

MEETING: PLANNING COMMITTEE

DATE: 12 January 2011

TIME: 6.30 pm

VENUE: Town Hall, Southport

Member

Councillor
Cllr Paul Tweed (Chair)
Cllr James Mahon (Vice-Chair)
Cllr James Byrne
Cllr Linda Cluskey
Cllr John Dodd

Cllr Sean Dorgan
Cllr Barry Griffiths (Spokesperson)
Cllr Ms Carol Gustafson O.B.E.
Cllr Richard Hands
Cllr Peter Hough
Cllr Anne Ibbs
Cllr Terry Jones
Cllr John Kelly
Cllr Carmel Preston (Spokesperson)
Cllr David Sumner

Substitute

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

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

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

A G E N D A

1. Apologies for Absence

2. Declarations of Interest

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

3. Minutes of the meeting held on 15 December 2010 (Pages 5 - 14)

4. Petitioned Applications (Pages 15 - 18)

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

A Application No.S/2010/1575 - Land to the Rear of 146 Deyes Lane, Maghull (Pages 19 - 28)

B Application No.S/2010/1677 - 73-75 Kirklake Road, Formby (Pages 29 - 36)

5. Applications for Planning Permission - Approvals (Pages 37 - 40)

Report of the Planning and Economic Development Director

A Application No.S/2010/1444 - Tudor Print and Design Graphic House Back Stanley Road, Bootle (Pages 41 - 50)

B Application No.S/2010/1592 - 23 Orrell Road, Bootle (Pages 51 - 62)

C Application No.S/2010/1605 - Former LA Fitness Site, Fairway, Southport (Pages 63 - 72)

D Application No.S/2010/1617 - Land to the Side 101 Marshside Road, Southport (Pages 73 - 80)

E Application No.S/2010/1620 - 14 Cambridge Road, Formby (Pages 81 - 88)

F Application Nos. S/2010/1706, S/2010/1707 and S/2010/1708 - Klondyke and Penpoll Sites, Hawthorne Road, Bootle (Pages 89 - 98)

6. Applications for Planning Permission - Refusals (Pages 99 - 102)

Report of the Planning and Economic Development Director

A Application No.S/2010/1419 - Maricourt RC High School, Damfield Lane, Maghull (Pages 103 - 108)

7. Core Strategy - Liverpool City Region Renewable Energy Capacity Study (Pages 109 - 112)

Report of the Planning and Economic Development Director

- 8. Updated Statement of Community Involvement** (Pages 113 - 116)
Report of the Planning and Economic Development Director
- 9. Joint Waste Development Plan: Consultation on Preferred Options 2 - New Sites Consultation** (Pages 117 - 130)
Report of the Planning and Economic Development Director
- 10. Town and Country Planning Act - Appeals** (Pages 131 - 140)
Report of the Planning and Economic Development Director
- 11. Exclusion of Press and Public**
To consider passing the following resolution:

That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act. The Public Interest Test has been applied and favours exclusion of the information from the Press and Public.
- 12. 8 Sandringham Road, Southport - Judicial Review Proceedings** (Pages 141 - 146)
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 15 DECEMBER 2010

PRESENT: Councillor Tweed (in the Chair)

Councillors L. Cluskey, Dodd, Dorgan, Griffiths,
Gustafson, Hands, Hough, Ibbs, Jones, Kelly and
Sumner.

Also Present Councillor Parry

105. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Byrne and Preston, and Councillors Howe and Blackburn (substitute members).

106. DECLARATIONS OF INTEREST

The following declarations of interests were received:

Member	Item	Interest	Action
Councillor Dodd	Application No. S/2010/1441 Swimscool, Unit 8 Slaidburn Crescent, Southport	Personal – knows the applicant	Remained in the room, took part in the discussion and the voting thereon.
Councillor Tweed	Application No. S/2010/1592 - 23 Orrell Road, Bootle.	Personal – knows the petitioners.	Left the room, took no part in the discussion and did not vote thereon.
Councillor Kelly	Application No. S/2010/1592 - 23 Orrell Road, Bootle.	Personal – knows the petitioners.	Left the room, took no part in the discussion and did not vote thereon.
Mr. J. Alford, Planning and Economic Regeneration	Application No.N/2010/1434 - 30 Highfield Park, Maghull	Personal – the resident of the property is a member of his staff.	Stayed in the room, but took no part in consideration of the item

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Mrs. S. Tyldesley, Planning and Economic Regeneration	Application No.N/2010/1434 - 30 Highfield Park, Maghull	Personal – the resident of the property is a colleague	Stayed in the room, but took no part in consideration of the item
Mr. J. Alford, Planning and Economic Regeneration	Application No.S/2010/1248 – 121a Sefton Street, Southport	Personal – knows the applicant's Agent	Stayed in the room, but took no part in consideration of the item

107. MINUTES OF THE MEETING HELD ON 10 NOVEMBER 2010

RESOLVED:

That the Minutes of the meeting held on 10 November 2010 be confirmed as a correct record.

108. APPLICATION NO. S/2010/1416 - TITHEBARN LANE / GIDDYGATE LANE, MELLING

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the erection of a storage building for animal feeds / bedding, tractor and accessories storage and 3 polytunnels including a new access onto Giddygate Lane (alternative to S/2010/0237) be approved for the reasons stated or referred to in the report.

Prior to consideration of the application, the Committee received a petition from Mrs. Harrison on behalf of objectors to the application and a response from the applicant, Mrs. McGreavey.

RESOLVED:

That the recommendation be approved and the application be granted for the reasons stated within the report and subject to the conditions referred to in the report and the amended plan and additional condition and reason set out in Late representations.

109. APPLICATION NO. S/2010/1441 - SWIMSCOOL, UNIT 8 SLAIDBURN CRESCENT, SOUTHPORT

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the change of use of former industrial premises to a swimming pool including an extension to the front elevation, to be used in conjunction with the adjacent leisure premises be approved for the reasons stated or referred to in the report.

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

RESOLVED:

That the recommendation be approved and the application be granted for the reasons stated within the report and subject to the conditions referred to in the report and in accordance with the amended plans referred to in late representations.

110. APPLICATION NO. S/2010/1465 - 58 STAND PARK AVENUE, NETHERTON

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the erection of a terrace of three two-storey dwellings after demolition of the existing 22 lock-up garages be approved for the reasons stated or referred to in the report.

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

RESOLVED:

That the recommendation be approved and the application be granted for the reasons stated within the report and subject to the conditions referred to in the report.

Councillor Tweed vacated the Chair and the Chair was taken by Councillor Gustafson.

111. APPLICATION NO. S/2010/1592 - 23 ORRELL ROAD, BOOTLE

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the change of use from A1 retail to A5 hot food takeaway, including a new shop front and roofing over rear yard and side passageway to provide storage area (re-submission of S/2010/0335 refused 24/06/2010) be refused for the reasons stated or referred to in the report.

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

RESOLVED:

That the recommendation be not agreed and the application be approved in principle subject to the Planning and Economic Development Director

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submitting a further report to the next meeting of the Committee setting out proposed conditions regarding the use of the premises.

(In accordance with Rule 18.5 of the Council and Committee Procedure Rules, Councillor Gustafson requested that her vote against the resolution above be recorded).

Councillor Gustafson vacated the Chair and the Chair was re-taken by Councillor Tweed.

112. APPLICATIONS FOR PLANNING PERMISSION - APPROVALS

RESOLVED: That

- (1) the following applications be approved, subject to:-
 - (a) 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
 - (b) the applicants entering into any legal agreements indicated in the report or Late Representations:

Application No.	Site
S/2010/1050	Thornton – Switch Island Link, Dunnings Bridge Road, Netherton
S/2010/1352	Land adjacent to Wakes Farm, Long Lane, Thornton
S/2010/1360	Orrell Hill Farm, Orrell Hill Lane, Ince Blundell
S/2010/1434	30 Highfield Park, Maghull
S/2010/1459	Land to rear 28 Hoghton Street, Southport
S/2010/1466	Land and premises to the rear of 110/112 Park Street/Langdale Street, Bootle

- (2) In respect of Application No. S/2010/1459 Land to rear 28 Hoghton Street, Southport the Planning and Economic Development Officer be requested to contact the applicant regarding the condition of the site.

113. APPLICATIONS FOR PLANNING PERMISSION - REFUSALS

The Committee considered the report of the Planning and Economic Development Director recommending that the following applications be refused for the reasons stated or referred to in the report.

Application No.	Site
S/2010/1248	121a Sefton Street, Southport
S/2010/1419	Maricourt High School, Damfield Lane, Maghull
S/2010/1429	48 Carr House Lane, Ince Blundell

RESOLVED: That

- (1) the following applications be refused for the reasons stated or referred to in the Planning and Economic Regeneration Director's report and/or Late Representations 1 and 2

Application No.	Site
S/2010/1248	121a Sefton Street, Southport
S/2010/1419	Maricourt High School, Damfield Lane, Maghull

- (2) It be noted that the following application has been withdrawn:-

Application No.	Site
S/2010/1429	48 Carr House Lane, Ince Blundell

114. APPLICATIONS TO BE INSPECTED BY THE VISITING PANEL - 13 DECEMBER 2010

The Committee considered the report of the Planning and Economic Development Director which advised that the undermentioned sites had been inspected by the Visiting Panel on 13 December, 2010.

Application No	Site
S/2010/1465	58 Stand Park Avenue, Netherton
S/2010/1416	Land at Giddygate Lane/Tithebarn Lane, Melling
S/2010/1434	30 Highfield Park, Maghull
S/2010/1575	Rear of 146 Deyes Lane, Maghull
S/2010/1419	Maricourt High School, Damfield Lane, Maghull
S/2010/1503	Central Square, Maghull Town Centre

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S/2010/1441	Unit 8, Swimscool, Slaidburn Crescent, Southport
S/2010/1620	14 Cambridge Road, Formby
S/2010/1429	48 Carr House Lane, Ince Blundell
S/2010/1352	Wrakes Farm, Long Lane, Thornton

RESOLVED:

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

115. TOWN AND COUNTRY PLANNING ACT - APPEALS

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

Appellant	Proposal/Breach of Planning Control	Decision
Mr. M. Jump	24 Duke Street, Formby - S/2010/0532 – APP/M4320/A/10/2135422/WF - appeal against a refusal of the Council to grant planning permission for the Erection of a two storey dwelling with rooms in the roofspace after demolition of the existing dwelling. (Alternative to S/2009/1017 withdrawn 13/12/2009)	Allowed 19/11/10
Mr. J. Lee	The Walnut Tree 19 Orrell Road, Bootle - S/2010/0464 - APP/M4320/A/10/2133574/NWF - appeal against a refusal of the Council to grant planning permission for the conversion of the existing public house into 1 dwelling on the ground floor and 2 self-contained apartments to the first floor, including storage and parking of commercial vehicles in the car park area to the side and new boundary walls and access gates to the front/side.	Dismissed 11/11/10
Mr. M. Tully	Land to be severed from 8 Salford Road, Ainsdale - S/2010/0660 - APP/M4320/A/10/2135369/WF - appeal against a refusal of the Council to grant planning permission for the erection of one detached dormer bungalow on land to be severed from the rear garden and widening existing gates and vehicular access	Dismissed 24/11/10

Mr. I. Waring 73 Pinfold Lane, Ainsdale - S/2010/0946 – Dismissed
APP/M4320/D/10/2138277 - appeal against 26/11/10
a refusal of the Council to grant planning
permission for the erection of a first floor
extension to the rear of the dwellinghouse.

RESOLVED:

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

116. PREPARATION OF SEFTON'S CORE STRATEGY - AN UPDATE

The Committee considered the report of the Planning and Economic Development Director informing Members of the results of early consultation undertaken since the report on the findings of the Green Belt Study in September 2010; the report having been deferred by Cabinet. The results of the Study, together with emerging information, would inform the preparation of an Options paper which would be presented to Members in January 2011.

RESOLVED: That

- (1) the report be noted; and
- (2) the Members' Working Group as set out in paragraph 2.12 of the report submitted, consisting of the chair and party spokespersons of this Committee, and the Cabinet Members for Regeneration, Environmental and Communities and the relevant spokespersons, be reconvened.

117. DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT PROPOSED PLANNING CHANGE TO PERMITTED DEVELOPMENT RIGHTS PROMOTING THE RIGHT TO CREATE FREE SCHOOLS.

The Committee considered the report of the Planning and Economic Development Director advising Members of the newly published consultation document issued by the Department of Communities and Local Government (DCLG) which intended to alter secondary legislation to allow buildings in any use to convert to purely a school use.

The purpose of the proposals was to support the Department for Education's policy on new free schools and there was a shorter than normal consultation period with the document as Minister's wished to make the necessary changes for the beginning of the 2011 academic year. A copy of the consultation questionnaire including proposed responses prepared by the Planning and Economic Development Director was appended to the report.

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RESOLVED:

- (1) the potential impact of the proposed change be noted; and
- (2) the response to the consultation document prepared by the Planning and Economic Development Director be approved.

118. DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION ON PROPOSALS FOR CHANGES TO PLANNING APPLICATION FEES.

The Committee considered the report of the Planning and Economic Development Director advising Members of the newly published consultation document on the setting of planning application fees locally.

The consultation paper 'Proposals for changes to planning application fees in England' had been published by the Department of Communities and Local Government (DCLG) and responses were requested by 7 January 2011.

The report referred to the likely implications of the changes for Sefton, and details of consultation questions together with proposed responses prepared by the Planning and Economic Development Director were included in the report.

RESOLVED:

- (1) the potential impact of the proposed change be noted; and
- (2) the response to the consultation document prepared by the Planning and Economic Development Director be approved.

119. NEIGHBOURING AUTHORITY CONSULTATION BY KNOWSLEY METROPOLITAN BOROUGH COUNCIL ON THE KIRKBY TOWN CENTRE OUTLINE PLANNING APPLICATION

The Committee considered the report of the Planning and Economic Development Director advising Members of a recent neighbouring authority consultation by Knowsley Metropolitan Borough Council on the latest Kirkby Town Centre planning application and seeking retrospective endorsement of officer comments submitted on 15 November 2010.

RESOLVED: That

- (1) the report be noted; and
- (2) the officer comments previously submitted to Knowsley Metropolitan Borough Council be endorsed.

120. NEIGHBOURING AUTHORITY CONSULTATION BY LIVERPOOL CITY COUNCIL ON THE EDGE LANE RETAIL PARK PLANNING APPLICATION, OLD SWAN, LIVERPOOL

The Committee considered the report of the Planning and Economic Development Director advising Members of a recent neighbouring authority consultation by Liverpool City Council on the Edge Lane Retail Park planning application and seeking retrospective endorsement of officer comments submitted on 26 November 2010.

RESOLVED: That

- (1) the report be noted; and
- (2) the officer comments previously submitted to Liverpool City Council be endorsed.

121. PRESTON TITHEBARN DEVELOPMENT - SECRETARY OF STATE'S DECISION

The Committee considered the report of the Planning and Economic Development Director advising Members of the Secretary of State's decision on the Preston Tithebarn planning application which had been called-in for public inquiry earlier in the year.

The planning application had been called-in for a public inquiry which took place between 18 May and 30 June 2010 and the Secretary of State for Communities and Local Government had granted planning permission for the proposed development on 22 November 2010.

The Planning and Economic Regeneration Director also verbally reminded Members of a recent consultation by Wirral Metropolitan Borough Council on an outline planning application for Wirral Waters, 'the creation of a new city neighbourhood' at East Float, Birkenhead (Minute No. 161, 10 February 2010 refers) and advised that this application had not been called-in for a public inquiry.

RESOLVED:

That the report be noted.

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122. REVISED VALIDATION PROCEDURES FOR PLANNING APPLICATIONS

The Committee considered the report of the Planning and Economic Development Director informing Members of the requirement to update and revise local validation requirements

RESOLVED: That

the local checklists as amended, following consultation, be approved and be adopted for use by the Planning and Economic Regeneration Directorate from 1 January 2011.

Agenda Item 4

Committee: PLANNING

Date of Meeting: 12 JANUARY 2011

Title of Report: Petitioned Applications

Report of: Andy Wallis
Planning & Economic Development Director

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

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

Purpose of Report

The items listed in are petitioned applications.

Recommendation

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

Corporate Objective Monitoring

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

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Financial Implications

None

Departments consulted in the preparation of this Report

See individual items

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

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

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

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

Petitions Index

A	S/2010/1575	Land to rear 146 Deyes Lane, Maghull	Sudell Ward
B	S/2010/1677	73/75 Kirklake Road, Formby	Harington Ward

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Committee: **PLANNING**

Date of Meeting: **12 January 2011**

Title of Report: **S/2010/1575**
Land to the rear of 146 Deyes Lane, Maghull
(Sudell Ward)

Proposal: Erection of a detached two storey dwellinghouse on land to the rear of 146 Deyes Lane with access from Beechfield

Applicant: Mr Steve Pullen

Executive Summary

This application is for a single 2 storey dwelling to be erected in the back garden of a house fronting Deyes Lane. The issues concern the principle of this type of development in this locality and impacts on residential amenity and highway safety.

Recommendation(s) Approval

Justification

Taking all material considerations into account and particularly UDP Policies CS3, DQ1 and H10 the provision of a new dwelling would not be out of character with the area and would not interfere to an unacceptable degree with the amenities of nearby residents.

