

MEETING: PLANNING COMMITTEE

DATE: 9 March 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 Gillian Cuthbertson
Cllr John Dodd

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

Substitute

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

COMMITTEE OFFICER: Olaf Hansen Committee Clerk
Telephone: 0151 934 2067
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 meetings held on 9 February, 2011** (Pages 5 - 16)
4. **Petitioned Applications** (Pages 17 - 20)
 - A Application No.S/2010/1659 - Shorrocks Hill Country Club, Lifeboat Road, Formby (Pages 21 - 38)
 - B Application No.S/2010/1761 - 5A Manchester Road, Southport (Pages 39 - 52)
 - C Application No.S/2011/0093 - 14-15 Marian Square, Netherton (Pages 53 - 62)
5. **Applications for Planning Permission - Approvals** (Pages 63 - 66)
 - A Application No.S/2010/1157 - Netto, Orrell Lane, Bootle (Pages 67 - 82)
 - B Application No.S/2010/1502 - Thornton Primary School Edge Lane, Crosby (Pages 83 - 92)
 - C Application Nos.S/2010/1671 and 1672 Birkdale School for Hearing Impaired Children, 40 Lancaster Road, Birkdale
 - D Application No.S/2010/1692 - Chapel House Liverpool Road, Ainsdale (Pages 93 - 108)
 - E Application No.S/2010/1730 - Moss Farm North End Lane, Ince Blundell (Pages 109 - 116)
 - F Application No.S/2011/0072 - Unit 14 and 15 Vesty Business Park, Vesty Road, Netherton (Pages 117 - 126)
 - G Application No.S/2011/0111 - 89 Freshfield Road, Formby (Pages 127 - 134)
6. **Application for Planning Permission - Refusal** (Pages 135 - 138)
 - A Application Nos.S/2010/1671 and 1672 Birkdale School for Hearing Impaired Children, 40 Lancaster Road, Birkdale (Pages 139 - 158)
7. **Proposed Charging for Pre-Application Advice in Relation to Planning Applications** (Pages 159 - 168)

Report of the Planning and Economic Development Director

- 8. Study to Review the Spatial Housing Requirement Figure for Sefton - Final Findings** (Pages 169 - 188)
Report of the Planning and Economic Development Director
- 9. Lowering Transport Emissions - Policy Note** (Pages 189 - 200)
Report of the Planning and Economic Development Director
- 10. Works in Default within Linacre One HMRI Area** (Pages 201 - 204)
Report of the Planning and Economic Development Director
- 11. Town and Country Planning Act 1990 - Appeals** (Pages 205 - 224)
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 9 FEBRUARY 2011**

PRESENT: Councillor Tweed (in the Chair)

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

Also Present Councillor Porter.

140. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Byrne Gustafson and Webster (substitute Member).

141. DECLARATIONS OF INTEREST

No declarations of interests were received.

142. MINUTES OF THE MEETING HELD ON 12 JANUARY 2011

RESOLVED:

That the Minutes of the meeting held on 12 January 2011 be confirmed as a correct record.

**143. STUDY TO REVIEW THE REGIONAL SPATIAL STRATEGY
HOUSING REQUIREMENT FIGURE FOR SEFTON - HEADLINE
FINDINGS**

The Committee considered the report of the Planning & Economic Development Director giving details of the headline findings of a key study to review the Regional Spatial Strategy Housing Figure for Sefton, in order that this can inform the evidence base for the Local Development Framework and specifically the Options Stage of the emerging Core Strategy. The full study report would be reported in the next cycle to Planning Committee, Cabinet Member -Regeneration and Cabinet

The study was required to comply with national planning guidance on the need to provide a robust evidence base for Sefton's housing policies in the Local Development Framework.

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PLANNING COMMITTEE- WEDNESDAY 9TH FEBRUARY, 2011

RESOLVED:

That the report be noted and a further more detailed report on the matter be submitted to the next meeting of this Committee and to Cabinet Member - Regeneration and Cabinet in the next committee cycle.

144. SEFTON CORE STRATEGY - GREEN SPACE STUDY: DRAFT FOR PUBLIC CONSULTATION

Further to Minute No. 77 of 15 September 2010, the Committee considered the report of the Planning and Economic Development Director seeking members' approval of the draft Green Space Study for public consultation, linked to the consultation on the Core Strategy options and draft Green Belt Study.

RESOLVED:

That the draft Green Space Study be approved for public consultation alongside the Core Strategy Options Paper and draft Green Belt study.

145. A REVIEW OF THE EVIDENCE SUPPORTING THE CORE STRATEGY OPTIONS

Further to Minute No. 115 of 15 December 2010, the Committee considered the report of the Planning and Economic Development Director which:-

- (i) informed Members about the findings of the Green Belt Study, and how this would inform the Options stage of the Core Strategy, and to seek approval to consult on minor changes to the existing Green Belt. Both of these Studies would be subject to public consultation early in 2011 before they were finalised.
- (ii) updated Members on a review of the Strategic Housing Land Availability Assessment (SHLAA) which determined how much land was available in the urban areas. This would also be subject to consultation with stakeholders including the Sefton, Knowsley and West Lancashire Housing Market Partnership.
- (iii) informed Members about the future need to update Sefton's retail evidence in order to ensure that the Council had robust evidence when the Core Strategy was independently examined in early 2012.

RESOLVED: That

- (1) the consultation that has taken place on the Green Belt Study with the Area Committees and some of the parishes since the previous report was deferred by Cabinet in September be noted;
- (2) the Cabinet be requested to approve the Green Belt Study and the SHLAA update for consultation purposes; and

- (3) the need for a future review of the retail evidence that will support the Core Strategy, (the costs of which would be contained within the Department's consultancy budget) be noted.

146. CORE STRATEGY FOR SEFTON - OPTIONS PAPER

Further to Minute No. 115 of 15 December 2010, the Committee considered the report of the Planning and Economic Development Director that requesting Members to approve the Core Strategy Options Paper for public consultation.

RESOLVED: That

- (1) the contents of the draft Core Strategy Options Paper, including the implications for meeting Sefton's housing and employment land requirements to 2027 be noted;
- (2) the arrangements for consulting on the draft Options Paper be noted;
- (3) the Cabinet be requested to approve the draft Options Paper for consultation; and
- (4) the Planning and Economic Development Director be given delegated authority to make minor editorial changes to the draft Options Paper.

Agenda Item 3

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

PLANNING COMMITTEE

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON 9 FEBRUARY 2011**

PRESENT: Councillor Tweed (in the Chair)

Councillors Byrne, L. Cluskey, Cuthbertson, Dodd,
Dorgan, Griffiths, Hands, Hough, Ibbs, Kelly, Mahon
and Preston

Also Present Councillors Parry and Porter.

147. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gustafson and Sumner and Councillors Rimmer and Webster (substitute Members)

148. DECLARATIONS OF INTEREST

The following declarations of interests were received:

Member	Item	Interest	Action
Councillor Cuthberston	Application No. S/2010/1677 – 73-75 Kirklake Road, Formby	Personal – knows the petitioners.	Left the room, took no part in the discussion and did not vote thereon, but spoke against the application as Ward Councillor.
Councillor Ibbs	Application No. S/2010/1677 – 73-75 Kirklake Road, Formby	Personal – knows the petitioners	Remained in the room, took part in the discussion and the voting thereon.

149. APPLICATION NO. S/2010/1645 - SHELL GARAGE, LIVERPOOL ROAD, FORMBY

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the construction of a new petrol filling station including: the erection of a convenience store, forecourt canopy, individual jet wash bays, parking and landscaping be approved for the reasons stated or referred to in the report.

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PLANNING COMMITTEE- WEDNESDAY 9TH FEBRUARY, 2011

Prior to consideration of the application, the Committee received a petition from Ms. D. Jones on behalf of objectors to the application and a response from Mr. Croston on behalf of the applicant.

RESOLVED:

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

150. APPLICATION NO.S/2010/1677 - 73-75 KIRKLAKE ROAD, FORMBY

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the erection of 2 detached two storey dwellings to the rear of 73 & 75 Kirklake Road with new access onto Kirklake Road 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. Dickerson on behalf of the applicant.

Councillor Cuthbertson, as Ward Councillor, made representations against the proposed development.

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 additional condition and reason set out in Late representations.

151. APPLICATION NO. S/2010/1692 - CHAPEL HOUSE, 603-607 LIVERPOOL ROAD, AINSDALE

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the demolition of existing car showroom, vehicle workshops and residential dwelling and erection of replacement building providing showroom, service reception and ancillary office uses, together with improved external vehicle display and car parking provision 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. Hayes on behalf of objectors to the application and a response from Mr. Walton on behalf of the applicant.

Councillor Porter, as Ward Councillor, made representations against the proposed development.

RESOLVED: That

- (1) the application be deferred;
- (2) Planning and Economic Development Director be requested to discuss with the applicant arrangements to enable vehicle deliveries to be carried out within the curtilage of the site; and
- (3) the application be further considered at the next meeting of the Committee.

152. APPLICATION NO S/2010/1726 - 4A LIVERPOOL ROAD, BIRKDALE

The Committee considered the report of the Planning and Economic Development Director recommending that the above application for the construction of an external terrace with screening at the first floor level to the rear of the premises. (Alternative to S/2010/0864 withdrawn 29/07/2010) 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. Wright on behalf of objectors to the application and a response from Mr. Adams 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.

153. 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; and
 - (b) the applicants entering into any legal agreements indicated in the report or Late Representations:

Application No.	Site
S/2010/1503	Maghull Central Square, Maghull
S/2010/1605	Former LA Fitness, Fairway, Southport
S/2010/1617	Land at 101 Marshside Road, Southport

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S/2010/1669	Land opp Millfield, Powderworks Lane, Melling
S/2010/1673	Mortons Dairy, Kenyons Lane, Lydiate
S/2010/1737	Land rear 43-51 High Park Road, Southport
S/2010/1742	340 Moorhey Road, Maghull
S/2010/1748	Westwood House, Moss Side, Formby
S/2010/1768	24 Selworthy Road, Birkdale

154. APPLICATIONS TO BE INSPECTED BY THE VISITING PANEL - 7 FEBRUARY 2011

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 7 February, 2011.

Application No	Site
S/2010/1645	Shell Garage. Liverpool Road, Formby
S/2010/1677	73-75 Kirklake Road, Formby
S/2010/1692	Chapel House, 603-605 Liverpool Road, Ainsdale
S/2010/1768	24 Selworthy Road, Birkdale
S/2010/1726	4a Liverpool Road, Birkdale
S/2010/1605	Former LA Fitness, Fairway, Southport
S/2010/1617	101 Marshside Road, Southport
S/2010/1673	Mortons Dairy, Kenyons Lane, Lydiate

RESOLVED:

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

155. 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. and Mrs. Diamond	9 Ormonde Drive, Maghull - S/2010/0774 – 2137720 - appeal against a refusal of the Council to grant retrospective planning permission for the erection of a single storey extension and garage to the side, a conservatory and a dormer extension to the rear of the dwellinghouse including extending the ridge line and raising the height of the gable wall (alternative to S/2004/0223 approved 13/04/2004)	Allowed 25/01/11

Mr. J. Brookes	155 Hart Street, Southport - S/2010/1231 - APP/M4320/D/10/2140819 - appeal against a refusal of the Council to grant planning permission for the erection of a two storey extension to the rear of the dwellinghouse	Allowed 17/01/11
Mr. I. Mutch	13 Prestwick Drive, Crosby - S/2010/0985 - APP/M4320/D/10/2141339 - appeal against a refusal of the Council to grant planning permission for alterations to the roof from a hip to a gable together with the installation of 3 no dormer windows to the front and 3 no to the rear together with a extension to the side / front of the existing garage and a pitched roof over the existing flat roof (Resubmission of S/2010/0542, Withdrawn 19/05/2010)	Allowed 17/01/11
Mr. T. Foster	5 Carr Road, Bootle - S/2010/1031 - 2138600 - appeal against a refusal of the Council to grant planning permission for the erection of a first floor extension to the side of the dwellinghouse (re-submission of S/2010/0642 withdrawn 16/06/2010)	Dismissed 17/01/11
Mr. and Mrs. Cunningham	36 Crescent Road, Birkdale - APP/M4320/C/10/2134808 - CLB/ENF0386 - appeal against an enforcement notice issued by the Council in respect of Domestic - extensions/conservatories/dormers etc	Upheld 21/01/11
Mr. and Mrs. Diamond	9 Ormonde Drive, Maghull - APP/M4320/C/10/2137727 - CLB/ENF0389 - appeal against an enforcement notice issued by the Council for Breach of conditions	Quashed 12/01/11
Mr. S. Pearson	8 Mount House Road, Formby - APP/M4320/C/10/2137002 - appeal against an enforcement notice issued by the Council in respect of Fences/Walls/Outbuildings etc.	Upheld 12/01/11

RESOLVED:

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

Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 9TH FEBRUARY, 2011

156. PROPOSED INCREASE IN FEES AND CHARGES

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

RESOLVED: That

- (1) the content of the Proposed Increase in Fees and Charges report be noted;
- (2) the Cabinet be recommended to approve the proposed increases in fees and charges for 2010/11, and the revised financial contributions to be set out in Supplementary Planning Guidance; and
- (3) the Cabinet be recommended to give delegated authority this Committee to approve the implementation of the proposed scale of planning and other application fees as soon as it becomes available and to ratify the fees, together with any proposed subsequent amendments, before its mandatory implementation in October 2011.

