably consistent with the aims and objectives of the UDP, which must encompass, amongst other things, the intentions of DQ1.
 13. In view of the relationship of the appeal site to Hesketh Park and the local distinctiveness of the Albert Road environment, I consider it essential for the stature of buildings on the front of the site to accord with the pattern set by the existing development, whatever differences in design detail might be contemplated in view of the existing variety. However, provided that objective is met, I see no reason in principle why more intensively purpose-built multiple dwellings could not satisfactorily replace the Victorian houses on the appeal site originally built as single houses. I do share the Council's concern that individual gardens associated with a modern form of town house development could visually fragment the space between the front elevation of such a development and Albert Road and thereby contrast incongruously with the larger communal spaces that typify that aspect of much of the established street scene. However, as the appellant effectively argued, that potential shortcoming could be overcome by design and management measures as necessary. On that basis, a block fronting Albert Road itself, as proposed, to broadly accord with the stature of existing development, would be acceptable in principle in the context of the relevant policy intentions I have referred to.
 14. I am not satisfied, however, that the approximate replication in a backland position of such a block, even if of lower height and on lower lying land, could be so readily accommodated without harm to the character and form of the surrounding area. The construction of a second and entirely separate block to the rear would introduce a significant element of built form into the space between the perimeter blocks formed by the buildings ranged along Albert Road, Fleetwood Road and Park Road West of a different order from the annexes, outhouses and extensions associated with a number of those properties. The important sense of spaciousness I have described would be significantly diluted and, although not directly perceptible from the surrounding

streets, it is nevertheless a characteristic that is capable of being enjoyed in its present form by the significant community of residents occupying the perimeter buildings, including Regency Court. While I acknowledge that an efficient density of development would be achieved consistent with the intensity of development in the area generally, the departure from the established pattern of development would create an impression of increased intensity that would in my view be unacceptably oppressive in context.

15. For these reasons I consider the quality of the local environment would be compromised by the form of development proposed and that it would not therefore contribute positively to the character and form of its surroundings or the way in which the area functions. On that basis there would be significantly harmful conflict with the intentions of UDP policies DQ1 and H10; and also national policy as expressed in PPS1 and PPS3.
16. While I acknowledge that the appellant has sought to limit the depth of the front block proposed in order, amongst other reasons, to help safeguard the privacy of adjacent occupiers of West Park, there are many design measures that could achieve that objective, even in the context of the appellant's current aim, as I understand it, of achieving family housing on the site rather than apartments. Although I appreciate that the appellant has carefully considered the various options for the layout of the site and concluded that the two block approach proposed has advantages, both in terms of the relationship of any new development to West Park and in terms of the type of housing that could be offered to the market as he currently perceives demand, I do not consider those factors to outweigh, in this instance, the harm I have identified, notwithstanding the flexibility and market responsiveness advocated by PPS3. That statement of policy also re-emphasises the importance of a contextual approach to the achievement of good design solutions.
17. The Council has highlighted the potential impact of the proposed rear block on the outlook of residents of Fleetwood Road, notably those occupying No 6 who would be confronted with a substantial mass of building across their entire vista beyond their rear boundary. Although the proposed building would be at a distance that would in many circumstances be acceptable, this would reinforce the more general erosion of the sense of spaciousness that I have referred to, albeit I concluded from my visit that the current and likely growth of existing trees in the rear garden of No 6 would enclose the outlook of the occupiers of that property and thereby largely mitigate the effect in any event.
18. I was also able to visit communal areas within Regency Court, including the outdoor amenity space immediately adjacent to the appeal site. While I accept that much of the area behind the new flats is given over to car parking, this to my mind increases the importance of the outlook from what limited amenity space there is and also the residents' balconies and internal space facing the appeal site. There is a retained and protected mature tree that would to some degree screen the rear block proposed during the summer months and I have no doubt that could be supplemented by the growth over time of the perimeter planting. Nevertheless, the physical presence of the mass of building proposed would be overbearing in the outlook of residents from many perspectives within the Regency Court development and, given the interaction of that aspect of their living conditions with the erosion of the sense of spaciousness that I have

identified as being of more general importance, I consider this to be a significant disadvantage of the proposal.