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. R-2 PD removal garages/ extensions/outbuildings
4. R-3 PD removal windows
5. H-2 New vehicular/pedestrian access
6. H-6 Vehicle parking and manoeuvring
7. M-6 Piling
8. M-2 Materials (sample)
9. L5 Landscaping (scheme)
10. L-4 Landscape Implementation

Reasons

1. RT-1
2. RX1
3. RR-2
4. RR-3
5. RH-2

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6. RH-6
7. RM-6
8. RM-2
9. RL1
10. RL-4

Drawing Numbers

Drawing L31 6DW/LB146/01 A, 02, 03A, 04

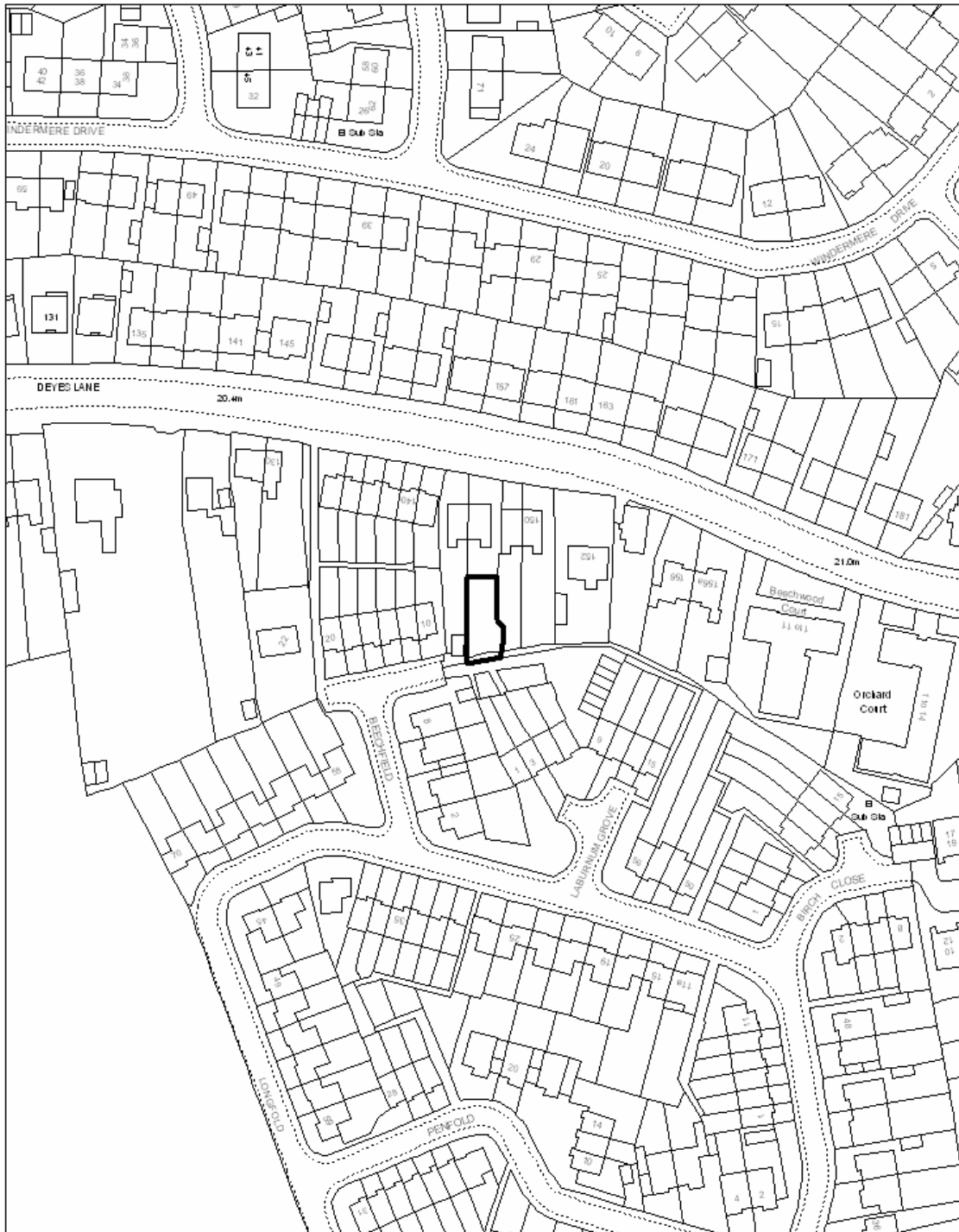
Financial Implications

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/2010/1575 Land to the rear of 146 Deyes Lane Maghull L31 6DW OSGR: 338483, 402449		Standard Site Plan Scale: 1:1250 Date: 29/12/2010 Drawn By: BBERTON
	Sheet(s): 1948	Area: 175 sqm	Ward(s): Sudell Postcode Sector(s): L31 6 Polling District(s): A3 Parish(es): Maghull Cp

S/2010/1575

The Site

This application concerns part of the rear garden of a semidetached property which fronts Deyes Lane. The access to the proposed house is from a private unmade lane leading off Beechfield which serves a number of garages.

Proposal

Erection of a detached two storey dwellinghouse on land to the rear of 146 Deyes Lane with access from Beechfield

History

None.

Consultations

Highways Development Control - The proposed site plan shows the plot being split in such a way that all vehicular and pedestrian access will be from the existing narrow accessway which serves the block of lock-up garages. This accessway is not part of the adopted public highway and as such the applicant should be advised to ascertain whether they have a legal right of access (vehicular and pedestrian) along this accessway.

It should also be noted that the narrowness of the existing accessway will make it difficult to manoeuvre in and out of the proposed driveway. However, this is not considered to be a matter which would detrimentally affect highway safety.

In view of the above, there are no objections to the proposal as there are no highway safety implications. Conditions and informatives should be added to any approval notice:-

Environmental Protection – no objections. Standard condition concerning piling should be added.

Neighbour Representations

A petition of 33 signatures opposing the development, endorsed by Councillor Mainey has been received.

Individual letters of objection have been received from occupiers of 1,3,5,9,13 Laburnum Grove, 140,142, 148 Deyes Lane, 4,10 Beechfield on grounds of

- loss of light and privacy to gardens and patio
- the existing access track is unsuitable and development would restrict access for emergency vehicles and to garages at rear. Objectors point out that the access track is not adopted and is very narrow (2.8m). Heavy traffic may damage drains. Boundaries have changed to make this more restricted than shown on the out of date location plan. There is no street lighting. Track is not suitable for wheelchair access.

Agenda Item 4a

- lack of parking in the area
- disruption during building – traffic, dust and dirt, noise
- insufficient space on site - proposal out of character and scale
- loss of light and outlook
- boundary walls/fences/hedges cannot be removed as they are party boundaries; accuracy of plans is questioned.

Policy

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

CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
H10	Development in Primarily Residential Areas

Comments

The issues raised by this application concern the principle of the development in this location; impact on residential amenities of neighbours including any potential overlooking; the safety and practicality of the access and design and landscaping including tree retention and new tree planting.

Principle

The site is presently part of an existing garden. Annex B of National Planning Policy Statement 3 'Housing', amended on 9th June 2010 reclassifies garden sites as Greenfield land. This is intended to remove the in-built presumption in favour of development that was applied to all 'brownfield' land under the previous version of the guidance.

It should be noted however that this change in status does not mean that development on garden sites is now prohibited. Planning permission can still be granted on suitable 'greenfield sites', where residential amenity and other planning considerations can be satisfactorily addressed. A site's greenfield status is a consideration that will be taken into account when determining a planning application, but will need to be balanced against all other relevant considerations

Whilst inappropriate garden developments will continue to be resisted, suitable developments can be achieved on certain sites. It is noteworthy that Sefton is increasingly in a position where suitable urban sites are becoming scarcer, and we face a housing land shortfall in the medium to long term. Whilst garden sites have historically made only a limited contribution to Sefton's housing supply, the complete choking off this element of supply would potentially bring forward the date at which we may need to explore urban extensions.

In this case the issues to consider are whether this type of development is in character with the local area and whether its impacts, particularly with regard to overshadowing/overlooking and access are acceptable.

Character

This is a relatively high density residential area and numbers 10-22 Beechfield are located to the rear of houses in Deyes Lane in a similar relationship to the proposed plot. However it should be recognised that the proposal is for an isolated dwelling and not part of a planned group and the relationship of the proposed house to the existing properties in Deyes Lane is different. It would be difficult to argue that a dwelling here is out of character provided that the required detailed planning requirements can be met.

The proposals leave garden areas in excess of the required 70m² for both existing and proposed dwellings

Residential amenity

Given the tight location of the plot, the impact on existing occupiers, both in Deyes Lane and Laburnum Grove, need to be considered.

The neighbour at 148 Deyes Lane has queried the precise dimensions of the plot – particularly the ownership of the area at the front of the hedge and the relationship of the proposed house location to the side boundary. The applicant has been asked to confirm that the submitted plans are fully accurate.

In relation to the house at 146 Deyes Lane, the proposal provides 21m to the main rear wall but there is a projecting kitchen at ground floor which has a window facing the new house at a reduced distance. The neighbour at 148 Deyes Lane points out that he has an existing conservatory and the distance from that to the first floor windows of the proposed house is less than 21m although any overlooking would be slightly offset. This has been made worse by the amendment which places a bedroom window in the nearest part of the proposed house rather than a bathroom which was required in order to reduce overlooking to Laburnum Grove. The occupier of 148 Deyes Lane is also concerned about overshadowing as the proposed house is to the south west of his house. Objections have also been received from 142 Deyes Lane, but the distance to this property well exceeds the required standards,

In relation to Laburnum Grove, the properties have now incorporated the land up to the access track into their gardens. This leaves a distance of approximately 6m from the front elevation of the house to the back gardens of those properties. The plans have been amended to remove any overlooking windows from that elevation (first floor windows would be restricted to bathroom and landing and be obscure glazed). There is now no overlooking to these gardens and as the proposed house lies to the north of these properties, overshadowing is not an issue.

Access

Access to the proposed dwelling would be from an unadopted, narrow access track which gives access to a block of garages and access to some rear gardens in Deyes

Agenda Item 4a

Lane. Neighbours are concerned about the adequacy of this and the potential for congestion. However, the proposal includes parking space for two cars and parking on the access track would not be practicable. The Highways Development Control team raise no objections to the proposal on highway safety grounds but comment that the applicant would have to ensure that he has right of access and point out that manoeuvring into the drive would not be easy. These issues and any issues concerning the strength/condition of the roadway and its suitability for construction traffic are for the applicant to resolve. Whereas the road width is less than the normal minimum for new development, it is an existing vehicular route which provides access to garages and it is difficult to argue on either highway safety or amenity grounds that it is not suitable to serve a new dwelling with two parking spaces.

Design, landscaping and other site planning considerations

The proposed dwelling is a two storey house of unexceptional design. It is however quite appropriate to this location and is tucked away with limited public view.

The proposal involves removal of one small fir tree, 2 small trees adjoining the site would remain. Proposals for planting 5 trees 2 to replace the fir tree removed and the normal requirement for 3 additional trees for a new dwelling.

Conclusion

This is a very tight site and there is clearly a good deal of local opposition to this proposal. The access already exists and the provision of a house in this position would not be out of character with the pattern of development in the area. Overlooking to the rear gardens of Laburnum Grove has been removed by the amended plan and the impact on the amenity of 146 Deyes Lane is acceptable. The main impact would be on 148 Deyes Lane where there is the potential for some oblique overlooking to the conservatory and some overshadowing of part of the garden but these are not considered sufficient to justify refusal of permission in this case.

Contact Officer:

Mrs S Tyldesley Telephone 0151 934 3569

PETITION AGAINST THE BUILDING OF A TWO STORY DWELLING TO THE LAND AT THE REAR OF 146 DEVES LANE, MAGHULL REF: S/2010/1575			
NAME (PRINT)	ADDRESS		SIGNATURE
COLIN MASHER	1 LABURNUM GROVE MAGHULL L31		
PAT FRENCH	3 LABURNUM GROVE MAGHULL L31		
PAUL FRENCH	3 LABURNUM GROVE MAGHULL L31		
M. German	5 LABURNUM GROVE L31 6AW		M. German
P. German	5 LABURNUM GROVE L31 6AW		P. German
I. Dickey	9 LABURNUM GROVE L31 6AW		I. Dickey
M. Dickey	9 LABURNUM GROVE L31 6AW		M. Dickey
G. Nolan	11 LABURNUM GROVE L31 6AW		G. Nolan
S. SOOTNER	11 LABURNUM GROVE L31 6AW		S. SOOTNER
C. GAVERTHS	2 BEECHFIELD L31 6AP		C. GAVERTHS
A. GAVERTHS	2 BEECHFIELD L31 6AP		A. GAVERTHS
M. P. P. P. P.	4. BEECHFIELD		M. P. P. P. P.
M. P. P. P. P.	4. BEECHFIELD		M. P. P. P. P.
S. A. C. A. L. A. C. H. I. Z. O. N.	10 BEECHFIELD		S. A. C. A. L. A. C. H. I. Z. O. N.
S. O. S. I. E. G. A. C. C. A. R. D.	11		S. O. S. I. E. G. A. C. C. A. R. D.
JANE THOMAS	18 BEECHFIELD L31 6AP		JANE THOMAS
DAVE STARGED	16 BEECHFIELD L31 6AP		DAVE STARGED
SARAH NICHOLSON	14 BEECHFIELD L31 6AP		S. Nicholson
BERNARD COURT	10 BEECHFIELD L31 6AP		Bernard Court

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Committee: **PLANNING**

Date of Meeting: **12 January 2011**

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

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

Applicant: Mr Paul Finnegan

Executive Summary

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

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

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

Recommendation(s) **Approval**

Justification

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

Conditions

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

Agenda Item 4b

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

Reasons

1. RT-1
2. In order to protect the character and amenities of surrounding property and to comply with Sefton UDP Policies DQ1 and H10.
3. RM-6
4. RP-5
5. RH-2
6. RH-4
7. RH-6
8. RX1

Notes

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

Drawing Numbers

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

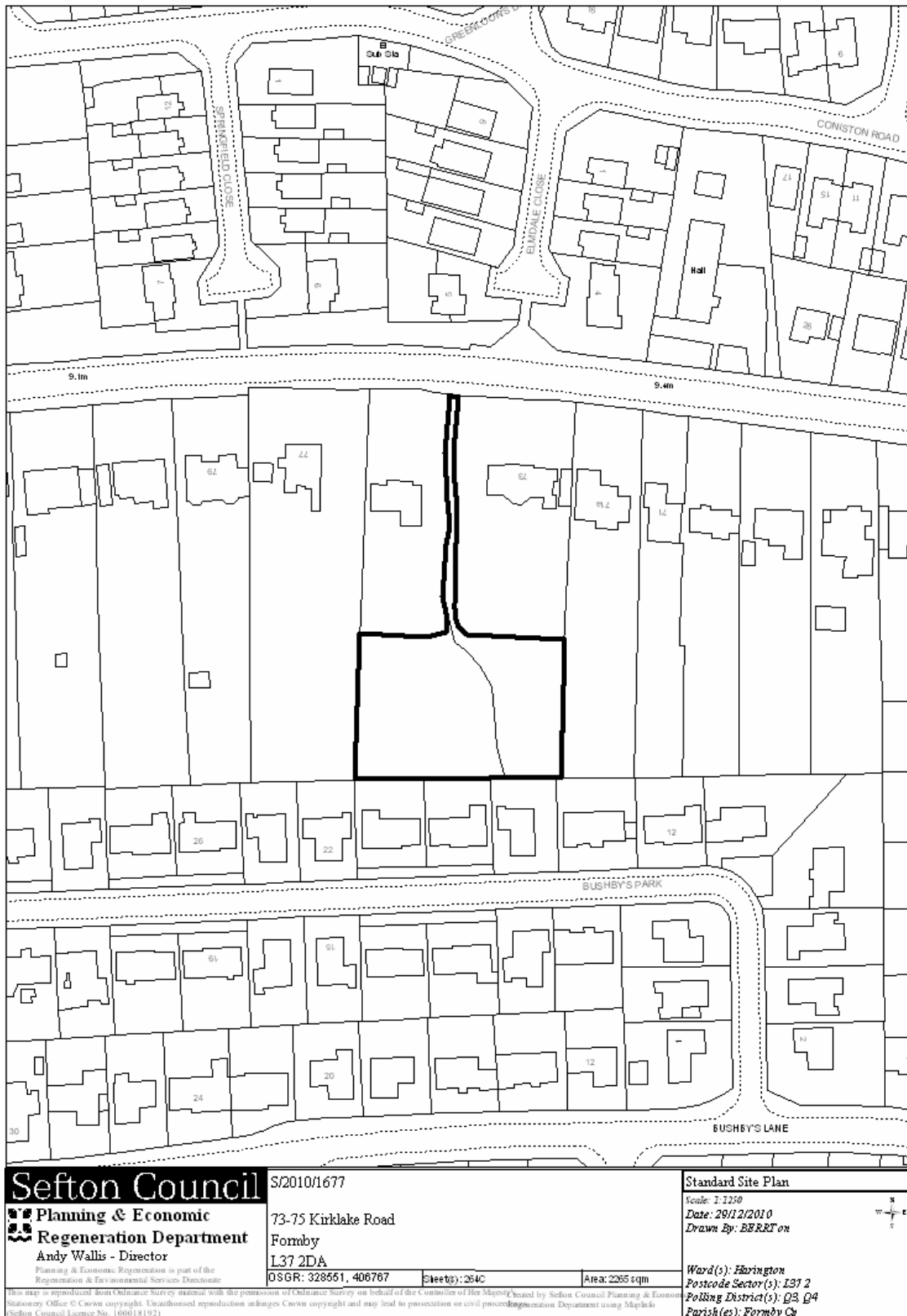
Financial Implications

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 Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/1677 73-75 Kirklake Road Formby L37 2DA OSGR: 328551, 406767		Sheets: 254C	Area: 2265 sqm	Standard Site Plan Scale: 1:1250 Date: 29/12/2010 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>						Ward(s): Harlington Postcode Sector(s): L37 2 Polling District(s): Q3 Q4 Parish(es): Formby C3	

S/2010/1677

The Site

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

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

Proposal

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

History

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

N/2009/0346 - Outline application for the erection of 3 no. 2 storey detached houses. Approved 15 October 2009. *This related to Numbers 73 & 75 and forms the same application site boundary as this application.*

S/2009/0066 – Outline Application (all matters reserved) for the erection of a two-storey detached dwellinghouse. Approved 17 February 2009. *This related to Number 73.*

N/2001/0471 – Outline Application for the erection of one dwelling. Approved 5 July 2001. *This related to Number 73.*

N/1993/0480 – Erection of two detached dwellinghouses (renewal of outline permission N/1990/0612 granted 17 August 1990). Approved 30 September 1993. *This related to Numbers 73 & 75.*

N/1992/0027 – Erection of two dormer bungalows with garages (Renewal of N/1989/0038 granted 22 March 1989). Approved 27 February 1992. *This related to Numbers 75 & 77.*

Consultations

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

Environmental Protection Director – There are no objections to the proposal subject

Agenda Item 4b

to two conditions relating to piling and noise abatement for plant and machinery being attached to any approval.