157. REGULATORY SERVICE DEVELOPMENT

The Committee considered the report of the Planning and Economic Regeneration Director which gave an update on Regulatory Services development in 2010 requested Members to agree the priorities for the coming year.

RESOLVED:

That the report be noted and the priorities for 2011, as detailed within the report, be agreed.

158. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it would involve 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.

159. JUDICIAL REVIEW PROCEEDINGS - 8 SANDRINGHAM ROAD, SOUTHPORT

The Chair agreed to consider this item as a matter of urgency as it involved an important issue which needed to be resolved prior to the next meeting of this Committee.

Further to Minute No. 139 of 12 January 2010, the Head of Legal Services and Planning and Economic Regeneration Director gave an update on the Judicial Review proceedings in relation to 8 Sandringham Road, Southport. Members were informed of the outcome of the hearing in the High Court on 3 February 2011, when the original planning permission was quashed. The Judge had reserved the issue as to costs and the views of the Committee were sought on the issue of costs.

RESOLVED:

That the Head of Legal Services and Planning and Economic Regeneration Director be authorised to seek to negotiate a settlement of the claimant's costs.

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Committee: PLANNING

Date of Meeting: 9 MARCH 2011

Title of Report: Petitioned Applications

Report of: Andy Wallis
Planning & Economic Regeneration Director

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

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

Purpose of Report

The items listed in are petitioned applications.

Recommendation

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

Corporate Objective Monitoring

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

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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/2010/1659	Shorrocks Hill Country Club, Lifeboat Road, Formby	Harington Ward
B	S/2010/1761	5A Manchester Road, Southport	Cambridge Ward
C	S/2011/0093	14-15 Marian Square, Netherton	St Oswalds Ward

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Committee: **PLANNING**

Date of Meeting: **09 March 2011**

Title of Report: **S/2010/1659**
Shorrocks Hill Country Club Lifeboat Road,
Formby
(Harington Ward)

Proposal: Change of Use of land to use for War Games activities, including the retention of game structures and access from Lifeboat Road.

Applicant: Mr T Mackay

Executive Summary

The report comments on the use of part of the land at Shorrocks Hill for war game activities. The issues relate primarily to the effects on nearby occupiers and effects on local habitat. The report recommends approval for an extended trial period.

Recommendation(s) Approval

Justification

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

Conditions

1. T-5 Temporary Use (Time Limit) to 31 March 2015
2. The development hereby permitted shall be considered to have commenced for counting purposes following the first session held on or after 1 April 2011.
3. H-2 New vehicular/pedestrian access
4. a) A detailed monitoring report relating to a baseline level of red squirrel activity on site shall be submitted to and approved by the Local Planning Authority no later than 30 December 2011. Monitoring shall be undertaken to an methodology agreed with the Council. Monitoring must start no later than March 2011.

b) A further series of red squirrel monitoring reports shall be submitted to the Local Planning Authority during the month of December in each of the following three years (2012, 2013 and 2014). The reports will detail the extent and level of red squirrel activity in the area and mitigation/enhancement measures where

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appropriate.

c) The identified measures shall be implemented within 3 months of the date of the Local Planning Authority giving its approval to any submitted document.

5. a) A long term management plan for the area of woodland identified in blue edge on plan no. 432_001 Revision B shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this planning permission. The plan shall at a minimum cover the period to 31 March 2015.

b) The management plan shall be implemented in accordance with the approved details and the land made available for twice yearly inspection by the Local Planning Authority and/or a mutually agreed external advisor.
6. The wooden timber gate as shown on drawing no. 432_001_B to replace the metal gate off Lifeboat Road shall be installed within 3 months of the date of this permission.
7. All structures numbered 1 to 17 identified in the planning application submission November 2010 shall be removed within 3 months of the cessation of the use of the land for war games and the site restored in accordance with details submitted to and approved by the Local Planning Authority.
8. The gaming area hereby permitted shall be entirely within the red line drawing as set out by plan number 432_001_B within the submission document and the extent of the game play area shall be marked out by the use of tape at all times during the course of play.
9. No additional buildings, structures or chattels other than those identified within condition 3 shall be erected, placed or brought onto the land unless the Local Planning Authority gives its express consent.
10. No smoke bombs shall be deployed at any stage during the course of war game activities.
11. No paintball guns shall be fired outside the hours of 0930-1630 unless the Local Planning Authority gives its consent to any variation.
12. The war games hereby permitted shall take place for no more than 13 calendar days per month between April-September, and no more than 10 calendar days per month October-March, and in total for no more than 128 calendar days per year.
13. No more than 36 participants shall partake in war games activity (excluding marshals) over the course of any single half day period.
14. No external lighting shall be erected at any time.

15. X1 Compliance
16. The access hereby permitted shall be used solely in conjunction with either the set up of paintball activity or vehicles required to manage and maintain the woodland and shall at no time be used for the benefit of public customers or participants in war games activity.

Reasons

1. RT-5
2. For the avoidance of doubt.
3. RH-2
4. RNC
5. RL-3
6. To safeguard the visual amenity of the Green Belt and to comply with Sefton UDP Policy GBC2.
7. To ensure that the visual amenity of the Green Belt is preserved in the event of the permitted use ceasing and to comply with Sefton UDP Policy GBC2.
8. RNC-1
9. To ensure that the visual amenity of the Green Belt is preserved during the period of permitted use and to comply with Sefton UDP Policy GBC2.
10. RR-1
11. RM-3
12. To reduce the potential for continued consecutive use causing damage to habitat and wildlife and to comply with Sefton UDP Policies NC1, NC2 and NC3.
13. RM-3
14. RL-3
15. RX1
16. RH-2

Notes

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

Drawing Numbers

Planning Application Submission Document November 2010 (Drawing 432_001_A superseded by Revision B received 22 February 2011).

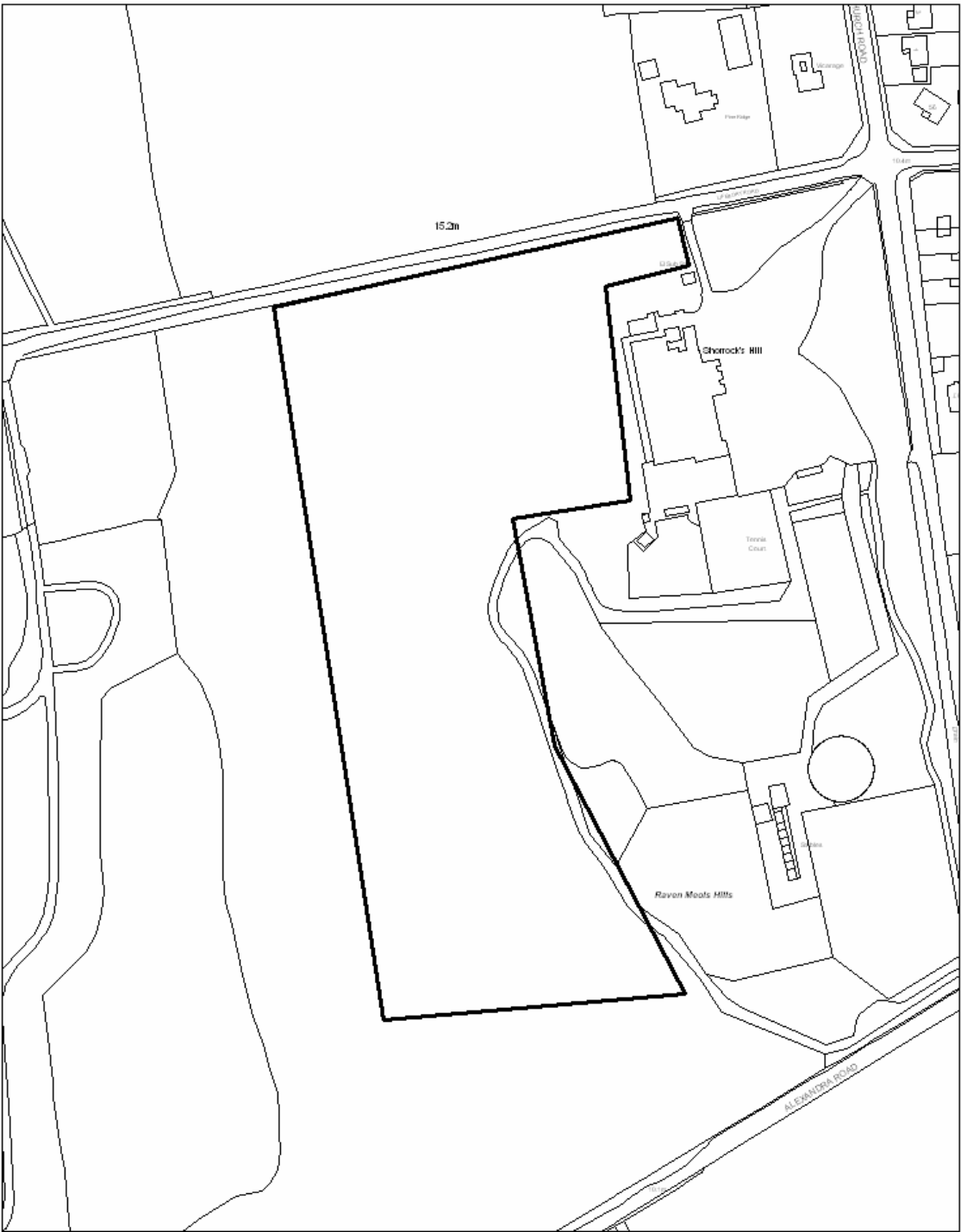
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Financial Implications

CAPITAL EXPENDITURE	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
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/2010/1659 Shorrock's Hill Country Club Lifeboat Road Formby L37 2EB OSGR: 327946, 406407 Sheets: 264A, 264B, 263D, 263C Area: 32945 sqm		Standard Site Plan Scale: 1:2000 Date: 24/2/2011 Drawn By: EBERT on	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921.</small>		<small>Created by Sefton Council Planning & Economic Regeneration Department using MapInfo</small>		Ward(s): Harrington Postcode Sector(s): L37 2 Polling District(s): Q4 Parish(es): Formby Cp	

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S/2010/1659

The Site

The site comprises an area of woodland to the west and south side of the Shorrocks Hill complex at Lifeboat Road, Formby. The land is elevated slightly above Formby Point Caravan Park which is directly west of and adjacent to the woodlands.

The proposed gaming area is centrally positioned within the woodland occupying roughly one quarter of the total wooded area (0.8 ha of 3.2 ha in total).

Proposal

Change of use of land to use for war games activities, including the retention of game structures and access from Lifeboat Road.

History

None particular to land in question. Main complex subject to various applications over time.

Consultations

Natural England – comment as follows:

- We are satisfied that the proposal will not materially affect the Ribble and Alt Estuaries Ramsar site.
- The proposal will not materially or significantly affect the Site of Special Scientific Interest (SSSI).
- We recommend consultation with the District Ecologist for his/her view on the Ravenmeols Hills Local Nature Reserve (see MEAS comments).
- We are satisfied that the proposal does not have any significant impacts on any other protected areas of interest to Natural England, for example, National Trails, Access Land, or the areas of search for new national landscape designations.
- Further advice is given on protected species (see MEAS comments).

MEAS – The site is immediately adjacent to the following statutory designated sites:

- Sefton Coast Special Area of Conservation (SAC)
- Ribble and Alt Estuaries Ramsar site
- Sefton Coast Site of Special Scientific Interest (SSSI)

The nature of this proposal is unlikely to impact on the statutory sites listed above as it will not result in any paintball or laser tag activities within these sites. I note that Natural England have been consulted and they have not raised any concerns in relation to statutory designated sites. No further action is required in relation to statutory designated sites.

The site itself is within a Local Wildlife Site: Albert Road to Lifeboat road, site number 19 (Ravenmeols Hills North). This has been designated due to sand dune and dune habitats, ponds and mixed woodland. The site is also designated due to the presence of Natterjack Toad and Grayling breeding site and also contains an assemblage of butterflies. The site also holds a large number of over-wintering birds. Sefton UDP Policy NC1 (site protection), NC2 (Protection of species) and NC3 (Habitat protection, creation and management) apply to this proposal.

Our previous comments raised a number of concerns regarding the ecological survey submitted and requested that further survey was undertaken in respect of bats. The applicant has now submitted an updated ecological survey (*Protected species walk-over survey and bat activity survey, Proposed paintball and laser tag site at Shorrocks Hill, Stuart Spray Wildlife Consultancy, September 2010*). The survey has been undertaken by a suitably qualified and experienced surveyor and addresses all issues raised in our previous response and is acceptable.

The ecological report concludes that there are unlikely to be any significant impacts to bats, breeding birds, badgers, sand lizards or Natterjack toad. I agree with this conclusion. The ecological report also concludes that the proposed paintballing is unlikely to have a significant impact on Red squirrels, however, this requires further consideration. Red squirrels are a UK protected species under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. Sefton UDP policy NC2 applies. I note that Lancashire Wildlife Trust have also commented on this proposal in relation to Red squirrels. From a review of the application, there are a number of potential impacts to Red squirrels to consider.

- a. Disturbance to Red squirrels, leading to a loss of habitat whilst paintball /laser tag activities are being undertaken,
- b. Deliberate / accidental injury of Red squirrels by paintballs,
- c. Ingestion of paintballs by Red squirrels.