19. I acknowledge the appellant's contention that many forms of development must inevitably change the outlook of individual neighbouring occupiers. However, bearing in mind the above considerations regarding the relationship between the character and form of the area and the more specific potential impact on the outlook from particular properties, I consider that the latter, when assessed in the particular contextual circumstances of the proposed development, would to some degree harm the living conditions of neighbouring occupiers and thereby conflict with the intentions of saved policies DQ1 and H10 in that regard, thereby adding weight to my view that the proposed rear block would, in principle, cause significant harm.
20. The parties variously referred to appeal decisions¹ in the area, including the permission granted for Regency Court, and I have studied these carefully in the light of the various arguments advanced in this case. It seems to me that, whilst reference is made both to the variety of building form and spaciousness of the existing urban pattern in the vicinity of the appeal site, they each relate to proposals and site specific circumstances that are materially different. On that basis, whilst informative, they are of limited if varying relevance to the proposed development at issue and do not constrain my obligation to determine this appeal on its specific merits having regard to the development plan and relevant material considerations.
21. For the above reasons, I consider that the proposed development, in the form presented and clearly intended by the terms and indicative content of the outline application, would conflict harmfully with the intentions of the development plan and relevant aspects of national policy. I have taken into account all other matters raised, but none are sufficient to outweigh that harm and alter the overall balance of my conclusion that the appeal should therefore be dismissed.

Keith Manning

Inspector

¹ APP/M4320/A/03/1131104, APP/M4320/A/09/2108450 & APP/M4320/A/10/2119909

Agenda Item 8

Appeal Decision APP/M4320/A/10/2120504

APPEARANCES

FOR THE APPELLANT:

Mr T Jaeger
Miss A Bennett

FOR THE LOCAL PLANNING AUTHORITY:

Mrs A Fortune Senior Planning Officer

INTERESTED PERSONS:

Mr & Mrs L C Goodchild Local residents
Mrs A L Green Local resident

DOCUMENTS

- 1 Council's notification letter
- 2 Council's standard condition concerning S106 agreements providing for tree planting and/or open space off-site
- 3 Appeal decision APP/M4320/A/10/2119909 dated 7 April 2010



Appeal Decision

Site visit made on 6 May 2010

by **Paul Griffiths BSc(Hons) BArch IHBC**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
10 May 2010

Appeal Ref: **APP/M4320/D/10/2124367** **14 Redhill Drive, Southport PR8 6XS**

- 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 Philip Taylor against the decision of Sefton Metropolitan Borough Council.
- The application Ref.S/2009/1207, dated 7 December 2009, was refused by notice dated 22 February 2010.
- The development proposed is the erection of a front garden fence.

Decision

1. I dismiss the appeal.

Main Issues

2. These are the effect of the already erected fence on (1) the street-scene; and (2) highway safety.

Reasons

3. Although there are some low walls and various forms of planting in evidence, the frontages of the dwellings on Redhill Drive have a readily recognisable, open character. While I accept that No.14 and the adjoining house do not address the road frontage in the same way as other dwellings on the cul-de-sac, the fence that has been erected is relatively tall and this has the effect of closing up their frontage in a way that is alien to the rest of Redhill Drive. This height, combined with the colour of the fence panels, and the contrast between that colour and that of the base and posts, makes the fence appear strident in comparison to the more subtle appearance of the low walls and planting already present, especially when viewed from the cul-de-sac entrance. This accentuates the incongruity of its presence. Taking these points together, I consider that the fence is harmful to the street-scene.
4. It therefore falls contrary to Policy DQ1 of the Sefton Unitary Development Plan (UDP) that requires development to respond positively to the character and form of its surroundings and the similar approach set out in the Council's Supplementary Planning Guidance on House Extensions.
5. No.14 is located adjacent to the turning head of the cul-de-sac and vehicular access from it crosses the footpath. The fence must restrict the view of drivers entering the highway. However, there would be no great speed involved, the relative lack of visibility would encourage the driver to take more care, and furthermore, from what I observed, pedestrians would be able to see or hear a vehicle emerging.