Neighbour Representations

Last date for replies: 27th December 2010.

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

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

Policy

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

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
NC2	Protection of Species

Comments

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

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

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

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

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

regards to overshadowing and outlook.

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

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

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

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

Comments relating to the impact on the protected trees to the rear of the site will be included within late representations.

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

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

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

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Agenda Item 5

Committee: **PLANNING**

Date of Meeting: **12 JANUARY 2011**

Title of Report: **Planning Approvals**

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

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

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

Purpose of Report

The items listed in this Appendix are recommended for approval.

Recommendation

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

Corporate Objective Monitoring

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

Agenda Item 5

Financial Implications

None

Departments consulted in the preparation of this Report

See individual items

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

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

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

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

Approvals Index

A	S/2010/1444	Graphic House, Back Stanley Road, Bootle	Derby Ward
B	S/2010/1592	23 Orrell Road, Bootle	Netherton & Orrell Ward
C	S/2010/1605	Former LA Fitness, Marine Drive, Southport	Cambridge Ward
D	S/2010/1617	Land at side 101 Marshside Road, Southport	Cambridge Ward
E	S/2010/1620	14 Cambridge Road, Formby	Harington Ward
F	S/2010/1706 S/2010/0707 S/2010/0708	Klondyke and Penpoll Sites, Hawthorne Road, Bootle	Litherland Ward

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Committee: **PLANNING**

Date of Meeting: **12 January 2011**

Title of Report: **S/2010/1444**
Tudor Print & Design Graphic House Back
Stanley Road, Bootle
(Derby Ward)

Proposal: Outline Planning Permission with all matters reserved for the construction of a three storey apartment block containing 15 self-contained apartments including the layout of a parking area and private amenity space after demolition of the existing printworks

Applicant: Mr Allan Harding Tudor Print & Design Limited

Executive Summary

This application seeks permission for development of apartments on an identified 'Opportunity site' to the rear of shops on Stanley Road, Bootle adjoining the canal. The main issues concern the principle of the proposed use, retention of local employment opportunities, site layout, design and access. The report concludes that this proposal would assist the regeneration of this area and meet UDP policies.

Recommendation(s) Approval

Justification

Relevant UDP Policies especially CS3, DQ1, DQ3, DQ4, EDT12, EDT18, G4 and UP1 and other material considerations have been taken into account to conclude that the proposed residential development would make a positive contribution to the regeneration of this Opportunity Site.

Conditions

1. T-2 Outline planning permission (Time Limit)
2. The details submitted in respect of condition 1 above shall be based on the submitted design and access statement amended as required in accordance with conditions 9 and 10 below.
3. a) Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works for the items shown on drawing together with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority.

b) No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the

Agenda Item 5a

- details approved under (a) above.
4. H-6 Vehicle parking and manoeuvring
 5. H-7 Cycle parking
 6. D-3 Slab levels (Outline)
 7. D-4
 8. M-2 Materials (sample)
 9. Notwithstanding the details shown on the submitted illustrative plans, the recommendations set out in the Noise Assessment Report especially Paragraphs 6.1 6.2 and 6.3 shall be incorporated into the detailed plans submitted as reserved matters unless otherwise agreed in writing.
 10. Notwithstanding the submitted details, the reserved matters submitted under condition 1 above shall include full details of boundary treatments including gates.
 11. M-6 Piling
 12. a) Prior to the commencement of development a scheme of mitigation measures to prevent pollution of the canal shall be submitted to and approved in writing by the Local Planning Authority.
b) The mitigation measures approved under (a) above 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.
 13. S106 Agreement
 14. The development shall meet the requirements of the Interim Planning Guidance for South Sefton in respect of apartment size, and compliance with Code for Sustainable Homes and Lifetime Homes.

Reasons

1. RT-2
2. To comply with Sefton UDP Policies DQ1, CS3, G4 and the Interim Planning Guidance for South Sefton.
3. RH-5
4. RH-6
5. RH-7
6. RD-3
7. RD-4
8. RM-2
9. In order to protect the amenities of future residents and comply with Sefton UDP Policies DQ1, CS3 and EP6
10. To comply with Sefton UDP Policies DQ1, CS3 and G4.
11. RM-6
12. In the interests of amenity and to accord with policies CS3 and G4 in the Sefton Unitary Development Plan.
13. R106
14. To ensure a high standard of accommodation and comply with Interim Guidance for South Sefton.

Drawing Numbers

Agenda Item 5a

3552/SU10, 3552/SK14, 15, 16, 17

Agenda Item 5a

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/2010/1444 Tudor Print & Design, Graphic House, Back Stanley Road Bootle L20 3ES OSGR: 334366, 395416		Sheets: 506	Area: 1295 sqm	Standard Site Plan Scale: 1:1250 Date: 29/12/2010 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. Regeneration Department using MapInfo Sefton Council Licence No. 1000181921</small>		Ward(s): Derby Postcode Sector(s): L20 3 Polling District(s): EE Parish(es): None Found		

S/2010/1444

Agenda Item 5a

The Site

This application concerns premises previously occupied by Tudor Print and Design which adjoin the Leeds and Liverpool Canal to the rear of properties on Stanley Road Bootle, next door to Delta Taxis.

Proposal

Outline Planning Permission with all matters reserved for the construction of a three storey apartment block containing 15 self-contained apartments including the layout of a parking area and private amenity space after demolition of the existing printworks.

History

There are several applications relating to extensions, alterations and adverts for the print works, most recently :

S/2005/0360 - Demolition of warehouse extension; alterations to building –Approved
25/05/2005

Consultations

Highways Development Control - sketch of highway works requirements provided.

All of the 'Highway Works' identified will be secured by condition and implemented by the Highway Authority at the applicant's expense. These works will include the construction of a small footway area within the existing turning area on Back Stanley Road, the provision of flush kerbs and tactile paving across the existing access to the nearby car park; and, the construction of a new kerbline with concrete backing together with the reinstatement of the carriageway as required along the full length of the western boundary of the site.

In addition, the applicant will be required to pay the costs associated with 'Stopping up' the area of highway which is to be incorporated into the site.

A pedestrian gate needs to be provided for access adjacent to the small area of footway. The steps on the canal towpath as shown on the site plan are unacceptable and are unlikely to be permitted by British Waterways. Any level changes must be achieved from within the site.

Environmental Protection – no objections. Conditions required to ensure that recommendations of the noise assessment are carried out.

United Utilities –site should be drained on a separate system.

British Waterways - no objections subject to conditions in respect of pollution prevention and detailed boundary treatments

Neighbour Representations

Last date for replies: 16/11; site notice, 25/11; press, 25/11.

No representations received.

Policy

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

AD1	Location of Development
AD2	Ensuring Choice of Travel
CS1	Development and Regeneration
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
EDT10	Bootle Central Area - Development Principles
EDT12	Bootle Central Area Opportunity Sites
EDT18....	Retention of Local Employment Opportunities
G4	Development adjacent to the Leeds and Liverpool Canal
H12	Residential Density
H8	Redevelopment within the Pathfinder Area
UP1	Development in Urban Priority Areas
Interim Planning Guidance for South Sefton	

Comments

This site is identified as part of an Opportunity site in Bootle Central area in respect of the UDP. This site included the Stanley Road frontage and the accompanying SPD promoted development which included improvements to the Stanley Road frontage and recognition of the canalside location. The applicant does not have any control over the Stanley Road frontage but considers that the present site can accommodate stand alone development.

The planning issues concern the principle of the use; retention of local employment opportunities, design and landscaping and relationship to the canal; access and parking and other site planning considerations.

Principle of the use

UDP Policy EDT12 recognises the overall opportunity site as suitable for retail, offices, leisure and cultural uses but also states that residential and community facilities could be provided so long as this would not make it more difficult to secure the overall development of the site.

In practice the frontage to Stanley Road will remain as existing and the present site stands to be developed alone. In this location behind the main shopping street, retail development is unlikely to be viable. Commercial use is discussed below in respect of UDP Policy EDT18. Overall it is considered that residential development can be

Agenda Item 5a

acceptable in principle subject to compliance with UDP Policy EDT18 and subject to suitable design, especially in relation to the canal.

Retention of local employment opportunities

Policy EDT18 requires that proposals which result in loss of employment uses meet certain criteria and this is being further clarified in the emerging SPD on employment land. In this case the proposal is not on designated employment land and there is no apparent shortage of this type of employment premises in this part of the Borough (see Employment Land and Premises Study). In this case the use as a printworks has already ceased and all 14 jobs were saved by a merger with another Sefton print company in Brasenose Road. Since April 2007 the premises have been advertised but there has been no interest in employment uses. These circumstances are considered sufficient to meet the requirements of UDP Policy EDT18 in this case.

Design and landscaping

The application has been submitted seeking outline planning permission with all matters reserved. The indicative layout is for a 3 storey block of 15 2 bed apartments. The individual apartment sizes meet the Interim Planning Guidance requirements. The block is approximately 'U' shaped and all apartments are single aspect overlooking the canal. An area of private gardens would adjoin the canal with possible gated access. Balconies are indicated. The entrance would be from Back Stanley Road where the car park would be located.

The scale of building and layout are considered appropriate to the site and do not raise any issues of overlooking. Amenity areas are suitably located, practical and with the potential for an attractive presence on the canal. Indicative elevations and landscaping have been provided but more detail will be required at reserved matters stage.

The density is approximately 115 units/ha which is acceptable in this highly accessible location and there is no requirement for affordable housing in this case given the size and location of the development.

The proposals indicate 45 trees on site to meet DQ3 requirements. This is considered excessive and a lesser number with an off site contribution would be more appropriate. A S106 agreement for the provision of an off site sum plus a commuted sum of £26,018 for public Greenspace will be required.

Access and parking

The indicative plans show 15 parking spaces in a parking area to the front of the building and provision of cycle parking. This location and size of car park meets UDP requirements in this accessible location. Highways Development Control have requested a number of detailed highway alterations which the applicant has agreed.

Other planning issues

The EA has confirmed that there is no requirement for a flood risk assessment here.

A Noise Assessment has been submitted which includes a number of recommendations which can be required by condition.

Contaminated land information has been submitted but conditions will still be required to ensure that this work is completed.

A bat survey has been submitted in respect of the demolitions. No evidence of bat activity was found and the buildings were considered to have little potential for bat roosting.

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

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Committee: **PLANNING**

Date of Meeting: **12 JANUARY 2011**

Title of Report: **S/2010/1592**
23 Orrell Road, Bootle
(Netherton & Orrell Ward)

Proposal: Change of use from A1 retail to A5 hot food takeaway, including a new shop front and roofing over rear yard and side passageway to provide storage area (re-submission of S/2010/0335 refused 24/06/2010)

Applicant: Mrs Pei Hui Zhu Yang Sing

Executive Summary

At their meeting on 15 December 2010, Members indicated that they were minded to approve this application and requested a further report to include conditions.

Recommendation(s) Approval

Suggested Justification

It is considered that this proposal, by reason of its siting and design, would have no significant detrimental affect on the amenities of the adjoining premises or on the shopping arcade as a whole and therefore it complies with UDP Policies CS3, DQ1, EP6, H10, MD5 and MD6.

Conditions

1. T1 Time Limit - 3 years
2. X1 Compliance
3. B-2 Hot Food takeaways (opening hours)
4. P-5 Plant and machinery
5. P-8 Kitchen Extraction Equipment
6. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until a Traffic Regulation Order (TRO) to control on-street parking at the junction of Orrell Road and Cinder Lane has been made and the associated traffic signs and carriageway markings have been implemented in full.

Reasons

1. RT1
2. RX1
3. RB-2

Agenda Item 5b

4. RP-5
5. RP-8
6. RH-1

Drawing Numbers

Location plan, Extract & Ventilation system statement, Electrostatic Precipitator, Drgs. 95.01, 02A, 03A, 04, 05a submitted on 12th November, 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 5b



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/1592 23 Orrell Road Bootle L20 6DU OSGR: 334782, 397124 Sheets: 900 Area: 91 sqm		Standard Site Plan Scale: 1:1250 Date: 29/12/2010 Drawn By: BEERT on	
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S/2010/1592

Background

Members agreed the principle of this proposed change of use at their meeting on 15 December 2010. A copy of the previous report is attached.

Since that meeting a further response from Highways Development Control has been received as follows :

Following the decision at the Planning Committee on the 15/12/2010 to approve the planning application S/2010/1592, mitigation measures will be required to stop obstructive parking taking place at the junction of Orrell Road and Cinder Lane. These measures will involve the introduction of junction protection at the junction of Orrell Road and Cinder Lane, in the form of double yellow lines which will prohibit waiting at any time.

As a result the following condition will need to be attached to any approval notice:-

Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until a Traffic Regulation Order (TRO) to control on-street parking at the junction of Orrell Road and Cinder Lane has been made and the associated traffic signs and carriageway markings have been implemented in full.

Comments including suggested conditions had previously been received from the Environmental Protection Director and have been incorporated into the suggested conditions.

Members are also requested to endorse the justification suggested above.

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

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

Agenda Item 5b

Committee: **PLANNING**

Date of Meeting: **15 December 2010**

Title of Report: **S/2010/1592**
23 Orrell Road, Bootle
(Netherton & Orrell Ward)

Proposal: Change of use from A1 retail to A5 hot food takeaway, including a new shop front and roofing over rear yard and side passageway to provide storage area (re-submission of S/2010/0335 refused 24/06/2010)

Applicant: Mrs Pei Hui Zhu Yang Sing

Executive Summary

The proposal within a residential area would be detrimental to both residential amenity and highway safety and therefore should be refused.

Recommendation(s) Refusal

Reasons

1. The proposal would be detrimental to the residential amenity by reasons of smell, noise, litter and disturbance by the comings and goings of vehicles and pedestrians. The development is therefore contrary to UDP Policies H10 and MD6.
2. The proposal would be detrimental to highway safety on account of its location in close proximity to the junction with Orrell Lane/Cinder Lane. The proposal is therefore contrary to UDP Policy AD2.

Drawing Numbers

Location plan, Extract & Ventilation system statement, Electrostatic Precipitator, Drgs. 95.01, 02A, 03A, 04, 05a submitted on 12th November, 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 5b



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/1592	Standard Site Plan	
	23 Orrell Road Bootle L20 6DU OSGR: 334782, 397124	Sheet(s): 900	Area: 91 sqm
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S/2010/1592

The Site

Comprises a terraced shop premises No 23 Orrell Road, Bootle on the South side of Orrell Road near its junction with Cinder Lane.

Proposal

Change of use from A1 retail to A5 hot food takeaway, including a new shop front and roofing over rear yard and side passageway to provide storage area. (Re-submission of S/2010/0335 refused 24/06/2010)

History

S/2010/0335 - Change of use to an A5 Hot Food takeaway - Refused 24/06/2010.

Consultations

Highways DC - Object on highway safety issues. The proposal is unacceptable.

There is a single yellow line on the north-east side of Orrell Road which prohibits waiting Mon-Sat 0900-1700. There are also zig-zag markings which prohibit parking and stopping at all times within the controlled area of the existing 'zebra' crossing. In addition, there are carriageway markings which extend across the frontage of the shops, which identify the 'part of the carriageway adjacent to the edge which vehicular traffic should not enter unless it is seen by the driver to be safe to do so'.

However, there are no waiting restrictions around the junction of Orrell Road and Cinder Lane and site observations have shown that vehicles are often parked around the radius of the Orrell Road and Cinder Lane junction, particularly on the north-west side. Aerial, 'bird's eye' and 'street view' photographs available on google maps and bing maps have also been checked and show parked vehicles around the radius of the junction, although information relating to the times and dates of these photographs is not available.

Parked vehicles severely limit the inter visibility between drivers travelling along Cinder Lane and pedestrians crossing the road near the junction with Orrell Road. Indeed, the interrogation of accident records held by Merseyside Police for the junction of Cinder lane and Orrell road reveal that there has been two recorded injury accidents within the last five years. One of these accidents involved a pedestrian who had stepped out between two parked cars into the path of a third.

Given the likely levels of vehicular traffic one could expect to be generated by a busy hot food takeaway and the obvious desire for drivers to park as close as possible to their destination, it is reasonable to expect an increase in parking around the radius of the junction, both in terms of numbers of vehicles being parked in the daytime and during the extended period into the evening when the takeaway will be at its busiest. In view of the above, the operation of a hot food takeaway at this application site will intensify parking around the radius of the junction and exacerbate the highway safety concerns relating to pedestrians having to cross Cinder Lane by walking between

Agenda Item 5b

parked cars.

The Highways Team recommends that permission be refused on the grounds that the proposal would be detrimental to highway safety and would therefore be contrary to UDP Policy AD2.

This is because there is a history of accidents in this vicinity and they are concerned that the increased levels of traffic associated with the proposed use would increase the risk.

Environmental Protection - No objections in principle.

Neighbour Representations

Last date for replies: 10/12/10. Letters of support submitted with the application from the staff of the Orrell Grange Nursing Home in Cinder Lane and Nos 25 and 25 a Orrell Road believing that the proposal will not unduly affect the amenities of these neighbouring properties.

Two letters of objection from No 2 Haworth Drive and No 30 Orrell Road re implications for traffic increase, vermin and litter.

Policy

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

CS3	Development Principles
DQ1	Design
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
MD5	Commercial Frontages and Security shutters
MD6	Food and drink uses.

Comments

This application is an exact replica of the previous refusal except that this time there are letters of support for the proposals which have been submitted by a number of local residents (see above).

The premises are located within a Primarily Residential Area where the most important consideration in assessing the acceptability of the proposal is the effect upon residential amenity in terms of noise and disturbance. Policy H10 advises that changes of use will only be permitted where no significant harmful affect would be caused to the amenity of adjacent and residential premises and to the residential character of the area.

Policy R7 advises that in established shopping parades, proposals for change of use will only be permitted where the parade suffers from a lack of investment and high vacancy rates, the proposal would bring the property back into beneficial use, which

otherwise may remain vacant or in poor physical condition, there would be no adverse affect on neighbouring properties and the viability of the shopping parade would not be harmed.