Impacts relating to deliberate / accidental injury of squirrels and ingestion of paintballs are considered a low but unquantified risk to Red squirrels. Impacts as a result of disturbance can be quantified to a certain extent with the ecological survey predicting that based on known average red squirrel densities the woodland is likely to support approximately 4 squirrels. However, it may be possible that squirrels could be present at higher densities and the extent to which red squirrels will be impacted from disturbance are unknown. In addition, red squirrel populations are already under pressure from squirrel pox outbreaks and therefore it is important to consider the impact of further pressures.

Given the uncertainties relating to the level of impacts to red squirrels it may be appropriate, as discussed within our meeting with the applicant to grant a temporary planning permission. Any temporary planning permission must also secure regular red squirrel monitoring. Monitoring must follow existing methods used in biannual Red squirrel monitoring across the Sefton Coast. Monitoring should be undertaken monthly and an annual monitoring report submitted to the Council for consideration and agreement. Monitoring can be secured by a suitably worded planning condition.

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In addition, the applicant proposes to undertake woodland management within the site in line with the Sefton Coast Forest Plan, this will improve habitat for Red squirrels. Provision of an appropriate woodland management for the site should be secured by a suitably worded planning condition or appropriate planning mechanism.

Section 6 of the submitted ecological survey provides details of habitat and species enhancement recommendations. These should be secured by a suitably worded planning condition.

The Wildlife Trust for Lancashire, Manchester and North Merseyside comment specifically on red squirrels:

The Red Squirrel population is spread along the Sefton coast with Formby being one of 17 reserves left in the UK. The Red Squirrel is classed as a priority species in the Sefton Coast Woodland Forest Plan. Shorrocks Hill Country Club lies within this reserve and plan. This nationally threatened species was nearly extirpated in recent years due to a Squirrel Pox outbreak decimating the population by 85%. Thankfully, with great support from the local people in the last two years the Red Squirrel population is starting to recover.

We are satisfied that the report recognises the importance of Red Squirrels at Shorrocks Hill but does not go far enough to mitigate against any negative impact that paintballing and laser shooting might have on the resident population.

Our concerns are:

1: ANTI-SOCIAL BEHAVIOUR TOWARDS RED SQUIRRELS.

The applicants acknowledge a responsibility to prevent anti-social behaviour. However, the concern is that without proper education on the Red Squirrels presence on the site, individual Squirrels or their dreys may be targeted by paintballs. Our suggestion would be to make it compulsory that every participant is briefed on the presence and importance of Red Squirrels on the site. We would be happy to assist with the formulation of this educational material.

2: PAINTBALL COMPOSITION.

The paintballs are composed of a soft gelatine gel casing with oil or polyethylene glycol inside. Although they have been classified as 'non-hazardous', we have concerns about the possible affect on a Red Squirrel in the event of them ingesting a paintball or on the condition of their fur if they came into contact with the oil. Our suggestion would be that litter clearance of all paint balls is carried out after each event.

3: ON GOING MONITORING OF RED SQUIRRELS IN YOUR AREA.

We monitor changes in the Sefton coast Red Squirrel population through bi-annual surveying. This involves walking the same 1km line transect twice a year, counting each individual Squirrel seen. This is done in Spring and Autumn. There is a monitoring transect that runs through the 2 hectares of woodland included in the application. This transect has been walked for the last 12 years, with the last transect walk seeing 5 individuals. We would like confirmation that this transect can

continue to be walked. This would allow ongoing monitoring of the Red Squirrel population on the site and may allow ongoing analysis into the long-term effect of the application.

Highways Development Control – no objections in principle. Participants attending the 'war games' activities who arrive by car/minibus will use the existing car park facilities at Shorrocks Hill Country Club. Lifeboat Road is covered by a Traffic Regulation Order (TRO) to prohibit parking at any time on both sides of Lifeboat Road and around the junction with St. Luke's Church Road.

An unauthorised temporary vehicle access into the site has been constructed across the adopted highway verge on the south side of Lifeboat Road. This will need to be reconstructed by the Highway Authority in appropriate materials (tarmac) between the edge of the carriageway and the site boundary.

Environmental Protection Director – no objections in principle. There is a significant distance between the caravan site/nearby dwellings and the paintball site, this is sufficient to minimize the noise from the proposed activities. It is calculated that a distance of 50 metres would give 45 dB of attenuation to noise generated as part of the war game activity. However I would recommend that the hours for the 'War Game' activities of Paint Ball and Laser Tag are restricted to the hours of 0830 to 1730.

I would confirm this department has not received any complaints of noise with regards to the current operation.

Further, I do have concerns with the use of smoke grenades. There has been no information submitted with regard to the specification. However, it is understood that the operation of the grenades can produce thick smoke that does not disperse quickly. Smoke could drift to the caravan site/nearby dwellings, causing undue disturbance. Therefore I would recommend that the use of smoke grenades is prohibited.

Environment Agency – no objections to the proposal.

Representations

Last date for replies: 29 December 2010 (expiry of press notice).

A petition has been received containing 49 signatures which objects to the proposals and is sponsored by Councillor Mrs Paula Parry.

Individual objections have been received from the following postal addresses. Many of those writing have a caravan pitched at the neighbouring Formby Point Caravan Park.

22 Albert Drive, Orrell Park (owner of unspecified caravan)

77 Alderson Crescent, Formby (owner of caravan 95a)

Pinetree Cottage, Alexandra Road, Formby

41 Altfield Road, Liverpool (owner of caravan 52)

5 Anson Close, Bramhall (owner of caravan 16)

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69 Ashcroft Road, Formby (owner of caravan 115)
16 Boundary Close, Black Road, Mossley (owner of unspecified caravan)
49 Bradford Street, Accrington (owner of caravan 138)
'Brandywell', Halloughton, Southwell (owner of caravan 2)
65 Brookside Avenue, Ecclestone (owner of caravan 51)
3A Brows Lane, Formby
94 Carr Lane East, Liverpool (owner of unspecified caravan)
3 Chapel House Walk, Formby
23 Chatsworth Road, Wilmslow (owner of caravan 95c)
18 Chestnut Road, Walton Park (owner of unspecified caravan)
988 Chorley Old Road, Bolton
12 Clarke Brow, Middleton (owner of caravan 127) (2 letters received)
Valhalla, 163 Claypool Road, Horwich (owner of caravan 88)
18 Cleveleys Avenue, Scale Hall, Lancaster (owner of caravan 157)
10 Cropper Gardens, Hesketh Bank (owner of caravan 549)
57 Cypress Avenue, Chadderton (owner of unspecified caravan)
23a Cunard Road, Litherland (owner of caravan 6a)
Valewood, Dalefords Lane, Northwich (owner of caravan 519)
No. 1 Yew Tree Cottage, Dishwell Lane, Harthill, Sheffield (owner of unspecified caravan)
14 Drayton Crescent, St Helens (owner of caravan 69)
6 Edgemoor Drive, Crosby (owner of unspecified caravan)
18 Garland Drive, Sheffield (owner of caravan 154)
35 Glen Avenue, Blackey, Manchester (owner of caravan 99)
82 Foster Street, Widnes (owner of caravan 59)
38 Freckleton Road, St Helens (owner of caravan 73)
12 French Street, St Helens (owner of caravan 160)
14 Haslam Street, Bury (owner of unspecified caravan)
12 High Street, Newton-le-Willows (owner of caravan 50)
6 Hulmes Terrace, Ainsworth, Bolton (owner of caravan 25)
14 Kensington Road, Formby
76 Langdale Road, Bebington (owner of caravan 161)
12 Laurel Drive, Neston (owner of caravan 55)
13 Laurel Road, Prescot
3 Fairway, Formby Point Caravan Park, Lifeboat Road, Formby
5/15 Lime Tree Way, Formby
138B Liverpool Road, Lydiate
141 Liverpool Road, Irlam (owner of unspecified caravan)
241 Liverpool Road, Newcastle-under-Lyme (owner of caravan 35)
45 Lowton Road, Golborne (owner of unspecified caravan)
38 Mayfield Avenue, Formby
1 Micklewood Cottage, Micklewood Lane, Penkridge
45 Moorsholm Drive, Wollaton (owner of caravan 80)
5 Moorside Court, Denton, Manchester (owner of caravan 534)
11 Napier Drive, Moreton, Wirral (owner of caravan 15)
6 Northcote, Liverpool
100 Norville Road, Broadgreen (owner of caravan 49a)
57 Oakwood Road, Halewood (owner of caravan 6)
2 Olive Close, Melling (owner of caravan 548)

22 Park Close, Penwortham (owner of caravan 137)
15 Pickwick Street, Liverpool (owner of caravan 8)
25 Pine Avenue, South Anston, Sheffield (owner of unspecified caravan)
141 Rochdale Old Road, Bury (owner of caravan 85)
16 Rookery Road, Churchtown (owner of unspecified caravan)
36 Rostron Road, Ramsbottom (owner of unspecified caravan)
151 Sandy Lane, Walton (owner of caravan 82)
15 Shepherds Farm, Rickmansworth (owner of caravan G2)
47 Somers Road, Reddish (owner of unspecified caravan)
24 Sovereign Fold Road, Leigh (owner of caravan 46)
Derlwyn, Sytch Road, Brown Edge, Stoke-on-Trent
49 Templars Way, Penkrige (2 letters received)
55 The Northern Road, Crosby
3 Upton Road, Great Sutton (owner of caravan 16)
30 Walkden Road, Worsley (owner of caravan 27)
Bungalow, Bournside School, Warden Hill Road, Cheltenham (owner of caravan 121)
26 Wood Grove, Denton, Manchester (owner of caravan 57)
Flat 6, The Swallows, 42 York Road, Formby (owner of caravan 514)

The owners of pitches 5, 15, 29, 37, 46, 48, 49, 50, 66, 71, 72, 75, 78, 83, 84, 89, 91, 95e, 101, 109, 116, 120, 132, 133, 141, 147, 151, 158, 162, 164, 520, 523, 539, 550 have also objected. A further objector refers to himself as the owner of caravan 59.

The objections relate to the impact on amenity of residents (both in caravan park and Alexandra Road), lack of site security, health and safety, impact on red squirrels and associated habitat, loss of revenue to adjacent caravan park, lack of consultation with community, effects on traffic and parking, no need for facility locally.

Policy

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

AD2	Ensuring Choice of Travel
CPZ1	Development in the Coastal Planning Zone
CPZ3	Coastal Landscape Conservation and Management
CS2	Restraint on development and protection of environmental assets
GBC2	Development in the Green Belt
NC1	Site Protection
NC2	Protection of Species
NC3	Habitat Protection, Creation and Management

Comments

The principle of outdoor recreation and small scale associated development is acceptable. The application was screened for Environmental Impact Assessment purposes (EIA) and not found to be Schedule 2 development.

The report is informed in part by officer observation of a gaming session. This was

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based on a 14 participant morning session of paintballing. Participants were briefed on safety and are warned they will be removed from play if not observing strict rules. A total of four stewards were deployed to ensure obedience.

Members are advised that there is a right for the applicants to carry out 'war games' on a temporary use basis for a period of up to 28 days in any calendar year. If the longer planning permission is withheld this right remains and must be regarded as a fall back position (and critically, one to which no conditions may be applied).

The proposed 'war games' comprise paintballing and laser tagging. No powderball is proposed, nor any smoke bombs or explosive equipment. The equipment used by participants are guns with low noise levels entirely different to those used on Altcar Rifle Range. The paintballs are biodegradable, dissolve after play and leave no indication of activity on a permanent basis. The 'war games' reference is nothing more than a collective terminology designed to encapsulate the range of games available (in this case two) and is not an indicator of threatening or anti-social activity.

A comprehensive report on ecological matters was submitted with the application. The importance of the red squirrel population to Formby and the Sefton Coast is entirely understood and accepted. The comments of Lancashire Wildlife Trust (LWT) have been considered in reviewing this report.

The assessments conclude that the expected impacts on red squirrels are not easy to quantify initially, but typically, a handful might be expected at any one time in the area of woodland used for gaming. Similarly, it has been observed that the likelihood of participants shooting at the species (and doing so accurately) is regarded as low.

That said, given the work done to encourage red squirrel population, and to allow meaningful further representative assessment, it is considered appropriate to grant permission for a temporary four year period, during which time periodic reports are required from the applicant by condition. There are no other impacts on established species.

It is regarded as significant that neither the Council's Ecological advisors, nor the applicants' report, nor the comments of LWT, nor the Natural England comments object to the proposals, and the concerns of LWT are in my view addressed following observation, and the use of conditions, added to the paintballs decomposition after direct exposure to damp or wet weather.

With regard to noise, it is noted that an average gun would have a dB level of 70-90. This compares with the 110-120 dB level of rifles at Altcar Rifle Range. These noise levels are markedly different; the former is just above normal conversation levels, the latter closer to that of a jet engine taking off.

It is expected that the noise would not be audible from established residential dwellings to the east, and from the caravan park, the distance of over 50 metres, added to the elevated levels and dense pinewood, is such that noise would be

difficult to hear from the caravan park itself subject to participants remaining within the identified gaming zone (which is specifically cordoned off). The gaming activities were observed from a point adjacent to the caravan park; no guns could be heard.

By contrast, shooting can widely and often be heard from the Altcar Rifle Range; which is nothing more than a reflection of the increased noise as described above added to a lack of protection across the open landscape. It is factually inaccurate to suggest that the use of the land for war games will increase existing impacts several fold.