Agenda Item 8

Appeal Decision APP/M4520/D/10/2124367

6. In that context, I see no significant difficulty in highway safety terms and no variance, therefore, from UDP Policy AD2 that seeks to encourage the provision of safe walking facilities.
7. I have noted the examples of other fences and boundary treatments within the area that have been drawn to my attention. However, it is not clear whether the fences pointed out are authorised. In that context, I have dealt with the development before me on its own merits.
8. While the development is acceptable in highway safety terms, it does have a significant detrimental effect on the street-scene. I place more weight on this latter aspect and, as a result, I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR

The Planning Inspectorate



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Ms Collette Robertson
 Sefton Metropolitan Borough
 Council
 Planning Appeals Officer
 Magdalen House
 30 Trinity Road
 Bootle
 Liverpool
 L20 3NJ

Sue + Noline informed,

Your Ref: ENF0353
 Our Ref: APP/M4320/C/10/2124291 ✓
 Further appeal references at foot of letter
 Date: 20 April 2010

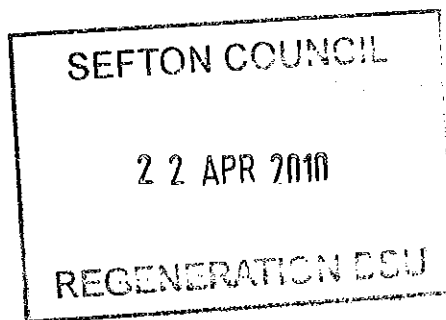
Dear Ms Robertson

**Town and Country Planning Act 1990
 Appeals by Websco (Holdings) Ltd and Websco (Holdings) Ltd
 Site at Formby Football Club, Altcar Road, Formby, Liverpool, L37 8DL and
 Formby Football Club, Altcar Road, Formby, L37 8DL**

I enclose for your information a copy of a letter received on 19 April 2010,
 withdrawing the above appeals.

I confirm no further action will be taken.

Yours sincerely



Paul Eland
 E208B(BPR)

Further appeal references:- APP/M4320/C/10/2124293, APP/M4320/C/10/2124295,
 APP/M4320/C/10/2124296, APP/M4320/C/10/2124297, APP/M4320/C/10/2124298 and
 APP/M4320/C/10/2124299

You can now use the Internet to submit documents, to see information and to check the progress of this
 case through the Planning Portal. The address of our search page is -
<http://www.pcs.planningportal.gov.uk/pcportal/casesearch.asp>
 You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and
 clicking on the search button



Agenda Item 8

The Planning Inspectorate



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Mr M Cunningham
10a Station Approach
Ormskirk
Lancashire
L39 2YN

Your Ref: 912
Our Ref: APP/M4320/C/10/2124291
Further appeal references at foot of letter
Date: 20 April 2010

Dear Mr Cunningham

**Town and Country Planning Act 1990
Appeals by Websco (Holdings) Ltd and Websco (Holdings) Ltd
Site at Formby Football Club, Altcar Road, Formby, Liverpool, L37 8DL and
Formby Football Club, Altcar Road, Formby, L37 8DL**

Thank you for your letter of 19 April 2010 withdrawing the above appeals.

I confirm no further action will be taken.

A copy of your letter has been sent to the local planning authority.

Yours sincerely

Paul Eland

E208A(BPR)

**Further appeal references:- APP/M4320/C/10/2124293, APP/M4320/C/10/2124295,
APP/M4320/C/10/2124296, APP/M4320/C/10/2124297, APP/M4320/C/10/2124298 and
APP/M4320/C/10/2124299**

*You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
<http://www.pcs.planningportal.gov.uk/pcspportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*



Eland, Paul

From: Cunningham Planning [michael@cunningham-planning.co.uk]
Sent: 19 April 2010 13:39
To: Eland, Paul
Cc: david.webster40@btinternet.com
Subject: RE: Planning Inspectorate: Refs 2124291, 2124293, 2124295, 2124296, 2124297, 2124298 & 2124299 : Formby Football Club, Altcar Road, Formby, L37 8DL

Paul,

I have received instructions from my client, the appellant, to withdraw the enforcement notice appeals as referred to above.