It is my opinion that this parade does not suffer from a lack of investment, all of the shops on the rest of the parade being occupied and I do not believe that this property would remain unused for long should the development proposed not go ahead. Added to this the premises are currently in a good state of repair.

Policy MD6 states that proposals for A5 Hot Food Takeaways will only be permitted provided they would not cause significant harm to the amenity nor result in a grouping of similar uses which would harm the character of the area.

There is currently a Hot Food Takeway establishment at No31 which enjoys the benefit of a long established use which operates to the normal opening hours associated with such a use.

The other shops in the parade include a Post Office, a general store, a butchers and a betting shop.

There are two flats above the neighbouring shops at Nos 25 and 27. The flat at No25 has a side window which faces towards this property and is separated from it by a 1m wide alleyway. In addition there is a care home for the elderly immediately behind the site and houses opposite.

As part of the proposal, it is intended to cover over the rear yard by building a single storey extension for storage purposes and at the same time, it is also intended to cover over the side passageway between this property and No 25. A side door will be inserted into the side elevation of this property to allow access and for employees of the shop to reach the bin area which could lead to additional noise nuisance to the flat above.

The Planning and Economic Regeneration Director considers that, given the close proximity of the premises to residential properties and the close proximity of the care home to the rear, it is likely that additional noise and disturbance through increased comings and goings, smells, litter, late night gathering, would adversely affect individual amenities and the character of the residential area in general.

Having taken all of the above into account, it is recommended that planning permission be refused.

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: **12 January 2011**

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

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

Applicant: Rev Malcom Hathaway Elim Foursquare Gospel Alliance

Executive Summary

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

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

Recommendation(s) Approval

Justification

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

Conditions

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

Reasons

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

Agenda Item 5c

Notes

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

Drawing Numbers

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

Financial Implications

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/2010/1605 Former LA Fitness site, Fairway Southport PR8 1RY		Standard Site Plan Scale: 1:1250 Date: 29/12/2010 Drawn By: BBERT on	
	OSGR: 334104, 418583	Sheet(s): 510A	Area: 6499 sqm	
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S/2010/1605

The Site

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

Proposal

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

History

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

Consultations

Highways Development Control – Comments awaited.

Agenda Item 5c

Environmental Protection and Technical Services – Comments awaited.

Merseyside Environmental Advisory Service –

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

Neighbour Representations

Last date for replies: 11/12/2010

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

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

Policy

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

CPZ1	Development in the Coastal Planning Zone
CS3	Development Principles
DQ3	Trees and Development
EDT13	Southport Central Area - Development Principles
EDT15	Southport Seafront
H10	Development in Primarily Residential Areas

Comments

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

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

Principle

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

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

Residential Amenity

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

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

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

Design and Impact on Street Scene

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

The building will be part single storey and part double height for the church hall

Agenda Item 5c

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

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

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

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

Trees and Greenspace

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

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

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

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Committee: **PLANNING**

Date of Meeting: **12 January 2011**

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

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

Applicant: Mr A Beattie

Executive Summary

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

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

Recommendation(s) Approval

Justification

The proposed dwelling is appropriate to the street scene of Knob Hall Lane and character of the surrounding area. The dwelling will not result in a significant loss of residential amenity of neighbouring properties by virtue of overshadowing or overlooking and complies with the Council's adopted policies CS3, H10 and DQ1.

Conditions

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. M-6 Piling
4. X1 Compliance
5. The first floor side facing dormer window shall not be glazed otherwise than with obscured glass and fixed shut or top hung, and thereafter be permanently retained as such.
6. H-2 New vehicular/pedestrian access
7. H-6 Vehicle parking and manoeuvring

Reasons

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

Notes

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

Drawing Numbers

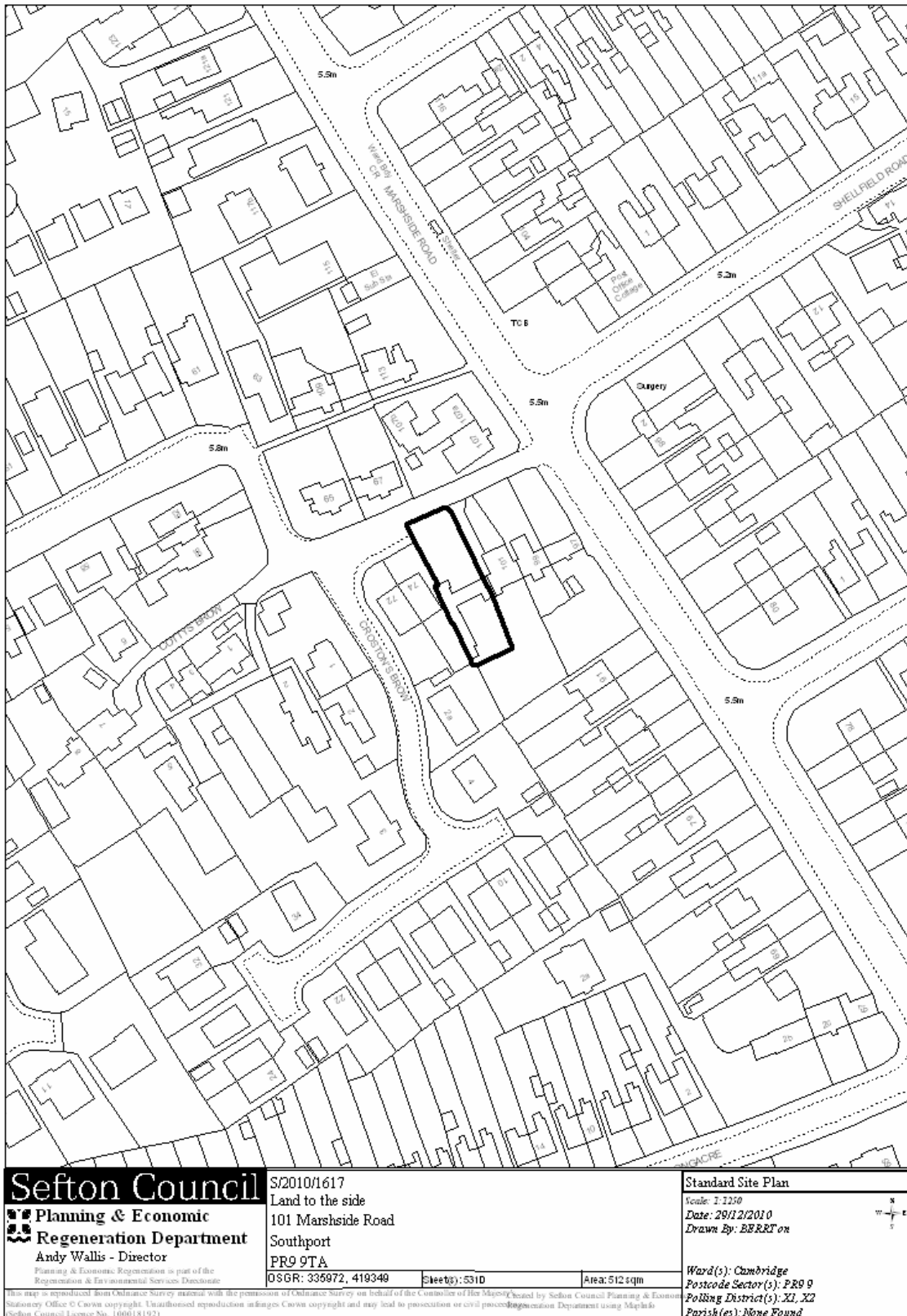
Financial Implications

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 5d



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/1617 Land to the side 101 Marshside Road Southport PR9 9TA OSGR: 335972, 419349	Sheet(s): 531D Area: 512 sqm	Standard Site Plan Scale: 1:1250 Date: 29/12/2010 Drawn By: BBERT on
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S/2010/1617

The Site

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

Proposal

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

History

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

Consultations

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

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

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

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

Neighbour Representations

Last date for replies: 13th December 2010

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

Policy

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

Agenda Item 5d

SPG New Housing Development

Comments

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

Principle

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

Design and visual impact

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

Residential amenity

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

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

Highway issues

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

Trees

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

Flood risk and sequential test

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

long term housing supply.

Conclusion

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

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

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

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Committee: **PLANNING**

Date of Meeting: **12 January 2011**

Title of Report: **S/2010/1620**
14 Cambridge Road, Formby
(Harington Ward)

Proposal: Retrospective application for a increase in the height of the free standing wind turbine to the rear to a maximum height of 9.5m

Applicant: Terrence Reeves

Executive Summary

The application is to retain a 9.5m high wind turbine in the rear garden. The issues to assess are neighbour amenity and effect on the character of the street scene

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. P-10 Wind Turbines
2. This permission is granted as an alternative to planning permissions S/2006/1155 and S/2008/0676 and shall not be implemented in conjunction with those permissions

Reasons

1. RP-10
2. To avoid the visual clutter of three turbines and to comply with UDP Policies DQ1 and CS3

Drawing Numbers

Photographs of turbine from front of house and rear garden, Wind turbine plans, Wind turbine performance data pages 1, 2, 3, email and letter from applicant received 2 December 2010, site plan and location plan

Agenda Item 5e

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/2010/1620 14 Cambridge Road Formby L37 2EL OSGR: 328664, 406294		Standard Site Plan Scale: 1:2250 Date: 2/12/2010 Drawn By: BEERTON
	Sheets: 2540	Area: 467 sqm	Ward(s): Harrington Postcode Sector(s): L37 2 Polling District(s): Q4 Parish(es): Formby C

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S/2010/1620

Agenda Item 5e

The application site was visited by the Planning Committee on 15 December 2010.

The Site

A semi detached two storey dwellinghouse situated on the north side of Cambridge Road.

Proposal

Retrospective application for an increase in the height of the free standing wind turbine to the rear to a maximum height of 9.5m

History

N/2006/1155 - Installation of a wind turbine attached to the gable end of the dwellinghouse - Granted 22/1/2007

N/2008/0676 - Retrospective application for a free standing wind turbine to the rear of the dwellinghouse - Granted conditionally 15/10/2008

Consultations

Environmental Protection Director – No objection in principle subject to following condition:

The noise level emitted from the wind turbine shall not exceed the L9010min of :

40dBA between 07.00 -- 23.00 at the boundary of any residential property
43dBA between 23.00 – 07.00 at the façade of any residential property

Neighbour Representations

Last date for replies: 20 December 2010

Email of objection received from:

13 Pinewood Avenue

- Structure was never pretty but is now an eyesore
- If it fell would be a danger to us and occupiers of no 16 who have this monstrosity right next to their fence
- If granted a precedent would be set and the area would begin to look like an industrial estate, value of properties and their marketability would be affected 16 Cambridge Road
- Previous application was granted despite our objections and has caused flickering shadows in rear living room, kitchen and rear bedrooms, shadow in rear garden cast by structure travelling across lawn in mornings, is very noisy especially when it changes speed, stops or starts, which is does constantly is an unacceptable nuisance in garden but can also be heard in house
- Still consider turbine an eyesore and are concerned about noise; increased height takes shadow away from our property so from our view if current application unsuccessful would not want to see it lowered to previous height as nuisance that has blighted our lives for 12 months would return, would prefer to see it removed

completely.

Policy

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

CS3	Development Principles
DQ1	Design
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas

Comments

The freestanding turbine granted under S/2008/0676 was 7.01m high; the submitted application and accompanying photographs indicate the turbine at a height of 9.5m

The applicant explains that the turbine was not working efficiently at the height previously approved and at the advice of supplier need to be increased in height to access less turbulent air flow at a higher level.

The main issues to consider are the impact on the street scene and the residential amenity of adjoining properties with particular regard to noise and visual outlook.

The noise levels from a turbine can vary considerably depending upon the positioning of the turbine in relation to other buildings and other objects such as trees and street furniture. Turbines also vary in noise level and efficiency in relation to the direction and speed of the wind in the area.

Weather conditions during the site visit by the committee were not conducive to witness the turbine in action. However the same turbine was observed in action in September 2008 when the previous application was being considered. The report states 'when the wind rises there is a gushing sound that is evident, but this is largely heard within the mixture of other noises when wind blows, including the rattling of tree branches and leaves. Similarly as the wind drops there is an audible if slight droning noise which may be considered to resemble that of a passing car. It is considered there is an audible noise output from the mast, but not of a level that may be regarded as unacceptable. Neither is the noise anywhere near sufficient to require that voices be raised to enable individuals to be heard in conversation.'

There is no evidence to suggest that there would be any additional noise issues arising from the increased height.

With regard to noise impact the Environmental Director offers no objection but recommends a condition restricting the amount of noise at different times of the day when measured from different sources.

As such it is considered that subject to the above condition being attached the proposal will not result in a significant loss of amenity and complies with policy EP6.

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In terms of the visual appearance in the street scene the turbine is visible between the site and 16 Cambridge Road but the pole on which the turbine is mounted is very narrow and existing trees to the rear boundary provide a backdrop. The impact from the public perspective isn't considered significantly different to that created by satellite dishes and larger TV aerials which are increasingly common features in the street scene.

From the neighbour's perspective the turbine on a 9.5m pole appears as an unconventional freestanding item in the rear garden. However the harm caused to residential amenity is not considered to be so significant as to justify refusal of planning permission. The presence of scaffolding for some while has given the impression of a bulkier structure, but this is of a temporary nature during construction only.

Similarly given the differing height of the sun at various times of the year the interference of the turbine on sunlight to neighbouring properties is not easy to assess. However evidence does not suggest that any disturbance would be continuous and the location of the turbine in relation to neighbouring windows suggests that impacts are likely but occasional and insufficient to constitute demonstrable harm

With regard to the objections received:

- The visual appearance of the structure is not considered to be significantly different to that approved under S/2008/0676
- The structural stability of the turbine is a matter for the applicant and not a material planning consideration
- Precedent for a turbine in this location has been set with the granting of the previous permission; value/marketability of properties is not a material planning consideration
- Flickering/shadow caused is intermittent, harm caused not sufficient to justify refusal of planning permission
- Environmental Protection Director has no objection subject to noise condition restriction

It should be remembered that there is extant permission for the principle of a wind turbine on this site. There is no evidence to show that the additional impact of this slightly higher structure would be significant.

Recommend planning permission is granted

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

Agenda Item 5e

Case Officer:

Mrs Joy Forshaw Telephone 0151 934 2212

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Committee: **PLANNING**

Date of Meeting: **12 January 2011**

Title of Report: **S/2010/1706**
S/2010/1707
S/2010/1708

Klondyke and Penpoll Sites, Hawthorne Road, Bootle

(Litherland Ward)

Proposal: S/2010/1706 - Layout of roads and erection of 86 dwellinghouses (former Klondyke site)

S/2010/1707 - Erection of 68 dwellings, layout of roads, open space, landscaping treatment and associated works (former Penpoll site)

S/2010/1708 - Erection of a three storey corner block containing retail units and office space, a two storey social club, car parking provision and associated works (Klondyke – junction of Harris Drive/Hawthorne Road)

Applicant: Bellway Homes Limited (North West Division)

Executive Summary

The report comments on three separate applications for the redevelopment of the former Klondyke/Penpoll sites on Hawthorne Road. Two of the applications are for residential development and the third for retail/office units and a new social club to replace the Mel Inn on the opposite side.

It is recommended to delegate approval to officers subject to fully framed planning conditions and there being no objection from either the Environment Agency or the Highways Agency on matters of flood risk and highway network implications.

Recommendation(s) **That the Planning and Economic Development Director be authorised to grant planning permission under delegated powers subject to conditions, the resolution of outstanding matters relating to layout and design, and there being no objections received from**

Agenda Item 5f

statutory consultees.

Justification

The proposal will deliver a mix of housing consistent with the objectives of the Housing Market Renewal Pathfinder initiative and offer a range of public realm and open space improvements, and new replacement non-residential components, all of which will make a major contribution to the regeneration of Hawthorne Road. The scheme complies with the aims and objectives of Sefton UDP Policy and the granting of planning permission is therefore justified.

Conditions & Reasons

To follow

Notes

To follow

Drawing Numbers

To be finalised

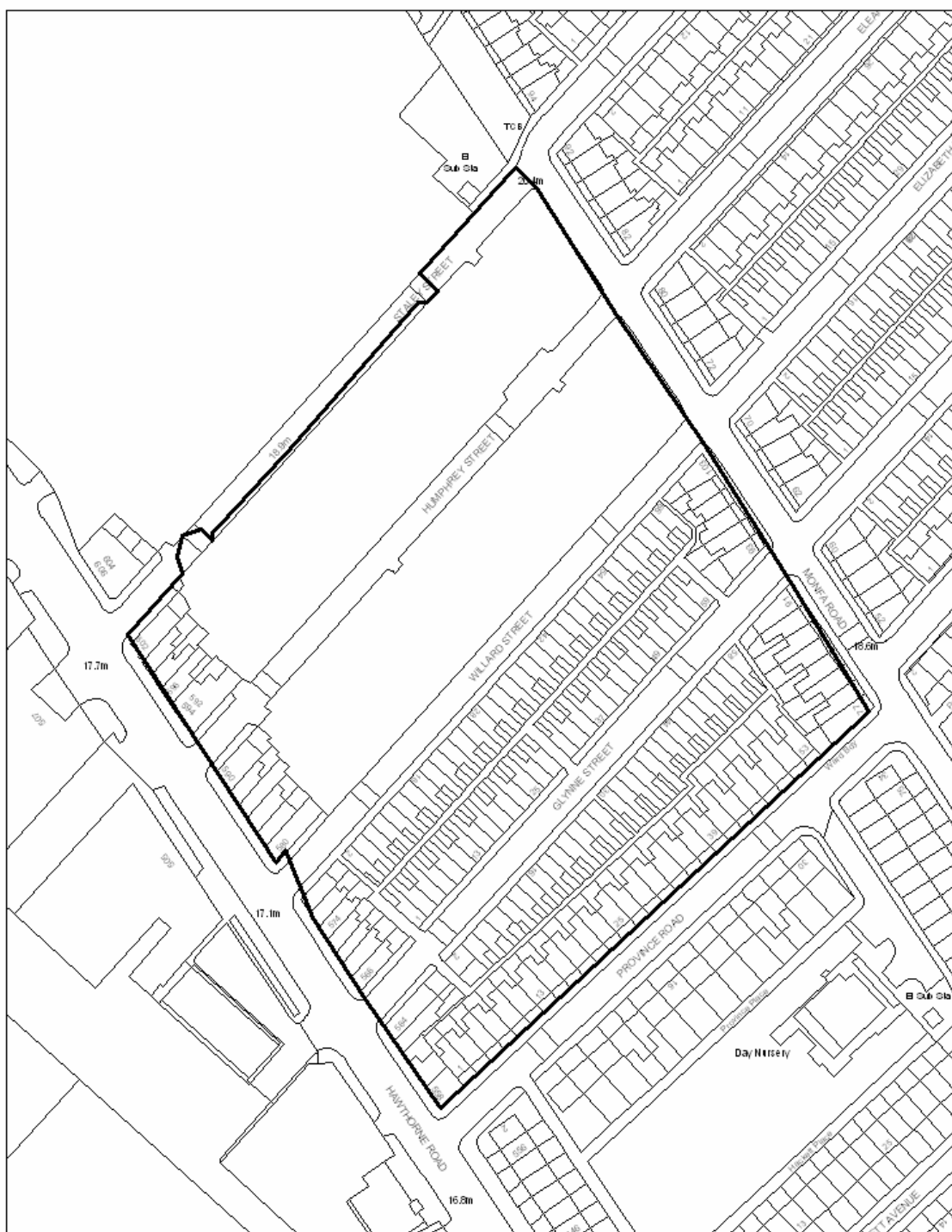
Financial Implications

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?				