Similarly, it is not considered that the noise from participants is an issue. All participants are fully masked as a matter of safety and based on proper observation of these rules and appropriate stewarding it is virtually impossible to shout and be heard, or cause undue noise whilst masked and in play. The nature of gameplay is such that shouting to announce one's presence is a clear disadvantage in any event.

It is considered that fears of undue noise and disturbance cannot be substantiated, and significantly, evidence has been provided by the applicant of 25 days activity under their available permitted rights during 2010. No complaints were received by the Council's Environmental Protection Director over noise from any of these activities. This does not offer considerable weight to suggestions that harm will result for more prolonged periods.

It is accepted that occupiers of the caravan park may rightly expect peaceful, quiet enjoyment of the countryside. However, I cannot offer substantive evidence to suggest this has been or will be disrupted to an unacceptable extent.

It is recognised that the applicant is now seeking a permanent permission for the longer term. However, he has recognised the level of objection from the caravan park owners, and the proximity of important habitat and red squirrels. He has agreed to a range of specific planning conditions restricting use and hours to levels below those specified in the original submission.

For example, there is agreement to reduce the number of days from 200 to 128 with this spread throughout the year to avoid over use of the land, or a continuation of use over a substantial number of consecutive days. There is also agreement to limiting the number of participants at any one session to 36; one objector refers to the prospect of 200 at any one time.

The applicant has also agreed to implement plans for the management and maintenance of all adjacent woodland in conjunction with activity promoted by Mersey Forest. The matter has been discussed with Mersey Forest and they are agreeable to this taking place. Moreover, there will also be enhancements to biodiversity in the form of bat and bird boxes elsewhere on the woodland; these added to the expressed commitment to woodland management are seen as overall positive benefits.

The overall area of woodland has suffered from a lack of management in recent

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times and damage has resulted both inside and outside the gaming area from recent adverse weather conditions. The opportunity to secure a management strategy is therefore both timely and necessary.

I consider the structures themselves to be of minimal wider visual impact contained as they are within an existing heavily wooded setting. A condition is however attached requiring their removal at such time that the land is no longer used for gaming.

The existing car park is more than sufficient in size to deal with vehicle levels. At no stage whilst permitted activities have taken place has there been any evidence of excessive parking resulting in impacts on highway safety.

The access created off Lifeboat Road is solely for setting up and not for the parking of vehicles visiting the facility and is conditioned accordingly. All activities are pre-booking only and cannot be used by those wishing to attend on a speculative basis.

Reference is made to Policy CPZ4 but this relates to the Coastal Park in Southport and is not relevant to this application.

The applicant is subject to a range of procedures under Health and Safety legislation. Other access to the land is a matter for the landowner to consider as are matters of anti-social behaviour which have been raised but cannot be attributed to the activities being put forward by the proposal.

The need for the facility is not a relevant matter for consideration in this instance. The impacts on the caravan park are not seen as so significant as to affect their normal day to day operations. It is reasonable to conclude that the level of representation received is such that adjacent occupiers are fully aware of the proposals.

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

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

Sefton Council 

Petition To Speak At Planning Committee

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

Site Address: Shorrocks Hill
Formby,

Application Number: S/2010/1659

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

Yes

No

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

This petition is being submitted by Councillor imPany

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

Name Jane Wignate

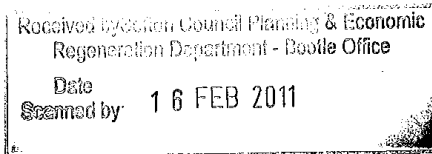
Address _____

Telephone Number 07951 328729

E-mail address _____

Please return this form as soon as possible to:

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



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3110/1659

Mrs Joan Kelly 23 a Cunard Road Litherland L21 8NA
Please accept this petition on behalf of the residents who live close to Shorroks Hill
Country Club.

Received by Section Council Planning & Licensing
Request for Review of Planning Conditions
Date
Scanned by 20 DEC 2010

116

PETITION TO STOP PAINTBALL
AND LASERTAG GAMES AT
SHORROCKS HILL FORMBY

Received by Sefton Council Planning & Economic
Development Department - Events Office
Date Scanned by 23 DEC 2010

NAME	ADDRESSES	
KAKKIN	1 LIME TREE WAY	
A YATER	14 Lime Tree Way	d.
I Jones		
W. Allen	14 Lime Tree Way	2
S. Allen	14 Lime Tree Way	
O'Connae	15 Lime Tree Way	
O'Garra	15 Lime Tree Way	
D. Woods	17 Lime Tree Way	
A LYNCH	11 LIME TREE WAY	
W. HULFORD	8 LIME TREE WAY	N.
SASIMPSON	22 FAIRLAND RD.	S
C.A. HOBSON	7 LIME TREE WAY	
T BRIDGET	5 LIME TREE WAY	
V. WILLIAM	4 LIME TREE WAY	
D. J. ...	16 Lime Tree Way	
M. J. ...	18 Lime Tree Way	

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Committee: **PLANNING**

Date of Meeting: **09 March 2011**

Title of Report: **S/2010/1761**
5A Manchester Road, Southport
(Cambridge Ward)

Proposal: Erection of a detached two storey dwellinghouse at the rear of the premises fronting Walton Street

Applicant: Mrs Francis Joyce

Executive Summary

The application is seeking consent for the erection of a detached two storey dwellinghouse at the rear of the premises, fronting Walton Street.

The main issues are the design and impact on the character of the area, impact on residential amenity, effect on the setting of a Listed Building, compliance with SPG New Housing Development.

Recommendation(s) Approval

Justification

The proposed dwelling is appropriate in terms of design, scale and massing to the street scene on the basis that Walton Street has an unusual character. The dwelling will not result in a significant loss of residential amenity of neighbouring properties by virtue of overshadowing or overlooking nor will it harm the setting of a Listed Building. The proposal therefore complies with the Council's adopted policies CS3, H10, DQ1, DQ3 and HC4.

Conditions

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. M-6 Piling
4. M10 Window Reveals
5. L11 Trees - maintenance
6. H-2 New vehicular/pedestrian access
7. H-6 Vehicle parking and manoeuvring
8. The maximum ridge height of the dwelling hereby approved shall not exceed 7.2 metres.
9. X1 Compliance

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Reasons

1. RT-1
2. RM-2
3. RM-6
4. RM1
5. RL1
6. RH-2
7. RH-6
8. In the interests of residential amenity and in accordance with policy H10 of Sefton's adopted UDP.
9. RX1

Notes

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

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

Drawing Numbers

Drgs 205-P01, 205-P02B & 205-P03

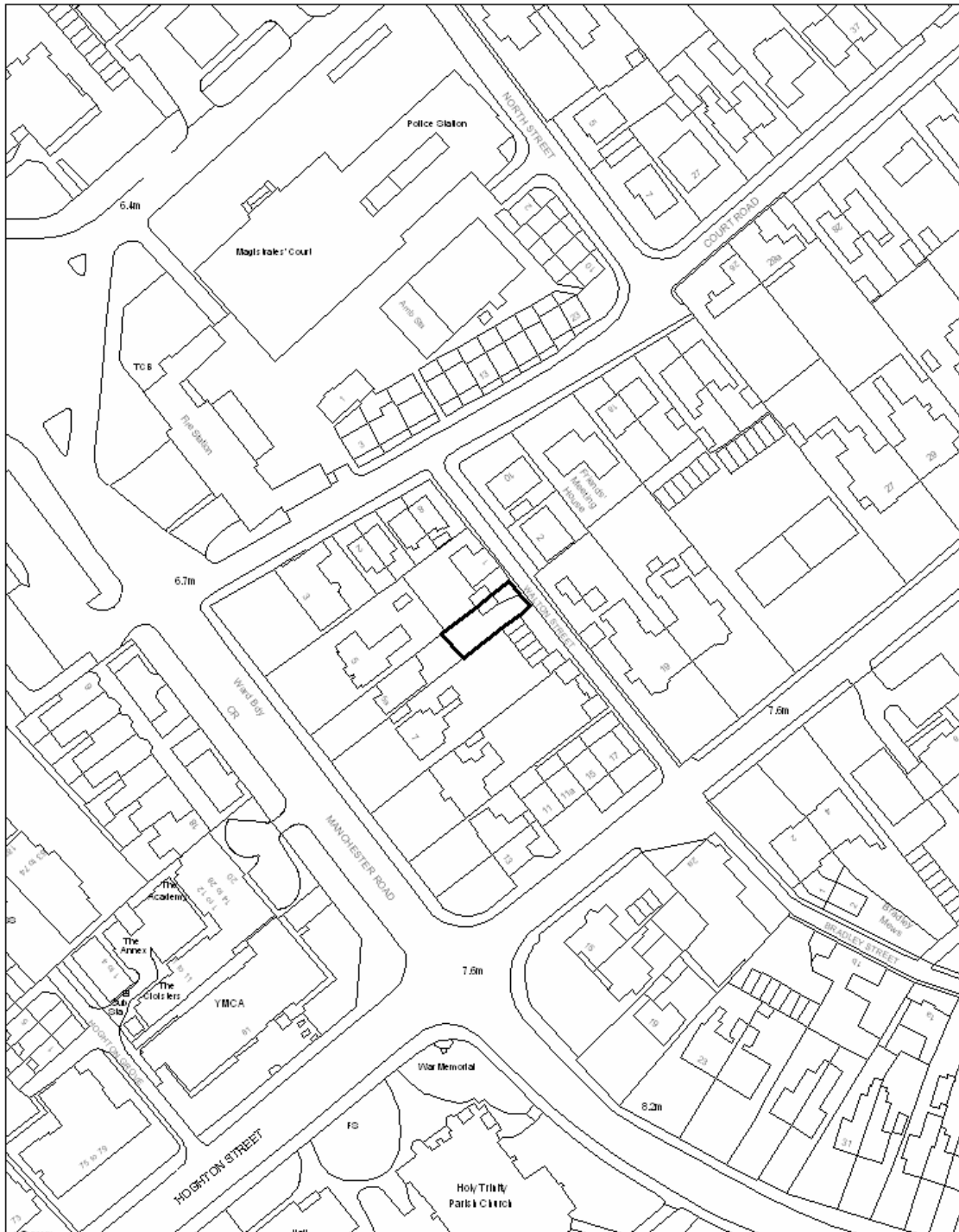
Financial Implications

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

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

History referred to
Policy referred to

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Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/1761 5A Manchester Road Southport PR9 9EP OSGR: 334218, 417685	Standard Site Plan Scale: 1:1250 Date: 24/2/2011 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. Sefton Council Licence No. 1000181921</small>		Sheet(s): 490A Area: 190 sqm	Ward(s): Cambridge Postcode Sector(s): PR9 9 Polling District(s): 25 Parish(es): None Found

The Site

The site currently forms the rear garden of 5a Manchester Road, Southport. The rear section of the garden has a semi-detached single storey garage fronting Walton Street which will be demolished as part of the proposal and the dwelling erected in its place.

Proposal

Erection of a detached two storey dwellinghouse at the rear of the premises, fronting Walton Street

History

89/1146 Change of use of part of ground floor residential to office. Withdrawn 15/01/90.

N/2004/1160 Outline application for a 2 storey dwellinghouse at the rear of the premises fronting Walton Street. Refused 14/12/2004.

Consultations

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

Highways Development Control – No objections.

Neighbour Representations

Last date for replies: 20th January 2011

A petition to speak containing 32 signatures has been received endorsed by Councillor Brenda Porter (attached).

Received: Letters of objection from 5, 5B; 7; 9 Manchester Road; 1; 2 Walton Street; 100 Liverpool Road, Birkdale; 21a Queens Road raising the following concerns:

- Dwelling would be opposite 2 Walton Street and given proposed height and narrowness of road, would result in loss of light and sunshine to dwelling. Views from their lounge would be restricted, and create loss of privacy and increase in noise.
- Will affect privacy of no. 7 Manchester Road, especially Juliette balcony proposed on rear at first floor level.
- Plans do not appear to be accurate – 10.5m and 20.25 distances indicated on plan are not to nearest habitable rooms and have not included conservatory.
- Living room of no. 7 is less than 21m from proposed balcony.
- Will reduce garden area of 5a Manchester Road to less than 70 sq m which cannot be considered appropriate.
- Rear wall of proposed dwelling will extend more than 3 metres beyond the rear wall of 1 Walton Street.
- Proposed dwelling will not be in keeping with surrounding dwellings.
- Previous application in 2004 was refused – what material difference is there between

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the two?

- Construction may damage neighbouring dwellings and to build at such close proximity to existing garage is a disaster waiting to happen.
- Loss of light to 1 Walton Street, views affected.
- Gross intrusion of privacy for Manchester Road dwellings into their gardens etc.
- Design is totally out of character to rest of neighbourhood – area has much history and this will be ruined with modern, tall new dwelling.
- Development is an undesirable intensification of use of garden space.
- Significant loss of amenity for neighbours
- Many points in the DAS are incorrect – i.e. age of existing dwellings.
- Number of buildings close to the site are listed and should not be detrimentally affected.
- Restrictive covenant governing the prior sale of the land and subsequent usage which is attached to deeds of 5 Manchester Road (copies have been provided).
- Site is Greenfield (garden) and has never been Brownfield or previously developed land.
- Walton Street was originally a coach house dating back to the Regency period and has not been added as a later development of the rear garden of 5 Manchester Road.
- 5a Manchester Road is already too close to 5 Manchester Road and causes poor outlook from some rooms on the side elevation of 5.