I would be grateful if you would put this in hand and notify the Planning Authority accordingly.

I would appreciate an acknowledgement of this e-mail and confirmation of the action taken.

Regards

- Michael Cunningham



Tel: 01695 580490
email: michael@cunningham-planning.co.uk

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Agenda Item 9

Committee: Planning

Date Of Meeting: 2nd June 2010

Title of Report: Urgent Works Notice 40 Lancaster Road, Birkdale

Report of: Andy Wallis
Planning and Economic Regeneration Director

Contact Officer: Daniel Byron Telephone 0151 934 3584

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

Purpose of Report:

Provide an update to Members concerning the recent severe fire damage caused to 40 Lancaster Road (former Birkdale School for Hearing Impaired Children) and to seek further authorisation to serve a new Urgent Works Notice.

Recommendation(s):

Subject to consideration and approval by Cabinet it is recommended that the Planning and Economic Development Director be authorised to :

- (i) Serve a new Urgent Works Notice in respect of 40 Lancaster Road, in order to secure the buildings from further decline.

Corporate Objective Monitoring

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

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Financial Implications

The Council will serve notice of its intention to carry out these works after a prescribed timeline, (to give the owner an opportunity to carry out the works themselves). Once this timeline has elapsed the Council would then be in a position to carry out these works in default.

Subject to the consideration by the Strategic Asset Management Group and approval by Cabinet, the costs of works in default will be borne in the first instance by the Council's Capital Programme. The Council would seek to recoup the cost of the works by way of a section 55 notice and a land charge.

Further work and investigation is being carried out in order to obtain a more accurate cost for these urgent works.

Departments consulted in the preparation of this Report

FD 416 - The Head of Corporate Finance & Information Services has been consulted and has no comments on this report.

The comments of the Interim Head of Corporate Legal Services are contained within the report.

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

'Stopping the Rot', English Heritage, 1998

Background

1. The Director reported to Planning Committee on 13th January 2010 and 28th April 2010 for approval to serve an urgent works notice in respect of 40 Lancaster Road. The building is a grade II Listed Building within West Birkdale Conservation Area. These notices were partly complied with and subsequently the Council has been in negotiation with the owners looking to finalise the required works but despite reminders the owners had not taken adequate measures to secure the building. On 16th May 2010, the building was subject to a suspected arson attack and as a result has sustained considerable damage and has now had to be partially demolished. This now leaves the building in an increased perilous state and more open to the elements. It is therefore essential that the remainder of the building is secured and made weathertight in order to halt further deterioration.
2. Due to the severity of the damage now caused by the fire, the Director now feels that if the schedule of works in the new Notice is not complied with in full that the Council would have no option but to carry out the works in default.
3. At the time of writing because of the damage caused by the fire it is not possible to be precise as to the extent or nature of the works required – it is understood for instance that there is exposed asbestos within the building. It is however anticipated these will include robust closure to all openings at ground floor level plus works to stop water ingress and general site security. Based on advice previously provided by Contractors, the costs of this work could be significant perhaps up to in £70,000.

Agenda Item 9

Notwithstanding the urgency following the recent fire, the owner will be given every opportunity to safeguard the building and site at his cost.

4. Further information on necessary works will be provided as a late representation.
5. In the event of default by the owner to carry out the prescribed works, any subsequent costs of repairs undertaken by the Council would be borne by the Capital Programme. Therefore the action described is to be reported to Strategic Asset Management Group and Cabinet for approval.
6. Given recent passed history, officers remain concerned about the owner's intention to properly preserve the listed building. In these circumstances it remains open to the Council to serve, in addition to the above, a Repairs Notice under Section 48 of the Listed Buildings Act. This would require the owner to carry out the necessary repairs and failure to do so could lead to the compulsory purchase of the building under Section 47 of that Act. Significantly this provides for payment of minimum compensation where it is established that the building has been allowed to fall into disrepair. This course of action can potentially be time consuming but officers will keep this option under review and report back following the serving of the Urgent Works Notice to immediately and properly preserve it.

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