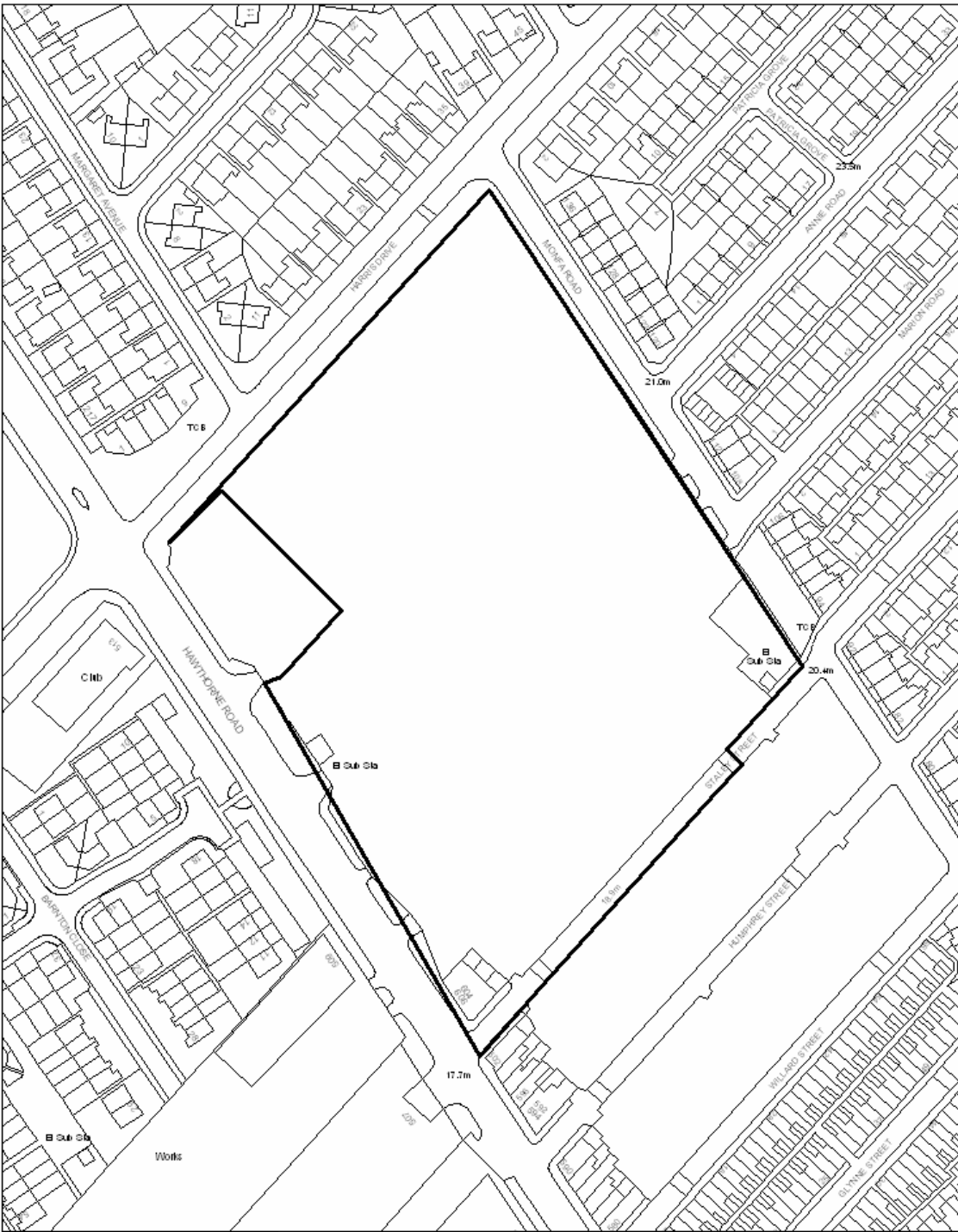
List of Background Papers relied upon in the preparation of this report

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/2010/1706 Klondyke Hawthorne Road Bootle L20 6BE OSGR: 334647, 396675		Sheets: 70C, 70A Area: 22759 sqm	Standard Site Plan Scale: 1:5000 Date: 31/12/2010 Drawn By: BERTON	
	<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921.</small>			Ward(s): Itherland Postcode Sector(s): L20 6 Polling District(s): G4 Parish(es): None Found	



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/1707 Penpoll Trading Estate Hawthorne Road Bootle L20 6LB <small>OSGR: 334454, 396805</small>		Standard Site Plan Scale: 1:3000 Date: 31/12/2010 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 Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.</small> <small>Sefton Council Licence No. 1000181921</small>	<small>Created by Sefton Council Planning & Economic Regeneration Department using MapInfo</small>	Ward(s): <i>Itherland</i> Postcode Sector(s): <i>L20 6</i> Polling District(s): <i>G4</i> Parish(es): <i>None Found</i>

S/2010/1706

Agenda Item 5f

S/2010/1707
S/2010/1708

The Site

The site comprises largely cleared land fronting Hawthorne Road and in the case of Penpoll turning the corner to Harris Drive.

The Klondyke was predominantly occupied by two storey terraced properties whereas Penpoll is a former industrial site. The sites are in an area of mixed residential, commercial and industrial character.

Proposal

The site is in effect a single layout but is split into three applications as follows:

S/2010/1706 - Layout of roads and erection of 86 dwellinghouses (former Klondyke site)

S/2010/1707 - Erection of 68 dwellings, layout of roads, open space, landscaping treatment and associated works (former Penpoll site)

S/2010/1708 - Erection of a three storey corner block containing retail units and office space, a two storey social club, car parking provision and associated works (Klondyke – junction of Harris Drive/Hawthorne Road)

History

S/2005/0006 – Outline application for the demolition of existing properties and replacement residential development with all associated works – approved 7 April 2005.

S/2005/0007 – Outline application for residential development, retail and community facility and all associated works – approved 31 March 2005.

S/2010/0366 - Extension of time to planning permission S/2005/0006 granted 07/04/2005 for outline application for the demolition of existing properties and replacement residential development with all associated works – approved 24 September 2010.

S/2010/0367 – Extension of time to planning permission S/2005/0007 granted 31/03/2005 for outline application for residential development, retail and community facility and all associated works – approved 24 September 2010.

Consultations

Housing Market Renewal – support all three applications.

Highways Development Control – comments awaited

Environmental Protection Director – comments awaited

Environment Agency – comments awaited

Highways Agency – comments awaited

British Waterways – comments awaited

United Utilities – comments awaited

Police ALO – comments awaited

Neighbour Representations

Last date for replies: 4 January 2011.

S/2010/1706 – None received

S/2010/1707 – None received

S/2010/1708 - Letter from 8 Barnton Close regarding the access to the new Mel Inn from Harris Drive – concern over noise and disturbance resulting from the proposed arrangement.

Policy

The application sites are situated on allocated housing land (Penpoll) and in an area allocated as Primarily Residential Area (Klondyke) respectively on the Council's Adopted Unitary Development Plan.

AD1	Location of Development
AD2	Ensuring Choice of Travel
AD3	Transport Assessments
AD4	Green Travel Plans
AD5	Access onto the Primary Route Network
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
EP2	Pollution
EP3	Development of Contaminated Land
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
H12	Residential Density
H7	Housing Renewal, Clearance and Regeneration
H8	Redevelopment within the Pathfinder Area
H9	Hawthorne Road/Canal Corridor

Agenda Item 5f

T2 Walking and Cycling
UP1 Development in Urban Priority Areas

Comments

The proposals are for new housing and retail/office space. In total, the combined applications will achieve a total of 154 dwellings, 805 sq metres of new retail space and 1,197 sq metres of office space, with the Mel Inn Social Club rebuilt opposite.

The proposals also create a small area of open space to the northern boundary of the site split between the boundary of the former Penpoll/Klondyke sites. The open space is in the order of 0.21 hectares and is consistent with previous approvals.

All of the principles of development are acceptable and are reinforced by the existing outline approvals.

TIMEFRAME

There is considerable pressure due to requirements to use external funding associated with the delivery of affordable housing, for a start to be made on site no later than March 2011. In order to achieve this, it is imperative that planning approval be delivered in January 2011.

Given the timing of the submission (applications received 10 December 2010), a range of consultation responses are awaited at the time of writing. Amendment will be sought as required in the event of the layout proposed giving rise to any previously unforeseen issues prior to the meeting and prior to any approval being issued.

DESIGN/LAYOUT OF HOUSING

The layout is one of conventional dwelling houses and apartments are no longer proposed. All houses have 'active' frontages and good private garden space. Shared surfaces are utilised and a safe environment is created for all users.

The individual dwellings are of conventional but pleasing design with builds of more substantial scale fronting Hawthorne Road to create the stronger impacts originally envisaged when the apartments were proposed. Instances of garages and garden walling in the street scene are minimised.

It is proposed that a shared surface will be created to tie in with the existing pavement to Hawthorne Road to offer a pleasant boulevard and quality public realm to that frontage. Houses are set back a reasonable distance from Hawthorne Road to enable this.

The overall housing density is 34.53 per hectare. This complies with UDP policy.

Regarding affordable housing, 38.2% of all bedspaces are contained within affordable units (172 of 450 bedspaces, 60 of 154 dwellings). A total of 108 affordable bedspaces are on the Penpoll site (in 37 of the 86 houses). This is

compliant with UDP Policy.

Some further minor amendments may be delivered to the housing layout in advance of the Committee meeting but these will primarily be with a view to improving an already acceptable layout.

The design and layout of the housing is considered acceptable.

OFFICE/RETAIL UNITS AND SOCIAL CLUB

The proposed units are to be of three storey build (reducing to two storey away from the corner) directly addressing the junction of Harris Drive/Hawthorne Road. The scheme has an art deco influence, and will present a colourful contrast to the residential development beyond, with projecting bays and a corner feature.

Retail is proposed at ground floor level, with office space at first and second floor level. The replacement social club fronts Hawthorne Road and is of a curved design which offers further distinctiveness.

Vehicular access and parking to all of these buildings is derived from Harris Drive, however there is full pedestrian access to the new Mel Inn from Hawthorne Road. A total of 31 parking spaces are provided.

The objection is noted regarding access to the Mel Inn from Harris Drive, however, it is expected that the vehicular access will be gated such that it closes automatically at 2200, opening only to allow vehicles to exit the car park to the rear. With pedestrian access to Hawthorne Road, it is expected that this will be the favoured location for taxi pick ups at later hours.

The car parking is buffered from the adjacent residential properties through the use of landscaping.

It is considered that these proposals afford acceptable levels of amenity for both existing and prospective residents, and a high standard of design.

CONDITIONS

A full series of conditions will be presented by way of late representation, but in summary, they will cover the following broad aspects:

- Materials,
- Ground levels,
- Highway works both on and off site,
- Noise protection measures for residents,
- Hours of operation relating to commercial units and social club,
- Contaminated land provisions,
- Landscaping and public realm to Hawthorne Road,
- Boundary treatments/protection of privacy,
- Greenspace provisions/Section 106 obligations,

Agenda Item 5f

- Affordable housing provision, and
- Building of dwellings in line with Code for Sustainable Homes.

The Planning and Economic Development Director therefore seeks delegated authority to grant planning permission subject to the expiry of the publicity period on 21 January 2010 and subject to there being no objections that would suggest a requirement for fundamental change to the present layout and design. A full addendum report will be presented to members to supplement the above.

Reasoned Justification

The proposal will deliver a mix of housing consistent with the objectives of the Housing Market Renewal Pathfinder initiative and offer a range of public realm and open space improvements, and new replacement non-residential components, all of which will make a major contribution to the regeneration of Hawthorne Road. The scheme complies with the aims and objectives of Sefton UDP Policy and 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**

Agenda Item 6

Committee: **PLANNING**

Date of Meeting: **12 JANUARY 2011**

Title of Report: **Planning Refusals**

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

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

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

Purpose of Report

The items listed in this Appendix are recommended for refusal.

Recommendation

That the applications for planning permission, approval or consent set out in the following appendices be REFUSED for the reasons stated therein.

Corporate Objective Monitoring

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

Agenda Item 6

Financial Implications

None

Departments consulted in the preparation of this Report

See individual items

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

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

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

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

Refusals Index

6A	S/2010/1419	Maricourt High School, Damfield Lane, Maghull	Sudell Ward
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Committee: **PLANNING**

Date of Meeting: **12 January 2011**

Title of Report: **S/2010/1419**
Maricourt RC High School, Damfield Lane, Maghull
(Sudell Ward)

Proposal: Erection of 1.4 metre high green galvanised mesh fencing on top of the existing 1 metre high perimeter wall (total height 2.4 metres) with gates along Damfield Lane and Hall Lane elevation (alternative to S/2010/0974 withdrawn 02/09/2010)

Applicant: Mr Brendan McLoughlin Maricourt RC High School

Executive Summary

This application was considered last month but has been brought back to ensure that the Committee has the correct details.

The site comprises Maricourt High School, Damfield Lane, Maghull. The proposal is for the erection of fencing and gates to the front boundary. The position of the fencing on top of the existing sandstone wall is unacceptable as it would be detrimental to visual amenity and to the wall itself which is considered to be a heritage asset and therefore permission should be refused.

Recommendation(s) Refusal

Reasons

1. The proposed fencing , by virtue of its design and position within the street scene would be detrimental to visual amenity and is therefore contrary to UDP Policy DQ1.
2. The proposed fence , by reason of its siting and design on top of the boundary wall would detract from the character of the stone wall which is considered to be a heritage asset of some value within this area of Maghull . This would be contrary to advice in PPS5 and contrary to Sefton UDP Policies CS3 and DQ1.

Drawing Numbers

Drawings ED063-3/002 submitted on 13 October 2010 and ED063-3/001 Rev C submitted 4 November 2010

Agenda Item 6a

Financial Implications

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

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

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/1419 Maricourt RC High School, Damfield Lane Maghull L31 3DZ OSGR: 337965, 401840		Sheets: 1948, 173C, 174A Area: 50444 sqm		Standard Site Plan Scale: 1:2000 Date: 1/12/2010 Drawn By: EBERT on
	<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.</small>		Ward(s): Sudell Postcode Sector(s): L31 3, L31 6 Polling District(s): A2, A3 Parish(es): Maghull Cp		

Agenda Item 6a

Introduction

This proposal was considered at the Meeting in December but referred to the original rather than an amended plan. The report below is adjusted to properly describe the proposal and reference made to the correct (amended) plan. The recommendation remains the same.

The Site

Comprises Maricourt High School, Hall Lane/Damfield Lane, Maghull.

Proposal

Erection of 1.4 metre high green galvanised mesh fencing on top of the existing 1 metre high perimeter wall (total height 2.4 metres) with gates along Damfield Lane and Hall Lane elevation (alternative to S/2010/0974 withdrawn 02/09/2010)

History

Varied but most recent S/2010/0974 - Erection of 2.4m high fencing and gates on top of the existing wall along Damfield Lane/Hall Lane elevations. Withdrawn.

S/2010/1242 - Erection of 2.4m high gates and fencing behind the existing wall along the Damfield Lane/ Hall Lane elevations. Withdrawn.

Consultations

Environmental Protection - No objections.

Highways DC - No objections.

British Waterways - No objections.

Neighbour Representations

Last date for replies: 9/11/10. Five letters of objection from Nos 118, 120 and 122 Hall Lane, No 1 Brooklands Drive and 1a Brook Road re fence would be unsightly and would detract from the charm of the area.

Supporting information from the applicant.

The Governing Body of the school are concerned about the open nature of this site and the safety and well being of the school children attending the lower school. A security fence, placed on top of the wall would help safeguard the young people by stopping intruders drifting onto the site and would, if built, satisfy Ofsted requirements. The fencing would also help to stop anti social behaviour in the evening with which there is an on going problem. Windows and external features are constantly being broken.

If the fence were to be erected behind the wall the Governing Body suggest that anti social behaviour could still take place under the trees and that it would be difficult to keep this area free of litter and to maintain it.

Policy

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

CS3	Development Principles
DQ1	Design
G1	Protection of the Urban Greenspace

Comments

The issues to consider are the affects of the proposal on the visual amenity of the street scene, on highway safety, on the amenities of the surrounding premises and on the Urban Greenspace.

The premises subject of this application are Maricourt High School, Damfield Lane, Maghull.

This proposal has been the subject of some discussion. The present proposal was initially considered unsuitable and a revised application was submitted placing the fencing behind the significant line of trees.

This still brought neighbour objection and the school considered that it provided a less satisfactory solution. That application(S/2010/1242) was withdrawn.

A meeting was held on site, attended by local Councillors, residents, school representatives and the Police Community Safety Officer. The issue of anti-social behaviour was explained and alternatives were discussed. The school was requested to consider the alternative of setting the fence further back.