Policy

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

CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
H10	Development in Primarily Residential Areas
HC4	Development Affecting the Setting of a Listed Building
SPG	New Housing Development

Comments

The main issues for consideration in the assessment of this application are the design and impact on the character of the area, impact on residential amenity, effect on the setting of a Listed Building, compliance with SPG New Housing Development.

Principle

The site lies within a primarily residential area and there is no current housing restraint mechanism in place. The principle of new residential development is therefore acceptable subject to other policy criteria being met.

Design and character of the area

The character and form of the surrounding area is unusual and Walton Street in particular is a narrow, one way street with a mix of dwellings, rear boundary walls for properties fronting

Manchester Road, a row of garages and historic storage buildings which are listed. There is no prevailing architectural style of dwelling in Walton Street and the design proposed is therefore considered appropriate, using traditional red facing brick and welsh blue roof tiles. The scale of the dwelling is modest which is appropriate to this location. It is two storey, but is only a two bedroom dwelling. The height of the dwelling is 7.2 metres which is higher than the adjacent two storey dwelling at 1 Walton Street, but this is a flat roof property, which has been extended over time and is not a traditional two storey dwelling with pitched roof. The design has been amended slightly and now represents a more positive design solution for the site, in accordance with policy DQ1. Furthermore, given that Walton Street is narrow, one way, and not a traditional residential street, the dwelling will not be viewed from a wider area and its visual impact is therefore limited. The proposed dwelling is therefore considered to be appropriate in this location given the unusual character and form of development in the surrounding area which has evolved over time.

Effect on the setting of a Listed Building

Number 7 Manchester Road is listed and is from the Regency period and the coach house building and stable block to the rear of 9 Manchester Road are also listed in their own right. The proposed dwelling is assessed against policy HC4 which seeks to prevent the character of historic buildings suffering if they become isolated from their surroundings by other development.

There has already been some subdivision of plots in this area, and the character of Walton Street is tight. There is concern that the subdivision of nearby plots may bring pressure for subdivision of the plots relating to Listed Buildings. Each case would, of course, be considered on its own merits but the tight character of the new development would be likely to be inappropriate within the curtilage of a Listed Building as it would have a much greater impact on the Listed Building. However, the present proposal has no real impact on the Listed Buildings and is not out of character with Walton Street.

Impact on residential amenity

Policy H10 requires development to be assessed in terms of residential amenity which relates to that of both proposed occupants of the dwelling and also of neighbouring residents. Supplementary Planning Guidance 'New Housing Development' sets out minimum interface distances between new dwellings and surrounding dwellings in order to prevent overlooking and overshadowing which can significantly harm residential amenity.

The scheme shows a 10.5 metre distance from the proposed first floor rear bedroom window to the boundary of the rear garden of 5a Manchester Road which complies with the recommended minimum distance. A distance of 20.5 metres is also shown between first floor bedroom windows of existing and proposed dwellings which is 0.5 metre less than the 21 metres recommended. Whilst this does not strictly meet the recommendation, it is considered that the difference of 0.5 metres is reasonable and a sufficient separation distance between the dwellings to prevent overlooking and significant harm to residential amenity. The conservatory of 5a Manchester Road is closer to the proposed first floor bedroom at a distance of approximately 16 metres, but is at a different level as the conservatory is ground floor only. Given the conservatory already exists and the applicant of this application is resident at 5a, they are fully aware of the distances proposed, as any future purchasers of the dwelling will be and as such this is considered on balance to be acceptable.

Agenda Item 4b

Concerns were raised relating to overlooking from the Juliette balcony. It is accepted that Juliette balconies do not provide usable space, however, amended plans have been requested removing the Juliette balcony from the scheme to reduce the perception of overlooking and these are awaited.

The proposed dwelling will have a private amenity space of 70 sq m which meets the recommended, though it does leave the existing dwelling at 5a Manchester Road with a garden area below the 70 sq m. However, the guidance relates to new dwellings and not existing. Furthermore, the applicant for this application is the occupant of 5a and their amenity space would meet with the 70 sq m minimum without the existing conservatory. As such it is considered the applicant's choice that they have a reduced amenity space, but it is also accepted that this could be increased in the future with the removal of the conservatory should future occupiers wish. The proposal therefore largely meets the guidance and will not have a significant detrimental impact on residential amenity of properties fronting Manchester Road.

In terms of 1 Walton Street, this dwelling has a rear two storey extension with habitable room windows facing the gable of the proposed dwelling at a distance of approx. 9 metres. Whilst this is less than the 12 metres recommended, and the dwelling will result in the introduction of a large structure where there was none previously (only a single storey garage) the habitable room windows referred to are not the only windows serving those rooms as there are windows to the rear also. As such it is considered that these rooms will retain a reasonable outlook. Sections have been requested to demonstrate the change in levels between the application site and surrounding dwellings in order to demonstrate the height of the proposed building compared to adjacent dwellings, and these are awaited.

Other issues

There was an outline application for a two storey dwelling refused on this site in 2004. This was on the basis that the scheme failed the housing restraint mechanism (policy H3) which was in place at the time and also would have a detrimental impact on residential amenity. This restraint mechanism has now been lifted and there is increased pressure to provide additional housing given the current need for housing. As such the principle of the dwelling is considered acceptable. In terms of the impact on residential amenity of the previous scheme, the previous application was in outline only and was a different scheme to this proposed now. There was insufficient information to demonstrate that there would be no adverse impact on neighbouring amenity. Each new application is considered on its merits in relation to current policy and the assessment of residential amenity has been addressed above.

In terms of the 'garden grabbing' issue raised by neighbours, the recent revisions to PPS3 have reclassified garden sites as 'Greenfield' land (they were formerly considered to be previously developed, or 'Brownfield' land). This is intended to remove the in-built presumption in favour of development of garden sites, which was applied to all 'Brownfield' land under the previous version of the guidance. It is important to note however, that this reclassification 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 addressed. This has been done above.

Agenda Item 4b



Petition To Speak At Planning Committee

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

Site Address: SA MANCHESTER ROAD
Southport

Application Number: Ref 5/2010/1761

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

Yes

No

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

This petition is being submitted by Councillor Brenda Porter

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

Name MARK TYNDALL

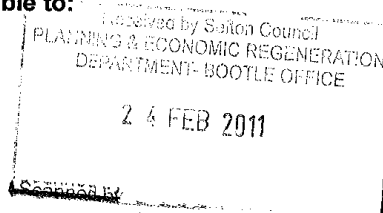
Address 7 MANCHESTER ROAD
SOUTHPORT PR9 9EP

Telephone Number 01704 532111

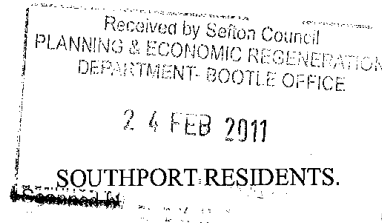
E-mail address _____

Please return this form as soon as possible to:

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



THE PLANNING DIRECTOR
SEFTON PLANNING &
ECONOMIC DEVELOPMENT
MAGDALEN HOUSE
30 TRINITY ROAD
BOOTLE L20 3NJ.



Friday 11 February 2011.

Dear Sirs,

RE : Pending planning application, 5A Manchester Road, Southport, for a new-build dwelling house in rear garden area, Ref S/2010/1761.

We the undersigned are united in petitioning this statement of our firm opposition to the above on the following grounds :

1/ The proposed site is a residential garden and has never been "brownfield" or "previously developed land". The proposed new-build dwelling does not retain the character of its immediate neighbours, which are of invaluable architectural and historical interest to Southport and Sefton since they include at least one listed property at no 7 Manchester Rd (Starr Hills) and date back to the *William IV* era. To add a further new-build two storey house to the back of 5A will ruin the peaceful haven of the rear garden areas of the surrounding properties. We deplore the destructive practice of garden-grabbing, and with regard to said planning application call upon you to reject this application to cram a modern two-storey dwelling on garden land. Building on such a restricted area of back garden will also rob our area of green breathing space, a safe place for our grandchildren to play and havens for urban wildlife.

2/ This and any subsequent planning application on this garden land in question is and will be totally objected to by its immediate neighbours and all petitioners as below-signed, since it would ruin the character of the area. It will also overlook and overshadow the rear family areas of three neighbouring *William IV* properties, as well as being a total blight on what are peaceful and much enjoyed rear gardens. Neighbours in Walton Street, and in particular the cottage at 1 Walton Street, and the properties at 5, and 5B and 7 Manchester Road would all be affected by the potential light-deprivation and lack of peace and privacy and are equally distressed : they have informed you of their own objections individually.

3/ We hereby submit that the proposed two-storey new-build dwelling house would have an overbearing and oppressive effect on the outlook of the rear-facing family

Agenda Item 4b

rooms and rear garden and patio areas of all neighbouring properties and would therefore contravene MD1/SPG and CS3 guidelines (impact on residential amenities). There is potential overshadowing to an unreasonable degree (SPG/MD1).

4/ The roof height of this proposed two storey new-build is such that it will tower over the flat-roof cottage at 1 Walton Street. Furthermore the garden area to the Cottage at 1 Walton Street will also be substantially deprived of light. There are trees and land adjacent to the proposed new-build that are important as part of local landscape character, including an extremely old and beautiful willow-tree in the garden of 1 Walton Street that has its shorter twin in the garden of 5 Manchester Road. Any deprivation of light could have a serious adverse effect on this tree. It is noted that there has been no tree survey submitted.

4/ We further wish to point out the potential for disaster with regard to the possible damaging and/or rendering vulnerable the foundations of neighbouring properties due to the fact that these properties date back to the 1800s. Any damage or disturbance such as subsidence or settlement caused by the use of the heavy machinery required to dig the foundations of and subsequently erect such a new-build dwelling in too close proximity to these properties could be far-reaching and indeed have disastrous structural consequences to properties of such historical heritage. It is submitted that there has been no assessment made of flood risk to neighbouring properties.

We are certain that you will understand the grief and distress that this is causing the surrounding properties in both Walton Street and Manchester Road. We hope very much that all submissions to reject this planning application will be carefully considered by yourselves, and that this planning application for an entirely new dwelling on garden land that is objected to by all neighbours as it will ruin the character of the area will therefore sensibly be refused.

We the undersigned call upon you to refuse this planning application on all submitted grounds, now that you have been able to inspect the sites yourselves, and thank you for your ongoing help and support in this matter.

Yours faithfully,

U m Tyn dall.
Manchester rd
S/Pur

U m Tyn dall. 59 Wennington rd
Southport

N. Tyn dall
Star Hills
Manchester Rd.

B.J. Campdy.
(for Mr. W.T. Outgley)
5b Manchester Rd.

B.J. Campdy.
"Wych Elm"
5 Manchester Rd.

<i>Ed Taylor</i> w. address on	40 Court Road 18 Manchester Rd
Col. H. Ryan	9. Manchester Rd
J.O. Ryan	9, Manchester Road.
J.V. Marshall	97 SANDOWN COURT.
Rick Marshall	97 Sandown Court:
Rick Marshall	100 Liverpool Rd.
Pat Gregan	100 Liverpool Rd
Kyle Watts	15, Arnside Rd.
Adam Watts	15 Arnside Rd..
P. ASB	39 HOUGHTON ST.

Received by Salford Council
 PLANNING & ECONOMIC REGENERATION
 DEPARTMENT - BOOTLE OFFICE
 24 FEB 2011
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Committee: **PLANNING**

Date of Meeting: **09 March 2011**

Title of Report: **S/2011/0093**
14-15 Marian Square, Netherton
(St Oswald Ward)

Proposal: Change of use from Retail (A1) to Bookmakers (A2) including minor external works

Applicant: Turf Bookmakers

Executive Summary

The proposal is for a bookmakers in Marian Square. The report assesses the proposal against relevant UDP policies and considers the objections raised to conclude that the proposed use is acceptable.

Recommendation(s) **Approval**

Justification

It is considered that this proposal, if allowed, would have no significant detrimental affect on either the visual amenity of the street scene , on highway safety, on the amenities of the adjoining premises or on the vitality and viability of the shopping area and therefore it complies with UDP Policies AD2, DQ1 and CS3.

Conditions

1. T1 Time Limit - 3 years
2. X1 Compliance

Reasons

1. RT1
2. RX1

Drawing Numbers

Location plan & Drgs 1, 2, 3, 4, 5, 6 submitted on 11 th January, 2011.

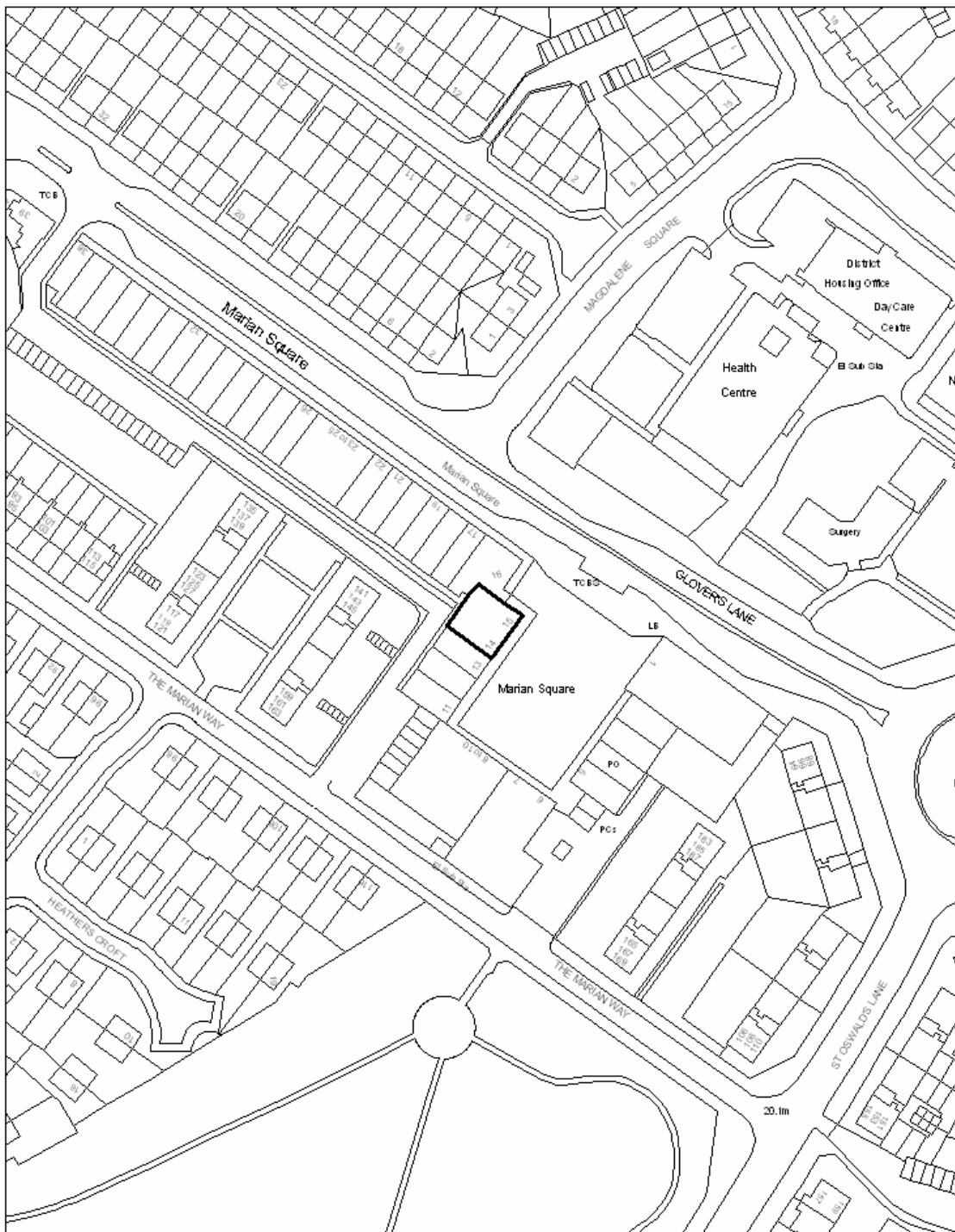
Agenda Item 4c

Financial Implications

CAPITAL EXPENDITURE	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
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/2011/0093 14-15 Marian Square Netherton L30 5QA OSGR: 336514, 399481	Standard Site Plan Scale: 1:2250 Date: 24/2/2011 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 Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921</small>	Sheet(s): 131D	Area: 189 sqm	Ward(s): St Oswald Postcode Sector(s): L30 5 Polling District(s): B6 Parish(es): None Found

S/2011/0093

Agenda Item 4c

The Site

Comprises the former Ethel Austins Clothes Shop, Nos 14-15 Marion Square, Bootle.

Proposal

Change of use from Retail (A1) to Bookmakers (A2) including minor external works

History

S/2000/0540 - Nos 13a, 14a and 15a Change of use of existing vacant maisonettes to additional staff facilities in connection with the adjoining winebar.

Consultations

Highways DC - No objections.

Environmental Protection - No objections.

Police - support proposals in principle.

Neighbour Representations

Last date for replies: 17/2/11.

A petition to speak containing 163 signatures has been received endorsed by Councillor M Dowd. No reasons for opposing the use are given.

A petition to speak containing 64 signatures has been received endorsed by Councillor R Brennan. Concerns raised are anti-social behaviour will increase, increase in crime and that there will be an opportunity for under age and problem gambling.

A petition containing 901 signatures has been received supported by Councillor Dowd and Joe Benton MP.

Five individual objections have been received from 47 Lunar Drive, 1 Stand Park Way, 45 Apollo Way, 34 Browns Lane, 113 St Oswald's Lane, 38 Sherborne Avenue re: noise/nuisance, too many betting shops, will encourage additional gambling, anti-social behaviour, other uses would be more beneficial to the community .

There is also one further objection received via e-mail but the objectors have not included their address.

Policy

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

R6 Development in District and local Centres
CS3 Development Principles
DQ1 Design
AD2 Ensuring Choice of Travel

Comments

The issues to consider are the affects that this proposal will have on the shopping parade as a whole, on the visual amenity of the street scene and on the amenities of the surrounding residential premises.

The property subject of this application is the former Ethel Austins Shop, No 14-15 Marian Square, Netherton. The premises were constructed some 45 years ago and form part of the Marion Square Shopping Complex. The square has shops on three sides and is separated from Glovers Lane by a substantial area of open space interspersed with trees and seating.

The proposal involves the refurbishment of the double shop unit into a betting shop and the only change to the outside of the premises will be to the wording of the fascia sign above the doorway (which will need to be the subject of a separate application).

There will also be the facility for the provision of tea and coffee as well as snacks to the people who frequent the premises for the purposes of betting. This use would be ancillary to the main use as a betting office.

The area is allocated as a Local Shopping Centre on the UDP for Sefton where UDP Policy R6 Development in District and Local Centres is relevant This states that development, including changes of use , can be permitted provided that :

The overall function of the Centre would not be undermined - The Square offers a wide range of shops including a newsagents, two supermarkets, a chemist and a bakery with this double unit premises formerly being used as a ladies dress shop. The proposed use is seen as an addition to the facilities on offer within this shopping complex.

The use proposed would maintain the overall vitality and viability of the Centre - there are two other bookmakers within the immediate vicinity and the principle of such uses within the shopping parade has already been established. A number of shops that have become vacant have remained so for a longer period than would normally be expected and it is felt that, given the current economic situation, this shop could remain empty for a further period of time if this permission is not granted and implemented.

The proposal is appropriate to the scale, role and function of the Centre. –the centre contains a variety of shops and bookmakers are usual in such centre. The unit is not unduly large

I therefore consider that this use would comply with the above points.

Agenda Item 4c

The petition received and the individual neighbour objection letters refer to the fact that the new premises could lead to additional anti-social behaviour within the area as the shopping parade already has two betting shops, five off-licenses, two public houses and a snooker hall with a licensed bar. However, the Police have been consulted on this application and in general offer their support as they believe that the applicant has included suitable crime prevention measures within the proposal.

Some residents have suggested a bank would be very welcomed in Netherton but this is beyond the remit of this application.

Having taken all of the above into account, I believe that this proposal, if allowed, would have no significant detrimental affect on the visual amenity of the street scene, on the amenities of the surrounding premises, on the viability and vitality of the shopping centre as a whole or on highway safety and therefore I recommend that planning permission be approved subject to conditions.

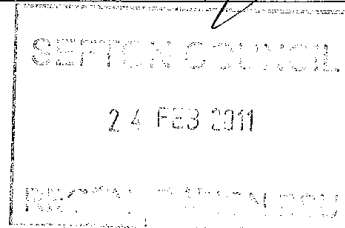
Contact Officer: **Mrs S Tyldesley** **Telephone 0151 934 3569**

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

We, the undersigned, request that Sefton Council reconsider the application for a Gambling Licence for 14 – 15 Marian Square, Netherton, L30 5QA (the former Ethel Austin premises). We consider that the granting of a licence for such a gambling arcade will further exacerbate the existing anti-social problems which already occur in the Marian Square area. We believe it will degrade the area still further as it will lead to rising problems in crime, disorder and underage or problem gambling. It may cause crowds of people to congregate in one area which will be noisy and a nuisance for residents and visitors to the shopping area:

SIGNATURES		
	NAME	ADDRESS
1.	Mrs J. Chandler	1 EDWARD JENNER AVE L30 SRP.
2.	MRS I CHANDLER	1, EDWARD JENNER AVE N/T
3.	MRS L HARVEY	17, STAND PARK AVE NETHERTON L30
4.	MR S HARVEY	17, STAND PARK AVE N/TON L30
5.	MR V CARR	5 EDWARD JENNER AVE N/TON L30
6.	Mrs S. Nelson	9 EDWARD JENNER AVE L30
7.	MR T NELSON	9 EDWARD JENNER AVE L30
8.	MRS B. CARR	5 EDWARD JENNER AVE L30
9.	MRS M. RAWLING	7. Edward Jenner Ave L30
10.	MR R.J. RAWLING	7. Edward Jenner Ave L30
11.	Laura Rawling	7. Edward Jenner Ave L30
12.	EMMA RAWLING	94 Sarah's CROFT AVE L30
13.	MARK SHEIL	94 Sarah's CROFT AVE L30
14.	SUE REIDMAN	11 EDWARD JENNER L30
15.	Mr J Harvey	17 Stand Park Ave L30
16.	MRS N MAWDSLEY	31 Elton Ave L30
17.	Mr W MAWDSLEY	31 Elton Ave L30.
18.	J EDWARDS	100 APOLLO WAY L30
19.	G. JOHNSON	99 APOLLO WAY L30
20.	J. SANDS	98 APOLLO WAY L30 RJ.

Sponsored by Councillor Robert Brennan



Agenda Item 4c

FAO: Mr P Negus, Case Officer, Sefton Planning.
FAX: 0151 934 4627.

24/2/2011

PETITION FOR Sefton Council

901 signatures attached.

Topic: Planning Application ref: S/2011/0093 - 14-15 Marian Square Netherton L30 5QA
Proposal: change of use from Retail (A1) to Bookmakers (A2) - St Oswald Ward

We request that Sefton Council reject the "Change of use" and "Gambling Licence" applications for 14 – 15 Marian Square, Netherton, L30 5QA (the former Ethel Austin premises). We consider that the granting of a licence for such a gambling establishment will further exacerbate the existing anti-social problems which already occur in the Marian Square area. We believe it will degrade the area still further as it will lead to rising problems in crime, disorder and underage or problem gambling. It may cause crowds of people to congregate in one area which will be noisy and a nuisance for residents and visitors to the shopping area.

We have now drafted a petition consisting of 901 signatures showing the strength of feeling from the residents of the area against this proposal. (A further 160 have already been sent to you by Cllr Dowd. So this makes a grand total of 1,061.) There are already two Bookmakers in the shopping precinct (one is next-door-but-one to this site, and the other is round the corner on Glovers Lane). There is absolutely no need – or desire – for a third bookmakers in such close proximity.

We request that Sefton authorities canvass the feelings of residents in the vicinity as what type of premises would be beneficial to the majority of the residents, and users of the shops and facilities, in the area – and act accordingly. Suitable businesses should be encouraged to invest in the area – with whatever incentives are available to such desirable businesses for the residents. Canvassing has shown a marked desire for similar businesses such as the old Ethel Austins clothes store, or a bank – as there will be no ATM facilities available very shortly.

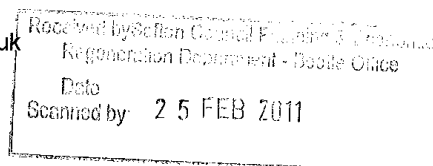
320 of these have already been sent to Kevin Hogan, the Licensing Officer, on 28/1/2011, and he is in receipt of the originals. Copies of these have been included.

Lead petitioner:

M. Walsh

Name: Mrs Maria Walsh
Email address: mw001g9493@blueyonder.co.uk
Telephone Home 0151 286 6185

Address: 1 Stand Park Way
Netherton
Liverpool
L30 3ST



Please note that this petition is also supported by Cllr M. Dowd, and Joe Benton, MP.

Please acknowledge receipt.