However, it has not, to date, been possible to agree a solution and the present application must therefore be determined.

The proposal is for the erection of 2.4m (total height) security fencing and gates to the front perimeter of the school at the junction of Damfield Lane and Hall Lane.

The new fencing would be 1.4m high and will be positioned on top of the existing sandstone wall which is 1m high giving a total height of 2.4m (see revised plan ED063-3001 Rev C). There will be two sets of double gates within the line of fencing which will be 2.4m high x 3.2m wide and there will be a further 2.4m high x 1.2m wide single gate for pedestrian access alone. All of the fencing will be galvanised and colour coated Green (RAL 6005).

In order for this fence to be erected the Tree Officer considered that some significant

Agenda Item 6a

pruning works would be required to some of the mature trees which front the site and initially considered that these works were inappropriate. It was suggested to the applicant that it would be better to locate the fencing behind the trees. However, details have been submitted and the Arboricultural Officer has now agreed to tree works which will remove some overhanging branches from the front/pavement area around this boundary.

These works have been carried out, and now there would be no further tree works required to accommodate the fence on top of the wall.

Occupiers of a number of neighbouring properties which overlook the site object to the proposed fence on the basis that it was going to make the school look like a prison and that the fence would be visually obtrusive within the street scene.

They add that the existing sandstone wall forms part of the heritage of Old Maghull and that the fencing on top of the wall would detract from its appearance.

Although the site is not located within the Conservation Area (the boundary of which is close by) the sandstone wall fronting this site comprises a heritage asset and the development would detract from the character and appeal of this asset. It is believed that this wall dates back to the 18th century. On this basis, refusal would be recommended with the stays for the fence on the rear of the wall and the fence on the outer wall edge. This would be visually obtrusive.

Having taken all of the above into account, I believe that this proposal, if allowed, would form an obtrusive feature which would be detrimental to the visual appearance of the street scene on this prominent corner position, and detract from the visual character of the front of the wall which is a heritage asset. I therefore recommend that planning permission be refused.

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

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

Agenda Item 7

Meeting: Planning Committee
Cabinet

Date of Meeting: 12th January 2011
27th January 2011

Title of Report: Core Strategy: Liverpool City Region Renewable Energy
Capacity Study

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

Contact Officer: Andrea O'Connor
(Telephone No.) 0151 934 3560

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

Purpose of Report

To seek members' approval of the Liverpool City Region Renewable Energy Capacity Study, which forms part of the evidence for the Core Strategy and other Local Development Framework documents.

Recommendations

A. That Planning Committee:

- i) Note this report;
- ii) Recommend that Cabinet approve the Liverpool City Region Renewable Energy Capacity Study.

B. That Cabinet approve the Liverpool City Region Renewable Energy Capacity Study.

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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		√	

Financial Implications

There are no financial implications arising directly from this report.

<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?				

Departments consulted in the preparation of this Report

Director of Neighbourhoods, Investment Programmes Department, who suggested clarification set out in para 1.1 and Merseyside Environmental Advisory Service, who have no substantive comments.

List of background papers relied upon in the preparation of this Report

Liverpool City Region Renewable Energy Capacity Study Stage 1 Report and Stage 2

Report - <http://www.sefton.gov.uk/default.aspx?page=10850>

Regional Spatial Strategy: The North-West Plan (2008)

Planning Policy Statement 22 (PPS22): 'Renewable Energy' (2004): see

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps22/>

Supplement to PPS1 'Planning and Climate Change' (2007): see

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps1/>

1. Liverpool City Region Renewable Energy Capacity Study - overview

- 1.1 This is a joint study between the greater Merseyside Districts (Liverpool City Region), West Lancashire and Warrington. It forms part of the Core Strategy evidence for each authority. The joint approach has saved costs, and added value. This Study is distinct from the forthcoming Sefton Renewables Study, which is being carried out by Capita (commissioned by the Neighbourhoods, Investment and Programmes department).
- 1.2 The Study consists of two reports. The Stage 1 Report (2009) demonstrates that the City Region's sub-regional renewable energy targets set out in the Regional Spatial Strategy (2008) can be met.
- 1.3 The Stage 2 Report (2010) sets out a common policy framework for development plans in the City Region, for:
 - Low carbon energy and technology innovation for renewable energy (infrastructure & micro-generation);
 - Large scale energy proposals connected to the grid and off shore energy;
 - District heating; *and*
 - Sustainable development and prudent use of resources.
- 1.4 The Stage 2 Report also identifies priority zones for combined heat and power and areas of search for wind energy development across the sub-region, although other locations are not automatically ruled out. The Study also includes information on electricity grid capacity, and is linked to a process to help each local planning authority consider the potential and viability for low and zero carbon energy generation as part of new development proposals.
- 1.5 For Sefton, a priority zone for combined heat and power is identified at Kew, close to Southport Hospital and proposed housing and employment development.
- 1.6 An area of search for wind energy development is identified next to the River Alt, south of Great Altcar. This is based on comparison of wind speed evidence and major constraints such as national and international nature sites. However the Study notes that a fuller and more detailed assessment would be needed for all such wind sites, as other potential constraints, such as landscape character, flood risk and cumulative impacts of development have not been taken into account.
- 1.7 The Study helps us to meet the challenge of climate change as well as providing specialist, technical evidence for Sefton's Core Strategy. It is recommended that Planning Committee note this report and recommend that Cabinet approve the Liverpool City Region Renewable Energy Capacity Study.

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Agenda Item 8

REPORT TO: Planning Committee
Cabinet

DATE: 12 January 2011
27 January 2011

SUBJECT: Updated Statement of Community Involvement

WARDS AFFECTED: All

REPORT OF: Andy Wallis, Planning & Economic Development Director

CONTACT OFFICER: Ian Loughlin
Telephone 0151 934 3558

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To inform members of comments received to consultation on an updated Statement of Community Involvement. To ask Cabinet to approve the updated Statement of Community Involvement (available to view at www.sefton.gov.uk/sci)

REASON WHY DECISION REQUIRED:

The Statement of Community Involvement is required to be updated on a regular basis

RECOMMENDATION(S):

That Planning Committee recommends to Cabinet that the updated Statement of Community Involvement be approved.

Cabinet to approve the updated Statement of Community Involvement.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: Following the expiry of the 'call in' period for the minutes of this meeting

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ALTERNATIVE OPTIONS:

That the existing Statement of Community Involvement (approved 2006) be retained to set out how we consult our residents and other stakeholders.

IMPLICATIONS:

Budget/Policy Framework: N/a

Financial: There are no financial implications as a result of this report (FD 577)

<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: There are no legal implications as the result of this report (LD 00017/10)

Risk Assessment: If the updated Statement of Community Involvement is not approved the risk is that using the previous version will not reflect recent changes to planning regulations and the Council wide approach to consultation.

Asset Management: N/a

CONSULTATION UNDERTAKEN/VIEWS

Community And Engagement Panel.

FD 577 - The Interim Head of Corporate Finance & Information Services has been consulted and has no comments on this report

LD 00017/10 – The Director of Legal Services has been consulted and has no comments on this 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
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None

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1. BACKGROUND:

- 1.1 The Local Development Framework system introduced the requirement of a Statement of Community Involvement (SCI). This is a document that sets out how the Council will engage with local communities and others on its planning policies and in the planning application process. In Sefton we started work on our SCI soon after the Local Development Framework system was introduced and our SCI was formally adopted in October 2006 following independent examination.
- 1.2 Since the adoption of the SCI a number of things have happened which mean we need to update it. Firstly we need to reflect changes to the planning regulations that were introduced in 2008 and 2009 which included simplifying the stages in producing planning documents. Secondly we need to take account of the Sefton Public and Engagement Framework that was launched in October 2009. Finally we need to reflect on the consultation that we have undertaken over the past few years, particularly on the Core Strategy, as we now have a better understanding of what works well and what doesn't. This review accords with our commitment in the adopted SCI that we will regularly update it to take account of changing circumstances.

2. CONSULTING ON THE UPDATED SCI:

- 2.1 A draft updated SCI was made available for consultation and reflected the changes set out above. The draft SCI also took account of the results of a survey we carried out to find out how people would prefer to be consulted. The draft updated Statement of Community Involvement was made available for an eight-week consultation on 5 August 2010. A table of comments received and how we responded to them can be viewed at www.sefton.gov.uk/SCI.

3. FINAL UPDATED SCI:

- 3.1 In response to the comments made during consultation we made the following further change to the updated Statement of Community Involvement. Firstly we will now ensure all consultees on our database (whether statutory or not) will be contacted at formal stages of all DPD and SPD consultations rather than just for the Core Strategy. We will also now make it clear that timescales for consultation periods will be a minimum rather than a set time. We will also make it much easier for groups and residents to add their details to our consultation database so they can be notified of planning documents. Finally we will now inform statutory consultees who make representations on planning applications when the decision is made.
- 3.2 The final version of the updated Statement of Community Involvement for which we are seeking approval can be viewed at www.sefton.gov.uk/sci.
- 3.3 If approved the updated Statement of Community Involvement will form part of the Local Development Framework and will guide the way in which we consult on our planning policies and planning applications.

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REPORT TO: Planning Committee
Cabinet

DATE: 12th January 2011
27th January 2011

SUBJECT: Joint Waste Development Plan: Consultation on Preferred Options
2 – New Sites Consultation

WARDS AFFECTED: Netherton and Orrell

REPORT OF: Andy Wallis, Planning & Economic Regeneration Director

CONTACT OFFICERS: Steve Matthews – Local Planning Manager
0151 934 3559
Alan Jemmett – Director, Merseyside Environmental Advisory
Service 0151 934 4950

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

This report, and the report attached in Annex 1, relate to the second Preferred Options stage of the joint Merseyside Waste Development Plan Document (DPD). The first stage identified a number of sites to accommodate waste management facilities. A number of these were withdrawn or not supported following consultation, including a site in Sefton.

This second stage of Preferred Options, called "New Sites Consultation" identifies all the necessary replacement sites for the various boroughs in Merseyside.

This report proposes a replacement site for Sefton and asks that it be approved for consideration as part of a Merseyside-wide consultation in early 2011.

The Merseyside Environmental Advisory Service is leading the preparation of the plan and has prepared the report in **Annex 1**. This provides a Merseyside-wide overview of the replacement sites which are required for all the Merseyside authorities.

The full consultation document will be made available on the web-site and to assist members a copy has been placed in the party group offices in Bootle/Southport Town Halls.

The report also notes the costs for completing the Waste DPD which have been agreed by City Region Cabinet.

REASON WHY DECISION REQUIRED:

To authorise the commencement of public consultation on this second stage of Preferred Options consultation of the Waste DPD and to comply with statutory requirements in relation to consultation on development plan documents.

RECOMMENDATIONS:

Planning Committee

That the following recommendations to Cabinet be agreed:

Cabinet

- 1 note the results of consultation on the Waste Development Plan Document Preferred Options Report
- 2 approve the Preferred Options 2: New Sites Consultation Report and approve a six-week public consultation commencing in early 2011
- 3 note funding arrangements agreed by the City Region Cabinet and make appropriate financial provision in 2011/12 and 2012/13 to complete the Waste DPD.

KEY DECISION: No

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FORWARD PLAN: No

IMPLEMENTATION DATE: Following call-in after Cabinet on 27th January 2011

ALTERNATIVE OPTIONS:

There is no alternative to considering this second stage Preferred Options consultation report identifying replacement sites. Failure to identify sufficient sites to manage waste would prevent the Merseyside authorities from completing the Waste Development Plan.

IMPLICATIONS:

Budget/Policy Framework: There are financial implications for future years in order to complete the preparation of the Waste Development Plan. The funding arrangements were agreed by City Region Cabinet on 22nd October 2010.

Delay in the process of preparing and adopting the Waste DPD and in the subsequent development of facilities required to reduce landfill could have significant harmful financial consequences for all the authorities.

Corporate Plan Strategic Objective 9 supports the development of a more sustainable waste management strategy.

Financial:

<u>CAPITAL EXPENDITURE</u>	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure		27,063	16,587	
Funded by:				
Sefton funded Resources		√	√	
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: None

Risk Assessment: A separate risk register is maintained for this project. A key risk identified is the breakdown of the joint commitment and approvals process required to progress the Waste DPD.

Asset Management: Not applicable

CONSULTATION UNDERTAKEN/VIEWS

FD 581 – The Head of Corporate Finance and Information Services has been consulted and comments as follows, the statutory nature of this service is recognised; however, any additional costs need to be contained within existing budgets.

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

Merseyside and Halton Joint Waste DPD Preferred Options 2 – New Sites Consultation Report

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Background

1. The joint Merseyside Waste Development Plan Document (Waste Plan) is a statutory plan and is a key part of Sefton's Local Development Framework. The Merseyside authorities are required to contribute to this important piece of work which must allocate suitable sites, or preferred locations, to meet future needs for waste management facilities in the most sustainable way. A key principle in preparing the Waste Plan is that waste should be disposed of close to where it is generated. It is no longer possible to assume that waste can simply be exported outside the Merseyside sub-region.
2. The preparation of a Waste Plan is a complex and lengthy process. It needs to be supported by up to date evidence, there is a rigorous approach to identifying and selecting suitable sites, and there are prescribed periods of consultation with interested organisations and with the public. Work on the joint Waste Plan - in which all six Greater Merseyside authorities are partners - commenced in 2005.
3. In January/ February 2010 a Preferred Options Report was subject to public consultation. Amongst other things this identified a number of sites which could accommodate facilities for dealing with Sefton's waste. As a result of the consultation, one site (Grange Road, off Dunnings Bridge Road, Netherton) was not taken forward because of the anticipated impact on residential property and access issues.
4. Three other Districts (Liverpool, Halton, St Helens) are in a similar position, having lost a site during approvals / consultation. They have now all identified alternative sites.
5. The Merseyside Environmental Advisory Service is leading the process of preparing the Plan and has prepared the "Core Content Committee Report" in **Annex 1**. It provides an overview of the process for selecting replacement sites for Merseyside as a whole, and of the funding implications of completing the Waste Plan.
6. This report provides further information on the process of selecting a replacement site within Sefton.

Need for replacement site

7. The sites included in the original Preferred Options Report included one sub-regional site and three local sites. The sub-regional site was at Alexandra Dock 1 (now granted consent), and the local sites were at 1-2 Acorn Way, land off Grange Rd, Netherton and 55 Crowland St, Southport.
8. Members resolved not to support the site off Grange Road as part of the consultation on the Preferred Options Report. That report, considered by Cabinet in March 2010, noted: "Additional Site to be provided in Sefton prior to Waste DPD Publication stage". Further explanation (para 7.20 of the Preferred Options Report [pp93-94]) noted that: "A District-level site (F1029) was withdrawn by Sefton District Council during the approvals process for this report. In order to meet the need for sites (see chapter 4) an alternative site in Sefton will be identified and allocated prior to the publication stage of the Waste DPD."
9. The reason why this site is needed is that a principle of the Merseyside Waste Development Plan Document is a commitment to a balanced spread of sites across all local authority areas in order that waste can be managed locally. This replacement site is specifically required to offer sufficient flexibility in case any of the other identified sites do not come forward.

10. Immediately after the consultation period in June – July 2010, the Merseyside Environmental Advisory Service started to work with us to select an alternative site.

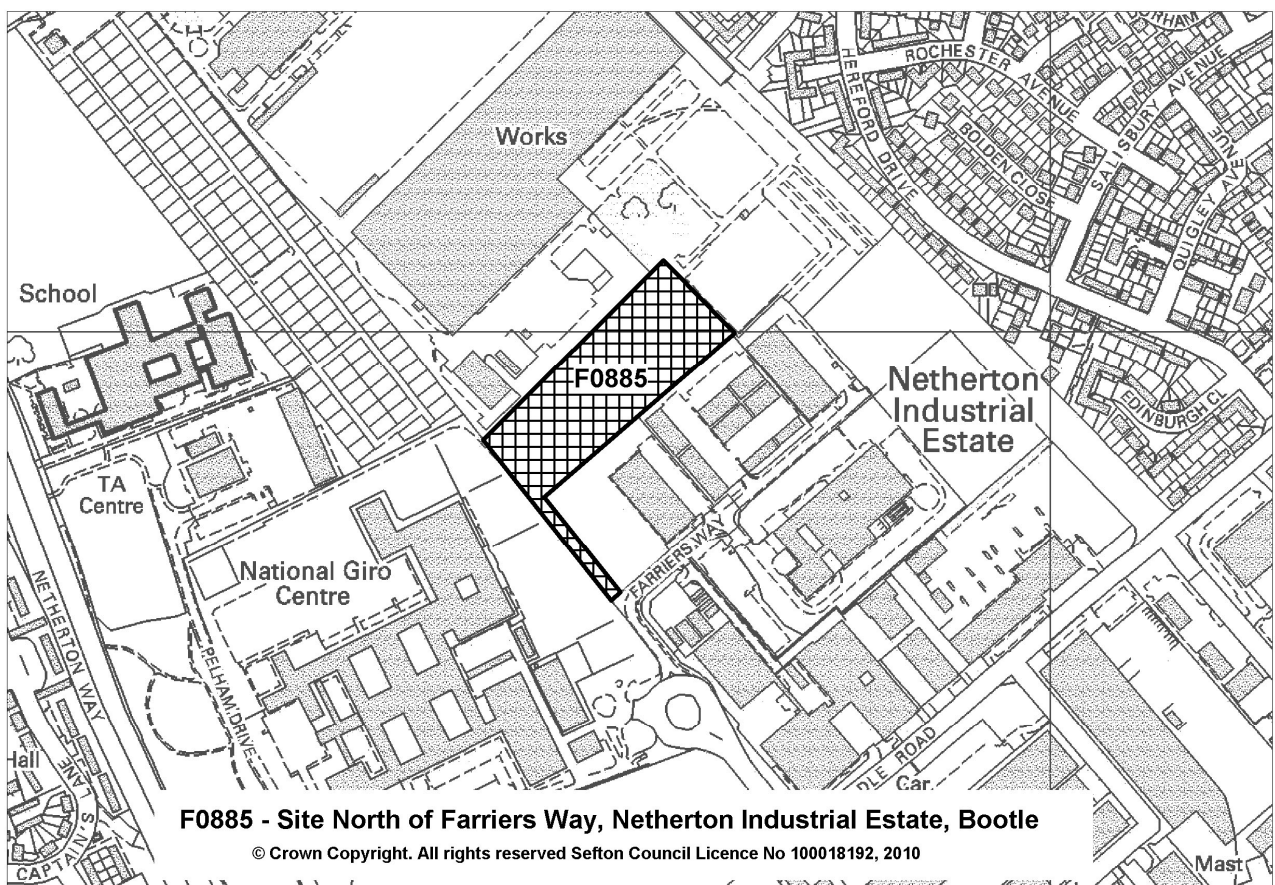
Four possible sites were identified:

- ◇ Land off Farriers Way, Atlantic Industrial Estate, Netherton
- ◇ corner of Heysham road/ Leckwith Road, Netherton
- ◇ Worcester Garage Ltd, Hawthorne Rd, Bootle (next to Acorn Way)
- ◇ Strand Road, Bootle (next to entrance of the Docks).

11. The Worcester Garage site on Hawthorne Road was suggested by the owner of the site during the consultation process.

Preferred site and proposed uses

12. It is considered that the best alternative site is the one off Farriers Way in the Atlantic Industrial Estate, Netherton (1.7ha). This site (together with an additional strip of land) was considered at an earlier stage in preparing the Waste Plan ('Spatial Strategy and Sites' stage). The site had then been removed from the list of possible sites, as one of the landowners did not wish his part of the site to be developed and it was considered at that time that there were enough other suitable sites.



13. The boundary of the site has now been amended and the landowner supports its use to manage waste. The site seems to satisfy the objections which were raised last time, in particular nearness to housing and concerns about access. This site is to the rear of the former Rolls Royce building within the Atlantic Park development. It is more than 150 metres away from houses at the closest point, and it would have direct access from Farriers Way (off Bridle Road), again away from houses.

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14. The site is within a large and well-established employment site with a long history of intensive and heavy industrial processes. It is currently undergoing significant change and will bring forward a variety of new uses. In these circumstances, the support of the landowner is valuable and important.
15. None of the other three sites is considered suitable for a variety of factors including their effect on residential amenity, impact on the highway network, or the owner's inability to guarantee the site can be made available for a waste related use. This site is therefore considered to be the best remaining option at this stage.
16. Any waste use on the preferred site would take place within an enclosed building on the site, built to the latest environmental standards.

The kinds of uses which it is anticipated might be suitable on this site include:

- ◇ the receipt of waste for it to be bulked up for onward transfer (ie a 'waste transfer station');
 - ◇ initial treatment of waste to take out as many recyclables as possible, and the production of residual waste;
 - ◇ re-processing waste to produce a new usable product. (e.g. re-processing of mixed plastic waste to produce garden furniture).
17. This use represents one option within a large site. Given Atlantic Park's importance as a strategic employment site, if a higher value activity were to be proposed then its identification as a site for managing waste would not prevent an alternative use being acceptable.

Sites across Merseyside

18. Section 5 of the attached report (Annex 1: Section 5, Table 2) gives details of the new sites which are being proposed in the various districts.
19. That section also sets out the implications of not identifying a replacement site (para 5.2). In short, the Merseyside authorities would fail to produce a 'sound' Waste Plan which would be rejected by an independent inspector.
20. Delay in agreeing a site, and agreeing the revised consultation document, would result in significant further costs to all Merseyside authorities (estimated to be an additional cost of £15,000 per month in 2012/13).

Consultation

21. Section 4 of Annex 1 summarises the main results of the original Preferred Options consultation and notes that the full report will be available before the start of the next consultation.
22. A six week period of consultation on this second stage of Preferred Options: 'New Sites Consultation' is proposed to commence early in 2011, and members are asked to agree this. To assist members, copies of the full Preferred Options Report are on the intranet and will be placed in the Party group offices in Bootle and Southport Town Halls.

Budget

23. Section 6 of Annex 1 identifies the funding which is necessary to complete the Waste Plan. This funding has been agreed by City Region Cabinet on 22nd October 2010, and Finance Directors are requested to make appropriate financial provision in 2011-12 and 2012-13. This would be met from within existing budgets.

Core Content Committee Report for Halton, Knowsley, Liverpool, Sefton, St. Helens and Wirral

MERSEYSIDE AND HALTON JOINT WASTE DEVELOPMENT PLAN DOCUMENT
PREFERRED OPTIONS 2 - NEW SITES CONSULTATION

1. Purpose of the Report

1.1 The purpose of this report is threefold:

- (i) For Members to note the results of public consultation on the Merseyside and Halton Joint Waste Development Plan Document Preferred Options Report which was undertaken between May and July 2010.
- (ii) To seek District approval of new sites proposed for waste uses in the Preferred Options 2: New Sites Report and to seek approval for a 6-week public consultation starting in early 2011.
- (iii) To provide the final costs to complete the Waste Development Plan Document to enable District Treasurers' to make appropriate financial provision in 2011/12 and 2012/13.

2. Recommendations

2.1 For each of the Districts to pass the following three recommendations:

Recommendation 1 – To note the results of consultation on the Waste Development Plan Document Preferred Options Report.

Recommendation 2 - To approve the Preferred Options 2: New Sites Consultation Report and approve a six-week public consultation commencing in early 2011.

Recommendation 3 – For District Treasurers to note funding arrangements agreed by the City Region Cabinet and make appropriate financial provision in 2011/12 and 2012/13 to complete the Waste DPD.

3. Background

3.1 City Region Cabinet received a progress report on the Joint Merseyside and Halton Waste Development Plan Document (the Waste DPD) on 22nd October 2010. That report contained 7 recommendations all of which were approved by the City Region Cabinet (please refer to **Appendix 1**).

3.2 The Waste DPD is focussed on (i) providing new capacity and new sites for waste management uses and (ii) delivering a robust policy framework to control waste development whilst meeting the identified waste management needs in Merseyside and Halton. The Waste DPD deals with all waste including commercial and industrial, hazardous, construction, demolition, excavation and municipal waste.

3.8 A 6-week public consultation was completed on the Waste DPD Preferred Options report between May and July 2010 and a number of issues have arisen as a consequence of that consultation. Four sites have been withdrawn from the process

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and the Preferred Options 2: New Sites Consultation report identifies the proposed replacement sites for allocation within the Waste DPD.

- 3.9 All Districts have accepted the principle that each will provide one sub-regional site, greater than 4.5ha in area to accommodate the more significant built facilities that will be required to manage waste in a sustainable manner. The location of these sites is determined by site availability, spatial distribution and, most importantly, their deliverability in planning terms.

4. **Results of the Preferred Options Consultation**

- 4.1 **Consultation Responses** - Analysis of the Preferred Options consultation has now been completed and is summarised below:

- ◇ 1239 responses were received, 58% via questionnaire, 22% via web responses, 14% by letter and 6% via email.
- ◇ Sub regional sites tended to be more contentious than small local sites.
- ◇ There was strong support (between 68% and 82%) in favour of the preferred policy options for questions 5 to 11 which were dealing with core policies and energy from waste.
- ◇ A much lower level of consensus was achieved for questions regarding Areas of Search and the additional Household Waste Recycling Centre (HWRC) requirements.
- ◇ There was little consensus on landfill sites or policy.
- ◇ There was strong support (between 68% and 83%) in favour of the preferred policy options for questions 18 to 23 which were dealing with development management issues i.e. the controlling policy framework for waste planning applications.
- ◇ Petitions were received relating to sites in Halton, Knowsley, Sefton and St. Helens.
- ◇ 148 people attended the consultation events and summaries of the comments made are included within the results of consultation report.
- ◇ There was good participation in the consultation by the waste management industry including the Merseyside Waste Disposal Authority (MWDA), site owners or their representatives and members of the public and community groups.

- 4.2 A series of meetings has recently been completed with consultees, notably adjacent planning authorities (Cheshire West and Chester, Warrington, Lancashire, Greater Manchester) and the waste industry (for example; Ineos Chlor, Peel Energy, Biossence, MWDA, D Morgan, New Earth Solutions), to clarify and resolve issues raised during the Preferred Options consultation earlier in 2010. Whilst such meetings are a normal part of the plan making process they have had the additional benefit of confirming the waste industry needs, development timescales for new facilities and progress with funding and contracts.

- 4.3 Table 1 provides an assessment of the significant issues that remain to be resolved during the latter stages of the Waste DPD preparation process.

Table 1 – Main issues to be resolved during final stages of Waste DPD preparation.

Consultee / Sponsor	Issue	Initial Response
Halton Council, Liverpool City Council and St. Helens Council	Replacement sub regional sites required.	Proposed new sub regional sites are the subject of this Report and Preferred Options 2: New Sites Consultation.
Sefton Council	Replacement local site required.	Proposed new local site is the subject of this Report and Preferred Options 2: New Sites Consultation.
Lancashire, Warrington and Cheshire West and Chester	Merseyside's continued reliance on export to non inert landfill sites and the net self sufficiency policy position.	Responses strongly influenced by political considerations rather than technical issues in neighbouring authorities, but complicated by abolition of Regional Spatial Strategies (RSS). Publication Waste DPD to clarify that there are no reasonable alternative strategies until new built facilities come on stream. The self sufficiency policy area and evidence base is currently under review.
MWDA / New Earth Solutions	Greater clarity on when and how sites were excluded from the process.	Further clarification to be provided in Publication Waste DPD. Waste DPD team to provide further information in response to specific enquiries.
MWDA	Energy from Waste - lack of identified site for EfW and clarification requested on criteria based policy.	It has not been possible to identify deliverable EfW sites within the Waste DPD. The Plan area has three times the EfW capacity compared with the identified need. Capacity could therefore be provided by new facilities with planning consent e.g. Ineos Chlor which is currently under construction. Criteria-based EfW policy is being developed to cover facilities up to a maximum throughput of 100,000 tonne / annum on unallocated sites at the DPD Publication Stage. Full technical details will be provided at the Publication Stage. This approach resolves the EfW issues by providing a deliverable and reasonable alternative in line with PINS advice.
General	Update evidence base and facility forecasts as there is no guarantee all consents will be implemented to current timescale.	Normal part of plan making process and informed through the on-going dialogue with stakeholders particularly the Districts, adjacent authorities and the waste industry.

- 4.4 The "Results of Consultation" report will be available to Members as well as being placed on the Waste DPD website as soon as all District approvals have been secured. Publication of the Results of Consultation report will be advertised via a press release and correspondence with consultees and will be released in advance of the next public consultation stage.

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5. Preferred Options 2 - New Sites Consultation

- 5.1 The total number of sites required for allocation for waste use remains the same as stated in the Preferred Options report with 6 sub regional sites (>4.5 hectares in area) and 13 smaller local sites required to meet the identified waste management needs and spatial requirements of the sub-region providing an even spread of sites across the Districts.
- 5.2 Failure to identify sufficient sites to meet the agreed Spatial Strategy and the current Waste Management Needs Assessment would result in an unsound Plan which could be rejected when it is examined independently by the Planning Inspectorate.
- 5.3 Four new sites are proposed for waste management uses within the Waste DPD to replace those sites lost in Halton, Liverpool, Sefton and St. Helens as a consequence of the Preferred Options stage. The new sites are summarised in the following table. Approval of the four new sites to be included within the Preferred Options 2: New Sites Report is needed by all six Districts because the Waste DPD is a joint statutory plan.
- 5.4 There are no changes to the sites in either Knowsley or Wirral as a consequence of the Preferred Options consultation.

Table 2 – New sites requiring member approval for inclusion in Preferred Options 2 Report.

District	Proposed Site	Suggested Waste Management Use	Comments
Halton	Sub-regional site H2309 is Widnes Waterfront Site, Mossbank Road	Waste transfer station, waste re-processor, primary treatment and/or resource recovery park (combination of the above waste management uses).	This new 7.8 ha sub regional site replaces the Ditton Sidings sub-regional site (H1576) which was withdrawn by Halton's Executive Board following Preferred Options stage. This site is central within Halton District and will not impact on neighbouring Districts.
Liverpool	Sub-regional site L2337 is Land off Stalbridge Road, Garston.	Waste transfer station, waste re-processor, primary treatment and/or resource recovery park (combination of the above waste management uses).	5.4 hectare sub-regional site has planning consent for 150,000 tonnes waste management facility. Site has good proximity to both rail and port infrastructure and, located in South Liverpool, meets the sub-regional spatial need.
St. Helens	Sub-regional site S1596 is land adjacent to Sandwash Close, Rainford Industrial Estate.	Waste transfer station, waste re-processor, primary treatment and/or resource recovery park (combination of the above waste management uses).	6.1 hectare sub-regional site on the edge of existing industrial estate. Site has very good proximity to primary strategic road and motorway networks and is well separated from housing. New site replaces the Lancots Lane sub-regional site (S1885) which was withdrawn by St. Helens Full Council following Preferred Options stage.
Sefton	Local site F0885 is Farriers Way, Netherton Industrial Estate, Netherton.	Waste transfer station, waste re-processor or primary treatment.	1.7 hectare local site within an existing industrial estate. Best site in terms of distance from housing and likelihood of coming forward for a waste use. New site meets the local need in South Sefton.

- 5.5 Members should note that as the Waste DPD is at an advanced stage there will be no further opportunity to change sites without the requirement for an additional and costly public consultation. Any replacement site is likely to raise more significant deliverability issues in terms of significant planning constraints.
- 5.6 Subject to approval of the Preferred Options 2: New Sites consultation report and the four new sites identified within this report, it is planned to proceed to a six week public consultation commencing in February 2011.
- 5.7 The public consultation on the Preferred Options 2 New Sites consultation report will include consultation meetings in the 4 Districts with the new (replacement) sites as set out in Table 2 above. The consultation process will meet the statutory requirements of each of the Districts' Statements of Community Involvement. Details of the events will be widely publicised and the events will be open to all, including residents from adjacent authorities.
- 5.8 The results of the public consultation will be collated and then reported to Members in each of the 6 Districts in advance of proceeding to the next stage in the Waste DPD, that is the publication stage.

6. Funding - Revised District Contributions

- 6.1 The City Region Cabinet agreed on 22nd October the funding to complete the Waste DPD as set out in table 3 (below). District Treasurers are requested to note this agreement and to make the appropriate financial provision for the completion of the Waste DPD.

Table 3 – Final Costs to completion of Waste DPD, excluding advertising, printing and legal.

	Financial Year to 31 March 2011 (Already agreed)	Year to 31 March 2012	Year to 31 March 2013, anticipated adoption date October 2012
Halton	£15,028	£13,687	£8,389
Knowsley	£18,351	£16,725	£10,251
Liverpool	£51,520	£46,965	£28,785
St. Helens	£19,577	£17,841	£10,935
Sefton	£29,682	£27,063	£16,587
Wirral	£35,895	£32,721	£20,055
Total	£170,053	£155,002	£95,002

- 6.2 Costs show a year on year reduction from 2010/11 onwards until adoption because as the project moves into its final stages of completion, costs associated with consultancy are reduced to zero and Merseyside EAS staff costs also reduce. Table 3 excludes legal fees and advertising costs which will need to be borne by the individual District incurring those costs. In addition, the 2012/13 costs exclude the final Waste DPD printing as the format and specific printing requirements will not be known until that time.
- 6.3 A proportion of the cost (24.8%) originally came from the MWDA through an additional MWDA levy charged to the Districts. In 2008/2009 financial year, MWDA withdrew from the Waste DPD funding partnership and Waste DPD Steering Group and therefore no longer charged the Districts this levy. The District Waste DPD funding contributions (excluding Halton) were therefore adjusted in 2009 to include

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the proportion which was previously levied by MWDA. The Districts therefore fund the preparation of the Waste DPD from a variety of District budgets including planning and waste.

- 6.4 **Examination in Public (EIP)** - The cost of EIP will be reported separately once the costs are known with greater certainty. A worst case cost estimate of £30,000 per District for the EIP during 2011/12 should be used for financial planning purposes though it could be substantially less than this.

7. **Timetable & Next Consultation**

- 7.1 The project plan has been updated to take account of the Preferred Options 2 New Sites consultation. Member approval is urgently needed for both the new sites and the 6-week public consultation to complete the project without delay.
- 7.2 The amended project timetable is set out in table 4 below. To reduce planning risks and avoid incurring additional costs (currently estimated at £15,000 per month in 2012/13), District approvals' processes should proceed without delay.

Table 4 – Final stages to complete the Waste DPD.

Stage	Date	Comments
Report Results of Preferred Options to: CRC, Districts and public via website	October 2010	Progress and next steps approved by CRC on 22 nd October 2010.
Preferred Options 2 - New Sites consultation.	District approvals by mid-February 2011. 6 week public consultation February to March 2011	Member approval will be needed for the new sites' consultation supported by a Core Content Committee report. Public consultation will be over a 6-week period. Period of preparing draft Waste DPD for Publication where final issues are to be resolved.
Draft Waste DPD / Sustainability Appraisal Final Report for Full Council approval.	May to July 2011 – 10 weeks	Full Council approvals stage.
Regulation 27: Publication Stage - publication of the Waste DPD and Sustainability Appraisal Final Report	July 2011	Point at which final proposals are published for final consultation.
Regulation 28/29: Representations following publication.	July to September 2011 – 7 weeks	Period extended by 1 week as consultation spans holiday period.
Regulations 30 & 31: Submission Stage - submission of Waste DPD to Government	October 2011	Point at which we will know scope of EIP if any soundness issues remain.
Examination in Public Stage Pre-Hearing meeting.	November 2011	Point at which Planning Inspector sets out specific issues and information requirements.
Examination Hearing.	February 2012	Duration of Examination Hearing will depend on Inspector scope

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		and soundness issues.
Receipt of binding Inspector's Report.	June 2012	
Full Council meetings to approve DPD for adoption.	June to October 2012 – 10 weeks	
Adoption of Waste DPD	October 2012	Project completion, implementation and monitoring of the Plan starts.

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Appendix 1 - Recommendations agreed by City Region Cabinet on 22nd October 2010.

Recommendation 1 – For the City Region Cabinet to note the Planning Inspectorate frontloading visit report.

Recommendation 2 – For the City Region Cabinet to note the results of consultation on the Waste DPD Preferred Options Report.