581
320
901
160

(1061)

We, the undersigned, request that Sefton Council reconsider the application for a Gambling Licence for 14 – 15 Marian Square, Netherton, L30 5QA (the former Ethel Austin premises). We consider that the granting of a licence for such a gambling arcade will further exacerbate the existing anti-social problems which already occur in the Marian Square area. We believe it will degrade the area still further as it will lead to rising problems in crime, disorder and underage or problem gambling. It may cause cause crowds of people to congregate in one area which will be noisy and a residents and visitors to the shopping area:

		<u>SIGNATURES</u>	
	<u>NAME</u>	<u>ADDRESS</u>	
1.	M White	20 Lunar Dr	
2.	V Aubrey	19 Lunar Drive	
3.	A Flynn	38 LUNAR DR.	
4.	P C McDonnell	40 LAMAR DR	
5.	U. m. Donald	40 Lunar Dr	
6.	Bill Claus	6 The Marian Way	
7.	K FLYNN	48 LUNAR DRIVE	
8.	P KINSALA	48 LUNAR DRIVE	
9.			
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Received by Sefton Council
Regeneration Dept
Date
Examined by 25 FEB 2011

Sponsored by Councillor Robert Brennan

(8)

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Agenda Item 5

Committee: **PLANNING**

Date of Meeting: **9 MARCH 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/2010/1157	Netto, Orrell Lane, Bootle	Netherton & Orrell Ward
B	S/2010/1502	Thornton Primary School, Edge Lane, Crosby	Manor Ward
C	S/2010/1672	Birkdale School for Partially Heating, 40 Lancaster Road, Birkdale (LB Consent) (see report in Refusals)	Dukes Ward
D	S/2010/1692	Chapel House, 603-617 Liverpool Road, Ainsdale	Ainsdale Ward
E	S/2010/1730	Moss Farm, North End Lane, Ince Blundell	Ravenmeols Ward
F	S/2011/0072	Units 14 & 15, Vesty Business Park, Vesty Road, Netherton	Netherton & Orrell Ward
G	S/2011/0111	89 Freshfield Road, Formby	Harington Ward

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Committee: **PLANNING**

Date of Meeting: **09 March 2011**

Title of Report: **S/2010/1157**
Netto, Orrell Lane, Bootle
(Netherton & Orrell Ward)

Proposal: 1. Full Planning Permission for the erection of a retail foodstore including the layout of car parking spaces and landscaping.
2. Outline Planning Permission for the erection of four units, (three retail and one unit for Business and/or Storage & Distribution) including the layout of car parking spaces and landscaping

Applicant: Netto Foodstores Limited Netto Foodstores Limited / Stockland Ventures (Brook) Ltd

Executive Summary

This is a hybrid application which seeks full planning permission for a replacement Netto foodstore together with outline planning permission for three retail units and one business unit. Access, landscaping and layout of the 4 units are to be considered at this stage with details of scale and appearance reserved for future consideration.

The main issues to consider include compliance with planning policy, the visual impact of the proposal, impacts on residential amenity and highway safety, as well as security, ecological, flood risk, contaminated land, renewable energy, public greenspace and tree issues.

Recommendation(s) That the Planning & Economic Development Director be authorised to grant planning permission subject to the completion of a S106 Agreement that the three non-food retail units will not be occupied until the employment unit is built and available for occupation.

Justification

The proposals are considered acceptable in principle and in terms of their scale, design and visual impact and their impacts on residential amenity and highway safety. Issues relating to security, ecology, flood risk, contaminated land, renewable energy, public greenspace and trees have also been satisfactorily addressed therefore approval is recommended.

Conditions

1. X1 Compliance

Agenda Item 5a

2. S-106 Standard S106
3. M-2 Materials (sample)
4. L-4 Landscape Implementation
5. P-5 Plant and machinery
6. M-6 Piling
7. The boundary fencing hereby permitted shall be erected/made good as indicated on the approved plans prior to the occupation of the buildings hereby approved.
8. NC-3 Biodiversity enhancement
9. Con-1 Site Characterisation
10. Con- 2 Submission of Remediation Strategy
11. Con-3 Implementation of Approved Remediation Strategy
12. Con-4 Verification Report
13. Con-5 Reporting of Unexpected Contamination
14. E-2 Sealed surface car parking
15. T-1 Full Planning Permission Time Limit
16. a) Before the development is commenced, full details of recycling facilities shall be submitted to and approved in writing by the Local Planning Authority.
b) This scheme shall then be implemented in accordance with the details approved under a) above.
17. S-2 Renewable Energy
18. T-2 Outline planning permission (Time Limit)
19. T-3 Reserved Matters (Time Limit)
20. D-5 Renewable Energy (Outline)
21. R-1 Use Classes Limitation
22. R8 Restrict to Bulky Goods
23. B-3 Delivery hours
24. H-1 Remove existing vehicular/pedestrian access
25. H-2 New vehicular/pedestrian access
26. H-5 Off-site Highway Improvements
27. H-6 Vehicle parking and manoeuvring
28. H-7 Cycle parking
29. H-9 Travel Plan required
30. H-10 Mud on carriageway
31. H-11 Construction Management Plan
32. H-12 Servicing Areas
33. X12 Local Labour

Reasons

1. RX1
2. RS-106
3. RM-2
4. RL-4
5. RP-5
6. RM-6
7. RM-7
8. RNC-3
9. RCON-1

10. RCON-2
11. RCON-3
12. RCON-4
13. RCON-5
14. RE-2
15. RT-1
16. To secure appropriate recycling facilities in accordance with UDP Policy EMW9.
17. RS-2
18. RT-2
19. RT-3
20. RD-5
21. RR-1
22. RR1
23. RB-3
24. RH-1
25. RH-2
26. RH-5
27. RH-6
28. RH-7
29. RH-9
30. RH-10
31. RH-11
32. RH-1
33. RX12

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. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 9 to 13 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition 13 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.
3. 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.
4. The applicant/developer should be advised to contact the Highways Development Control Team (0151 934 4175) in respect of the requirement for an agreement under Section 278 of the Highways Act 1980 to ensure the implementation of the

Agenda Item 5a

off-site highway improvements.

5. In respect of the requirement for a Travel Plan, the applicant/developer should be advised to contact the Sefton Travel Team on 0151 934 2147.

Drawing Numbers

1299-LD-01A rec 14/2/11, 1299-LL-01D rec 22/2/11, 220D LP01 & DT02 rec 2/8/10, 220D EL01A, EL02A, PL01B, RP01A & SP01A rec 2/2/11, 220D SE01B rec 14/2/11 & 220D DT03 rec 15/2/11.

Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5a



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/1157 Netto, Orrell Lane Bootle L20 6HX OSGR: 335615, 397210		Sheets: 910, 916 Area: 17932 sqm		Standard Site Plan Scale: 1:1250 Date: 24/2/2011 Drawn By: BBERT on Ward(s): Metheron & Orrell Postcode Sector(s): L20 6 Polling District(s): DB Parish(es): None Found
	<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Planning & Economic Regeneration Department using MapInfo Sefton Council Licence No. 1000181921</small>				

S/2010/1157

The Site

The site is located on the north east side of Orrell Lane and comprises a Netto store and vacant MFI unit at the front of the site together with a vacant storage building at the rear. There is also a large car parking area to the north west of the buildings.

The site is bounded by Peoples service and repair centre to the north and the Bellway housing site (under construction) to the south east. There are also residential properties along Orrell Lane opposite the site.

Proposal

1. Full Planning Permission for the erection of a retail foodstore including the layout of car parking spaces and landscaping.
2. Outline Planning Permission for the erection of four units, (three retail and one unit for Business and/or Storage & Distribution) including the layout of car parking spaces and landscaping

History

S/2008/0089 (adjacent site) – erection of 96 dwellings, layout of new access and associated landscaping. App 21/04/09

S/1992/0286 - Application to remove condition 2 on S/17076 to allow the building to be used for the retail sale of foodstuffs and associated goods. App 25/06/92

S/25431 - Variation of planning permission to permit an extended range of goods. App 13/11/85

S/20086 - Erection of 2 buildings for retail sale of a specified range of products. Ref 11/05/83

S/12237 - Change of use to trade and retail storage warehouse sales and showroom
- App 25/06/80

S/09574 - Change of use to building and decorating warehouse - App 07/02/79

S/07056 - Erection of warehouse with showroom, etc App 07/03/78

Consultations

Retail Consultants - I can confirm that the letter now provided by the agents addresses the key points that we had previously raised. Whilst the development would involve the creation of a larger foodstore in an out of centre location, I would agree with the agents that the scale of the store is unlikely to challenge the dominance of the main supermarkets in South Sefton and therefore, radically change shopping patterns locally. The facility in our view would still function as a local foodstore providing for the needs of the immediate community. As a result, the size

Agenda Item 5a

of the development proposed will not have any significant impact on established centres within South Sefton. Furthermore, we note that the development would also result in a reduction in total amount of retail floorspace that is currently located on the site – albeit it would operate in a different form once implemented.

In terms of the sequential approach, we accept that the site is already an established retail location. In addition, whilst there are proposals for development within established centres in South Sefton, it is evident that there are site specific benefits (such as the regeneration of the site) associated with the scheme which, if located elsewhere would not address these issues.

Therefore, based on the evidence now received and applying the appropriate planning balance, any impact created by the increased size of foodstore would, in our view, be more than outweighed by the regeneration benefits and the fact that the overall amount of out of centre retail floorspace would be reduced following the implementation of the development.

MEAS – the bat survey demonstrates no evidence of bats therefore the Council does not need to undertake an assessment against the 3 tests set out in the Habitats Regulations 2010; bat informative required on any grant of planning permission; landscaping scheme and bird boxes should be secured by condition; no requirement for SWMP condition; recycling facilities required; renewable energy report acceptable for full planning application although details for outline component are required.

Environment Agency – objected initially due to the surface water discharge rate for the proposed development being excessive for the size of the site. The applicant submitted an amended Flood Risk Assessment resulting in the Environment Agency withdrawing their objection. They recommend the imposition of a condition requiring the submission of a surface water drainage scheme based on sustainable drainage principles as well as contaminated land conditions.

Environment & Technical Services Director – no objection in principle; standard contaminated land conditions required; proposal should be restricted to Use Classes A1, A2, B1 and B8 to minimise impact on adjacent residential properties; condition required for retention and improvement of fence between site and adjacent housing site; standard conditions P-5 and M-6 required. Delivery hours to units 1-4 should be restricted to 0730 – 2200 hours to protect residential amenity; not necessary to restrict delivery hours to Netto due to the position of the loading bay; no reason to restrict general hours of operation as the adjoining commercial/industrial park has unrestricted use.

Police ALO (on original scheme) - knee rail fence could be used as climbing aid and compromise security; service access gate should be access controlled or locked; recommend installation of suitable CCTV system; concerned about location of store so close to corner as other supermarkets have suffered criminal damage to glazed elevations in similar locations; concerned about lack of dedicated parking bay for cash in transit deliveries/ pickups and ATM replenishments; concerned by the siting of the ATM machine close to the entrance/exit if replenishments are to take place when the store is open.

Police ALO (on amended scheme) – amended plans have addressed most of my concerns although still slightly concerned about the glazing on the Orrell Lane elevation.

Merseytravel – Council should be satisfied that local highway network can satisfactorily accommodate traffic likely to be generated by the proposal; Travel Plan should be developed and implemented; appropriate arrangements required for access by dial-a-ride vehicles; enhancement of bus stops and walking routes to bus stops required.

Highways DC –

Traffic Generation and Impact

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

A comparison of the levels of vehicular traffic generated by the existing permitted uses on the site and the proposed development has been undertaken. During the 'Saturday peak hour' the proposed development will generate lower levels of vehicular traffic than would be generated by the existing permitted uses. In the 'weekday AM peak hour' and 'weekday PM peak hour' the proposed development will generate 112 and 124 extra vehicle trips respectively than would be generated by the existing permitted uses. However, this only equates to an average of approximately 2 additional vehicles entering or leaving the site per minute. As such, the proposed development will not result in any significant impact on the operation of the surrounding highway network.

Vehicular and Pedestrian Access

The new single vehicular access off Orrell Lane is proposed to serve the car parking areas for the 'convenience retail' and 'bulky goods' units and the office accommodation. The existing commercial vehicular access to the south-east corner of the site will be retained for servicing/delivery vehicles to the non-food retail units.

All other existing vehicular accesses will be closed off and the footway reinstated to match the existing footway either side.

Two separate pedestrian accesses directly off the footway on the north-east side of Orrell Lane and a network of routes throughout the site provide direct, safe and convenient access for pedestrians.

Parking

A total of 70 car parking spaces (including 5 marked out for use by disabled persons and 2 'parent & child' spaces) are proposed in the customer car park for the food retail unit. Staff cycle parking is provided in the form of two 'Sheffield' stands (4 spaces) within a secure cycle shed and cycle parking for customers is provided in the form of five 'Sheffield' stands (10 spaces) outside the main entrance to the store.

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A total of 101 car parking spaces (including 11 marked out for use by disabled persons and 5 'parent & child' spaces) are proposed in the customer car park for the 'bulky goods' retail units. Staff cycle parking for each of the three units is provided in the form of two 'Sheffield' stands (4 spaces) within a secure cycle shed and cycle parking for customers is provided in the form of two groups of five 'Sheffield' stands (20 spaces) in front of the units.

A total of 13 car parking spaces (including 1 marked out for use by disabled persons) are proposed in the car park for the employment (B1/B8) unit. Staff cycle parking is provided in the form of two 'Sheffield' stands (4 spaces) within a secure cycle shed.

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

Servicing

A dedicated service yard adjacent to the food retail store is provided to accommodate all deliveries to the store. Whilst access is achieved via the main car park access road, there is adequate space for vehicles to turn around within the site which eliminates any potential difficulties that servicing traffic would cause by manoeuvring within the customer car park.

The three proposed 'bulky goods' units and the employment (B1/B8) unit will be serviced from the rear via the service yard/access road, again with adequate space to enable both articulated and rigid delivery vehicles to turn around.

Accessibility for non-car modes

Pedestrians

Whilst there are flush kerbs and tactile paving across all arms of the junction of Bailey Drive/Netherton Way/Orrell Lane/Park Lane pedestrians have to cross the road 'with traffic'. Given the large and fairly dense residential areas to the west of Netherton Way and south of Orrell Lane and the assertion that "Netto food stores are primarily seen as 'local stores'.... for local people. As such residents from the surrounding area are more inclined to access the site by sustainable modes." there is a need to provide improved (and safer) crossing facilities by incorporating push button units and 'Green/Red man/cycle' aspects into the existing traffic signal apparatus/infrastructure'. In addition, the existing access which will be retained for servicing the 'bulky goods units and employment (B1/B8) unit must be altered to incorporate flush kerbs and tactile paving either side of the access. These measures will further enhance pedestrian accessibility.