Recommendation 3 - For the City Region Cabinet to endorse a public consultation (Preferred Options 2) on new sites for proposed allocation within the Plan and for member approval to be sought from the Districts as appropriate.

Recommendation 4 – For the City Region Cabinet to agree the funding to complete preparation of the Waste DPD as set out in table 2 and for District Treasurers' to make appropriate financial provision in 2011/12 and 2012/13 to complete the Waste DPD.

Recommendation 5 - For the City Region Cabinet to note that EIP costs will arise in 2011/12 and to receive a report on costs when they are known with certainty.

Recommendation 6 – For the City Region Cabinet to note that a core content report will be prepared to support District approvals by the end of 2010.

Recommendation 7 - For the City Region Cabinet to receive a report in due course on monitoring and reporting arrangements for the Waste DPD.

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APPENDIX

Committee: PLANNING

Date Of Meeting: 12th January 2011

Title of Report: TOWN AND COUNTRY PLANNING ACT 1990 APPEALS

Report of: A Wallis Planning and Economic Regeneration Director
Case Officer: Telephone 0151 934 4616

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

Purpose of Report:

To advise Members of the current situation with regard to appeals. Attached is a list of new appeals, enforcement appeals, developments on existing appeals and copies of appeal decisions received from the Planning Inspectorate.

Recommendation(s):

That the contents of this report be noted.

Corporate Objective Monitoring

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

Financial Implications

None.

Departments consulted in the preparation of this Report

None.

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

Correspondence received from the Planning Inspectorate.

Agenda Item 10 Appeals Received and Decisions Made

From 02 December 2010 to 30 December 2010

Planning Appeal Decisions

2 Johnson Street, Southport

S/2010/0357 - APP/M4320/C/10/ 2133513

Retrospective Application for the installation of a timber decking area and railings to a maximum height of 1 metre at first floor level to the rear of the premises (balcony)

Appeal Type: Written
Lodged Date: 20/08/2010
Decision: Allowed
Decision Date: 08/12/2010

29 Warren Road, Blundellsands

S/2010/0777 - 2135811

Erection of a 3 storey extension to the side and single storey extensions to side and rear, creation of a first floor roof terrace. Alterations to elevations and new vehicular access

Appeal Type: Written
Lodged Date: 25/10/2010
Decision: Dismissed
Decision Date: 07/12/2010

Enforcement Appeals Decisions

2 Johnson Street, Southport

2133513 - CLB/ENF0379

Domestic - balcony

Appeal Type: Written
Lodged Date: 20/08/2010
Decision: QUASHED
Decision Date: 08/12/2010

140A NORWOOD ROAD, SOUTHPORT

2136917 - CLB/ENF 0388

Domestic - fences/sheds/extensions etc

Appeal Type: Written
Lodged Date: 04/10/2010
Decision: UPHELD
Decision Date: 23/12/2010

New Enforcement Appeals

4 Langdale Street, Bootle

2141415 - coms/2010/00683 clb/enf0392

Fences/Walls/Outbuildings etc.

Appeal Type: Written
Lodged Date: 03/12/2010
Decision: PENDING
Decision Date: 03/12/2010



Appeal Decision

Site visit made on 9 November 2010

by B.S.Rogers BA(Hons), DipTP, MRTPI

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

Decision date: 8 December 2010

Appeal Ref: APP/M4320/C/10/2133513

2 Johnson Street, Southport, PR9 0BQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Arthur Foster against an enforcement notice issued by Sefton Metropolitan Borough Council.
- The Council's reference is S/2010/0357.
- The notice was issued on 1 July 2010.
- The breach of planning control as alleged in the notice is installation of a timber decking area and railings to a maximum height of 1 metre (balcony) at first floor level to rear of the premises.
- The requirements of the notice are (a) cease using the decking area and balcony, (b) remove the timer (sic) decking area and (c) remove the railings marked A-B on the attached plan B.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
- Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

Summary of Decision: The appeal is allowed

The enforcement notice

1. The reference in the requirements of the notice to "timer" decking is clearly a typographical error and I can correct this to "timber" with no injustice to the parties.

The appeal on ground (a) and the deemed planning application

2. The appeal property is a semi-detached house located in a closely built up part of the Promenade Conservation Area. The Council accepts that the metal railings which have been erected round the edge of the flat roof of the rear extension have such a limited visual impact that they preserve the character and appearance of the area. Therefore, the main issue in this case is the impact of the development on the living conditions of neighbouring residents.
3. The breach of planning control alleged in the notice is simply the operational development of installing timber decking and railings. The removal of those structures is therefore sufficient to remedy the alleged breach of planning control and the requirement to cease using the balcony clearly goes beyond that purpose. In any event the type of use is not specified and I am informed that there is no planning condition on the 2006 permission for the single storey extension that would limit or restrict the use of the flat roof in any way. Therefore, it appears to me that the use of the roof for purposes incidental to

the enjoyment of the dwelling house would not constitute development, by virtue of Section 55(2)(d) of the 1990 Act.

4. It is of note in this case that there is an existing doorway providing convenient access from the rear, first floor bedroom to the flat roof in question. This doorway is unchallenged by the enforcement notice and therefore I must assume the Council considers it to be lawful. Accordingly, there appears to be little impediment to the use of the roof for outdoor amenity purposes. The railings clearly make the use of the roof safer and more suitable for children, although the potted plants presently placed around the edge of the roof, and which do not entail development, also give the roof a good degree of enclosure. The timber decking gives a durable surface to the roof but there is no reason why a suitably durable roof covering could not be used, even supposing the present roof covering is not, itself, sufficiently durable. Therefore, having regard to the ease with which the roof could lawfully be used for outdoor amenity purposes, it appears to me that the additional use attributable to the railings and timber decking is only modest.
5. I saw that it is possible to overlook the front elevation of no.4, Johnson Street, which is set back some distance to the rear of the appeal premises, and the side elevation of no.74 Bath Street North, which is similarly aligned. However, the front elevation of no.4 and its front garden are in full view of Johnson Street. The only window in no.74 on the side elevation is obscure glazed and its garden is in full view of the offshoot of Bath Street North on which it stands. The additional overlooking attributable to the railings and decking would not, in my view, result in an unacceptable loss of privacy to the neighbouring residents and the development would therefore not conflict with Policy MD1 of the Council's adopted Unitary Development Plan and the associated Supplementary Planning Guidance on House Extensions. The appeal succeeds on ground (a) and I shall grant planning permission on the application for planning permission deemed to have been made under section 177(5) of the Act as amended.
6. I have considered whether a condition requiring the provision of additional screening would be appropriate but agree with the Council that a solid screen would harm the appearance of the area and would appear obtrusive to the neighbouring residents.

Decision

7. I direct that the enforcement notice be corrected by amending "timer" in section 5 B) of the notice to "timber" and varied by deleting section 5 A) of the notice. Subject to this correction and variation, I allow the appeal and direct that the enforcement notice be quashed. I grant planning permission deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely installation of a timber decking area and railings to a maximum height of 1 metre (balcony) at first floor level to the rear of 2 Johnson Street, Southport, PR9 0BQ .

B.S. Rogers

Inspector



Appeal Decision

Site visit made on 25 November 2010

by **Philip J A Crookes BSc (Hons) DipTP MRTPI**

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

The Planning Inspectorate
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Decision date:
7 December 2010

Appeal Ref: APP/M4320/D/10/2135811 29 Warren Road, Crosby L23 6UA

- 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 and Mrs S Singh against the decision of Sefton Metropolitan Borough Council.
- The application Ref S/2010/0777, dated 24 April 2010, was refused by notice dated 22 July 2010.
- The development proposed is erection of a three storey extension to the side and single storey extensions to side and rear, creation of a first floor roof terrace. Alterations to elevation and new vehicle access.

Decision

1. The appeal is dismissed.

Clarification

2. I have amended the description of the appeal development from that referred to on the application form to that set out by the Council in the decision notice and by the appellant in the appeal documentation. In my view this more accurately describes the development.

Main issues

3. The main issues are:

1)The effect of the proposed development on the character and appearance of the Blundellsands Conservation Area; and

2) The effect on the living conditions of the occupiers of 27 Warren Road by reason of overlooking and loss of privacy.

Reasons

4. The appeal property is a substantial detached dwelling in a large plot typical of many that characterise the Blundellsands Conservation Area. Although there is a variety in house forms and design, a common feature is that the spacious plots allow for a significant separation between properties. Although some of the gaps have been reduced by small single storey additions to the side these features are not dominant in the street scene so that the overall character of a pleasant spacious and mature residential area remains. The quality of buildings and the impression of spaciousness is carried through to the St Josephs Church and the United Reform Church both of which are Grade II listed

buildings situated either side of Warren Road just to the north of the appeal property. These characteristics are particularly identified in the Conservation Area Appraisal.

5. The proposed side extension, whilst not exceeding the height of the main roof would disrupt the carefully composed balance of the front and rear elevations because of its width and overall bulk. In so doing, it would significantly extend the width of the main three storey element of the dwelling (including accommodation in the roof space) bringing the main bulk of the property closer to No. 27. The gap between the two properties would thus be reduced to the extent that the spacious surroundings of the dwelling would be compromised. This would be harmful to the character and appearance of the conservation area.
6. In addition, the scale and form of the windows to the front and rear elevations fail to respect the proportions of the existing openings and would therefore be at odds with an important characteristic of the dwelling. Similarly the introduction of a plethora of roof lights in both the existing and proposed front roof forms creates a cluttered roof slope that takes little design reference from the simpler roof forms more characteristic of this and other original design forms within the conservation area. However, I am satisfied that the original roof tiles should not prove difficult to match and accordingly the imposition of a suitable planning condition would secure this.
7. The submitted plans do not provide a full specification of the proposed uPVC windows although I note the appellant's comment that frames in this material can now be obtained in various profiles, including one that would match that of the original pitch pine windows installed in the original house. Whilst this may be so, uPVC windows are generally characterised by a shiny, untextured finish and mitred joints. Glazing bars are often sandwiched between the glass of the double glazing unit, producing an altogether different pattern of reflection off the glass, compared to a traditionally constructed wooded frame. These effects are often visible over some distance. It is also not clear from the plans where such windows would replace the attractive Art Nouveau style leaded glass windows present in the front elevation of the original house but even if this is not the case I consider that the use of uPVC frames in the proposed extension would detract from the character and appearance of the building. The loss of the arts and crafts style front porch and its replacement by a wider and more standard porch with railings above would also detract as would the removal of the attractive and prominent chimney stack which is a feature common to many properties in this part of the Conservation Area.
8. I stress that I must consider the proposal on the basis of the plan submitted. I have noted that the appellant has stated that he is prepared to delete the roof lights but that is not something I can take into account at this stage. His assertion that there is no proposal to remove the chimney does not correspond to the information provided by the plans I am considering.
9. My conclusion on this first issue is that the proposal would detract from the character and appearance of the building and would provide a size and bulk of building form that would not sit well in the conservation area and would neither preserve nor enhance its character or appearance. In this respect, the

proposals are contrary to Policies CS3, DQ1, DQ3, H10, HC1, HC4 and MD1 of the Unitary Development Plan (UDP).

10. Turning to the second issue, the proposed rear roof terrace would provide an extensive sitting and relaxing area at first floor level coming to within 0.45m of the common boundary. This would provide an outside vantage point with views towards and over the rear garden of No. 27 Warren Road. Notwithstanding that the neighbouring property has a large rear garden, I consider that use of the proposed outside terrace would lead to a substantial degree of privacy invasion. This would be unacceptable and in breach of Policies MD1 and H10 of the UDP which require the amenity of neighbours to be safeguarded from unacceptable harm.
11. I see no reason on highway grounds to oppose the creation of a new access and consider that this can be accomplished without prejudicing the health of the roadside tree. This is a relatively young specimen and, with cautious excavation within and near its root area, could be adequately safeguarded. The latter could be achieved through a planning condition should I have been minded to allow the appeal. However, having considered all other matters raised I intend to dismiss the appeal.

Philip Crookes

INSPECTOR



Appeal Decision

Site visit made on 14 December 2010

by **J Chance** BSc DipTP MRTPI

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

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Decision date:
23 December 2010

Appeal Ref: **APP/M4320/C/10/2136917**

Land and buildings at 140a Norwood Road, Southport PR8 6EH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Crown Rentals Limited against an enforcement notice issued by Sefton Metropolitan Borough Council.
- The Council's reference is CLB/ENF0388.
- The notice was issued on 18 August 2010.
- The breach of planning control as alleged in the notice is without planning permission, within the last four years, erection of additional security fencing (razor wire) to the existing boundary walls and fences.
- The requirements of the notice are:
 - a. Remove the additional security fencing (razor wire) from Elevation A points a-b as marked on the attached plan 'B'.
 - b. Remove the additional security fencing (razor wire) from Elevation B points c-d as marked on the attached plan 'B'.
 - c. Remove the additional security fencing (razor wire) from Elevation C points d-e as marked on the attached plan 'B'.
 - d. Remove the additional security fencing (razor wire) from Elevation D points e-f as marked on the attached plan 'B'.
 - e. Remove the additional security fencing (razor wire) from Elevation E points g-h as marked on the attached plan 'B'.
 - f. Remove the additional security fencing (razor wire) from Elevation F points h-i as marked on the attached plan 'B'.
 - g. Remove the additional security fencing (razor wire) from Elevation G points i-j as marked on the attached plan 'B'.
- The period for compliance with the requirements is 28 days.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Decision

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

Preliminary Matter

2. I saw on my visit that a section of the security fencing on Elevation C appeared to be outside the site boundary shown on the plans accompanying the enforcement notice. Moreover, while neither of the 2 plans attached to the enforcement notice appear to include the fencing in the area concerned, the 2 plans differ from each other regarding that particular part of the site. I do not

have full information regarding the status, ownership and precise extent of the land involved. Furthermore, any extension of the site, the subject of the enforcement notice, to include the land concerned could cause injustice to certain parties and persons. I shall therefore determine this appeal on the basis of the site as identified on plan 'B' attached to the notice.

The appeal on ground (a)

3. The main issues are the effect on the character and appearance of the area and the effect on the living conditions of the occupiers of neighbouring dwellings, paying particular attention to visual impact.
4. Much of the site boundary has coiled razor wire along the top of various existing boundary treatments or roughly at or a little above eaves level of buildings which adjoin the site boundary. In certain sections, the razor wire is positioned on top of mesh fencing of different types, including steel mesh panels, or above close boarded wooden fence panels. In other parts the razor wire is above walls of different materials and different external treatments, some of which belong to adjacent buildings abutting the site boundary, or are part of different types of buildings or former buildings within the site. Along certain parts of the boundary there is tall vegetation of different types growing adjacent to and sometimes through the coiled razor wire.
5. As the different boundary treatments making up the appeal site boundary vary greatly in their height, the top of the coiled razor wire varies from about 2.5m to well over 4m in height. While the majority of the razor wire has been installed as a single coil, albeit that it is fairly loose in one or two places, there are sections of 2 and 3 coils. The site access is from Norwood Road, with entry via electronically controlled metal gates, with razor wire above. There is a further set of internal metal gates to the far part of the yard beyond the main reception building. I saw that there are CCTV cameras within both parts of the yard.
6. The appellant contends that more than half of the razor wire fencing borders other commercial properties and cannot be seen from neighbouring residential properties or a public highway. However, substantial lengths of the additional security fencing border the rear garden areas of a significant number of residential properties. Some of those gardens are only short and not only will the razor wire be seen clearly from the garden areas but it will also be visible from the windows on the rear elevations of those dwellings. From those vantage points, the additional security fencing will, because of its height, materials and form, have a utilitarian and industrial appearance that will look out of place in the context of the residential properties directly bordering the site and inappropriate to the general area with its high proportion of residential uses.
7. Moreover, even if about half of the length of the razor wire, the subject of the enforcement notice, has been installed along boundaries with adjacent commercial buildings, this is clearly not a solely commercial area and, even if it were, it would be unlikely that razor wire would be visually acceptable even in a location that was only visible in private views. Moreover, I am not convinced that some of the sections of security fencing along boundaries with adjacent commercial buildings will not be visible from neighbouring residential

properties, particularly in the winter. In addition, those particular sections of fencing are clearly evident to people visiting the site in connection with the business. In such views, the sheer height of the fencing, together with its stark, harsh form will be seen as detracting from the overall character and appearance of the commercial buildings concerned and will appear detrimental to the visual amenity of the overall area, with its particular mix of commercial businesses surrounded by residential uses. Consequently, I consider that even if the razor wire along elevations D, E, F and G were to be retained, as the appellant suggests, this would still harm the character and appearance of the area.

8. I find that the additional security fencing attacked by the notice causes significant harm to the character and appearance of the surrounding area, is not compatible with the residential character of the adjacent area and fails to respond positively or enhance the character of its surroundings. As such, it is contrary to the intentions of criterion (ii) of principle (b) of Policy CS3, part 1. of Policy DQ1 and part 3.(b) of Policy H10 of the Sefton MBC Unitary Development Plan 2006 (UDP).
9. Furthermore, the intrusive and threatening appearance of the razor wire will, in my view, be detrimental to the outlook of those residential occupiers whose rear gardens adjoin the site boundary, when seen from their gardens and, where applicable, from rear rooms in their dwellings. I consider that this will have an unacceptable impact on the living conditions of those neighbouring occupiers. As such, this is in conflict with the intentions of UDP Policy H10 part 3.(a).
10. I have taken account of the appellant's points that the site has been subject to systematic vandalism and theft in the past and remains a target for local youth, and that a high value of stock is now held on the premises. Clearly the site already has a number of security measures in the form of controlled gates, further gates and cameras. Nevertheless, the appellant does not say what particular problems have been experienced with the site in its current use, what other additional security measures have been considered, or why alternative solutions would not be effective. Consequently, I am not convinced that razor wire is the only solution, but even if it were, this does not outweigh the visual harm to the area and the harm caused to residential amenity, and the conflict with development plan policies.
11. While I have noted the appellant's comments about an appeal decision for a site at 38A Hall Street, I have determined this appeal on its own merits and find the development, the subject of this enforcement notice, to be unacceptable.
12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal on ground (a) fails.

J Chance

INSEPECTOR

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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