Cyclists

Bailey Drive and Netherton Way forms part of the strategic cycle network and has off-carriageway provision for cyclists on each side of the road. As indicated above, adequate cycle parking will also be provided as part of the development.

Public Transport (including Taxies)

The location of the proposed development provides excellent access to public transport facilities. There are four bus stops, two outside the development site on

Orrell Lane and two on Bailey Drive, which provide access to a range of bus services. However, none of the bus stops meet the current standards and as such a comprehensive scheme to upgrade each of the four bus stops will be required. The works will involve the provision of access kerbs, raised footway areas, shelters/CDU's (where appropriate) and enhanced carriageway markings incorporating a bus stop clearway.

The provision of facilities for taxis is welcomed with a dedicated area for taxis/drop off within the customer car park close to the food store entrance.

Travel Plan

A Travel Plan has been submitted and with some amendments would be generally acceptable. It includes specific measures to encourage sustainable travel choices by both employees and customers. The implementation and development of the Travel Plan will be secured by condition.

In view of the above, there are no objections to the proposal, subject to the following conditions and informatives being added to any approval notice.

Neighbour Representations

Last date for replies: 13/9/10 (neighbours)
23/9/10 (site notice)
23/9/10 (press notice)

Letter received from the Peoples Dealership raising no objections to the erection of the buildings but expressing major concern with the landscaping. Peoples are concerned that this will cause major security problems and reduce their storage area by sap falling onto their stored vehicles and damaging paintwork.

Objection also received from 88 Ennerdale Drive concerned about the sale of Netto to Asda potentially giving Asda total domination of food retailing in south Sefton; also concerned whether there is a need for the small proposed retail units, whether these will become fast food outlets causing harm to local residents and drawing trade from nearby shops many of which are vacant.

Further objection written on behalf of the owners of The Strand Shopping Centre in Bootle. This expresses concern that the proposal is contrary to local and national planning policy and will have an adverse impact on the vitality and viability of Bootle town centre and surrounding centres. In particular, concern is expressed about proposals to allow the sale of unrestricted range of goods and the detrimental impact on Bootle town centre which is currently experiencing a high vacancy rate; it is also pointed out that a vacant open A1 retail unit has been identified at Cavendish Retail Park which would be sequentially preferable to accommodate comparison retail.

Policy

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

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AD2 Ensuring Choice of Travel
CS3 Development Principles
DQ1 Design
DQ2 Renewable Energy in Development
DQ3 Trees and Development
DQ4 Public Greenspace and Development
EDT18 Retention of Local Employment Opportunities
EDT5 Primarily Industrial Areas
EP2 Pollution
EP3 Development of Contaminated Land
EP8 Flood Risk
NC3 Habitat Protection, Creation and Management
R1 Retail Development Strategy
R9 Edge-of-Centre and Out-of-Centre Retail Developments and Key Town Centre Uses

Comments

The main issues to consider include compliance with policy, involving retail and employment considerations, the scale, design and visual impacts of the proposal, impacts on residential amenity and highway safety, as well as security, ecological, flooding, contaminated land, renewable energy, public greenspace and tree issues.

Policy

The site is within an area designated for industrial development in the adopted Sefton UDP although it is presently occupied by two retail units and a warehouse.

The proposals involve a replacement Netto foodstore together with three additional retail units and one unit for employment use (B1 or B8). There is an overall reduction in retail floorspace on the site and the non-food element will be restricted to bulky goods as at present.

The Council's retail consultants have assessed the proposals against advice contained in PPS4 Economic Growth December 2009. They have concluded that the replacement foodstore, albeit larger than the existing store, will still function as a local foodstore providing for the needs of the immediate community and, as a result, the proposed development will not have any significant impact on established centres within South Sefton. They also advise that any impact created by the increased size of foodstore would be more than outweighed by the regeneration benefits brought about by this specific scheme in this particular location.

The site presently contains a warehouse and is designated as an employment site. It is therefore important that the unit proposed for employment uses (unit 4) is delivered as such and this can be secured via a S106 agreement.

The proposal is therefore considered to satisfy relevant retail and planning policy.

Visual Impact

The new Netto store is to be located on the corner of Orrell Lane and the entrance to the Peoples site whilst the 4 additional units are to be situated in a similar position to

the existing units on the site. This layout is considered acceptable in respect of its relationship with the street scene and with adjacent uses.

The scale of the proposed units is also considered appropriate for the site and its surroundings. The detailed design of the new Netto store forms part of this application with red facing brick and glazing forming the principal elevations to the front and Orrell Lane frontages with red brick and grey cladding panels to the Peoples entrance side and rear elevations. Revised plans have been received showing that the glazing is to be roller shuttered in a perforated powder coated design. The detailed design of the store and its visual impact in the street scene are considered acceptable.

The detailed design and external appearance of the 4 additional units will be considered at reserved matters stage and do not form part of this application.

Residential Amenity

The site is adjacent to a new residential development (Orrell Gardens) and there are existing residential properties along Orrell Lane opposite the site. The impact of the new scheme on adjacent residential properties is unlikely to be significantly different to the impact caused by existing uses on the site. This is provided that suitable conditions are imposed to control the delivery hours of the 4 units adjacent the new Bellway housing site and to restrict the use of the units to A1, B1 and B8 as B2 (industrial) uses could cause unacceptable impacts on adjacent residential properties.

Highway Safety

Highways Development Control have assessed the amended proposals and have concluded that the development will not result in any significant impact on the operation of the surrounding highway network. In addition, they are satisfied with access, manoeuvring, car parking and cycle parking provision. There are therefore no objections to the proposal on highway safety grounds although conditions are recommended. These include off-site highways improvements including the upgrading of 4 existing bus stops and the provision of 'green man' pedestrian facilities at the nearby traffic signal controlled junction.

Security

The Police ALO has made comments in respect of security on the site and amended plans have been submitted which take account of these comments.

Ecology

MEAS have commented on ecological issues and advise that survey work in respect of bats is acceptable as no evidence of bat use or presence was found. The Council therefore does not need to undertake an assessment against the 3 tests set out in the Habitats Regulations 2010.

MEAS recommend a condition to secure the provision of a small number of bird boxes on buildings closest to the proposed woodland.

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Flood Risk

The Environment Agency initially raised an objection to the proposal because the surface water discharge rate for the proposed development was excessive for the size of the site. The applicant prepared an amended Flood risk Assessment which resulted in the Environment Agency withdrawing their objection. A condition is recommended to ensure the submission and implementation of a satisfactory surface water drainage scheme based on sustainable drainage principles.

Contaminated Land

A Phase I Desk Top Study has been submitted with the application. The Environmental and Technical Services Director has reviewed this report and recommends that the standard contaminated land conditions and informative should be attached to any approval.

Renewable Energy

Sefton UDP Policy DQ2 requires all proposals for major non-residential development to incorporate renewable energy production equipment to provide at least 10% of their predicted energy requirements from renewable sources. A report has been submitted with the application which proposes to use a combination of heat recovery equipment and photovoltaic cells for the Netto store to achieve 17.3% contribution to the foodstore's predicted energy requirements. MEAS advise that this is more than sufficient to satisfy Policy DQ2. It is indicated that the 10% renewable requirement for the outline component will be met through the provision of ground source heat pumps and this can be controlled through condition.

Public Greenspace

Policy DQ4 and the SPD on Green Space, Trees and Development require public greenspace provision for major new commercial, industrial or leisure developments where a clear shortage of greenspace has been identified in the locality in a Council approved green space strategy.

In this case, there is a clear shortage of public greenspace in the locality of the development specifically in relation to the quality target set out in the Council's approved Green Space Strategy. In line with the SPD, a commuted sum payment of £69,380 will be required. This is based on 4026 sqm of retail floorspace at £1,734.50 (2010/11 prices) for each 100 sqm floorspace. The commuted sum payment can be secured via a condition requiring a S106 legal agreement.

Trees

Policy DQ3 requires the provision of one new tree per parking space or for every 50 sqm of gross floorspace, whichever is the greater, plus 2 new trees for each tree lost through the development. In this case, 184 new trees are required based on 184 car parking spaces. The proposals involve the provision of 191 new trees on the site and Policy DQ3 is satisfied.

Other Issues

The Peoples car dealership at the rear of the site has raised concerns about the landscaping proposed adjacent to their site as they believe it will present a security risk and cause damage to parked cars. There is already some tree planting along this rear boundary and it is considered that the visual and environmental benefits associated with tree planting outweighs any potential disbenefits although possible damage to cars is not considered to be a planning issue which can affect the decision on this application.

The concerns raised by a nearby resident about the Netto store being owned by ASDA cannot be controlled by a planning condition and retail food stores cannot be prevented from changing their owners. However, a condition can be imposed to prevent the units from becoming hot food takeaways without the submission of a further planning application. The proposals are considered to bring about regeneration benefits and the site is already an established retail location therefore the comments raised about nearby vacant shops are not considered relevant in this case.

Objections raised on behalf of the owners of The Strand shopping centre have been addressed as retail sales from the 3 additional units will be restricted to bulky goods only.

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

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

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Committee: **PLANNING**

Date of Meeting: **09 March 2011**

Title of Report: **S/2010/1502**
Thornton Primary School Edge Lane, Crosby
(Manor Ward)

Proposal: Conversion of former Primary School to post 16 SEN centre including a two storey extension to the North East elevation, a single storey extension plus canopy to the South West elevation and layout of parking and landscaping

Applicant: Mrs Christine Dalziel Children's Sevices

Executive Summary

The proposal is for the conversion of the former Thornton Primary School on Edge Lane, to a Post 16 SEN centre. A two storey extension to the north east elevation and a single storey extension and canopy to the south west elevation is also proposed. Additional parking and landscaping is proposed to the front of the school. The issues to consider are the impact on the urban greenspace, the visual amenity of the street scene, the amenity of nearby residential properties and highway implications. The Planning and Economic Director considers the proposal is acceptable and approval is recommended.

Recommendation(s) Approval

Justification

The proposal provides additional landscaping and will not have a significant detrimental effect on the urban greenspace. Conditions are imposed to protect the amenity of nearby residential properties and the interest of highway safety and to accord with Sefton Unitary Development Plan policies

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. Before any construction commences:-
 - a) Samples of the facing and roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The materials approved under (a) above shall then be used in the construction of the development.
4. L-3 No felling
5. Before the development is commenced, a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including

Agenda Item 5b

- 1) existing and proposed levels or contours;
 - 2) details of boundary treatments and hard surfaces;
 - 3) the location, size and species of all trees to be planted;
 - 4) the location, size, species and density of all shrub and ground cover planting;
 - 5) a schedule of implementation.
6. a) The hard and soft landscaping scheme approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority.
b) Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.
 7. a) A scheme of works for the closure and reinstatement of the existing vehicular and/or pedestrian access on to Stannyfield Drive shall be submitted to and approved in writing by the Local Planning Authority.
b) No part of the development shall be brought into use until the existing vehicular and/or pedestrian access on to Stannyfield Drive has been permanently closed off and the footway reinstated. These works shall be in accordance with the scheme approved under (a) above.
 8. H-2 New vehicular/pedestrian access
 9. 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 provision of flush kerbs and tactile paving either side of each vehicular access and either side of Stannyfield Drive at the junction with Edge Lane; provision of 'School Keep Clear' zig-zag carriageway markings together with new traffic signs (diag. 642.2A) and posts located at each end of the zig-zag markings on Edge Lane; and removal of the existing 'School Keep Clear' zig-zag carriageway markings and pedestrian guard-rails on Stannyfield Drive and re-instatement of footway, 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 details approved under (a) above.
 10. No part of the development shall be brought into use until a scheme of traffic signs to diagram 833 and 835 of the Traffic Signs Regulations and General Directions 2002 has been provided at the north-westerly access and traffic signs to diagram 834 and 836 of the Traffic Signs Regulations and General Directions 2002 has been provided at the most south-easterly access.
 11. H-6 Vehicle parking and manoeuvring
 12. H-7 Cycle parking
 13. P-5 Plant and machinery
 14. P-8 Kitchen Extraction Equipment
 15. Noise associated with the dance/multi use room activities shall not exceed LAeq 1H 55dB at the site boundary
 16. Before any construction commences details of new fences and gates for the entrances shall be submitted to and approved in writing by the Local Planning Authority.

Reasons

1. RT-1
2. RX1
3. To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with policy DQ1 of the Sefton Unitary Development Plan.
4. RL-3
5. In the interests of visual amenity and conservation and to comply with Sefton UDP Policy DQ3
6. RL-4
7. RH-1
8. RH-2
9. RH-5
10. In the interests of highway safety and to accord with policies CS3 and AD2 of the Sefton Unitary Development Plan
11. RH-6
12. RH-7
13. RP-5
14. RP-8
15. To ensure that nearby residents are not adversely affected by the development and to comply with policy EP6 in the Sefton Unitary Development Plan
16. To ensure a satisfactory external finish in the interests of visual amenity and to comply with policy DQ1 of the Sefton Unitary Development Plan

Notes

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

Drawing Numbers

CS/044105-01-01,02,03,04,05,06,11d, 25b

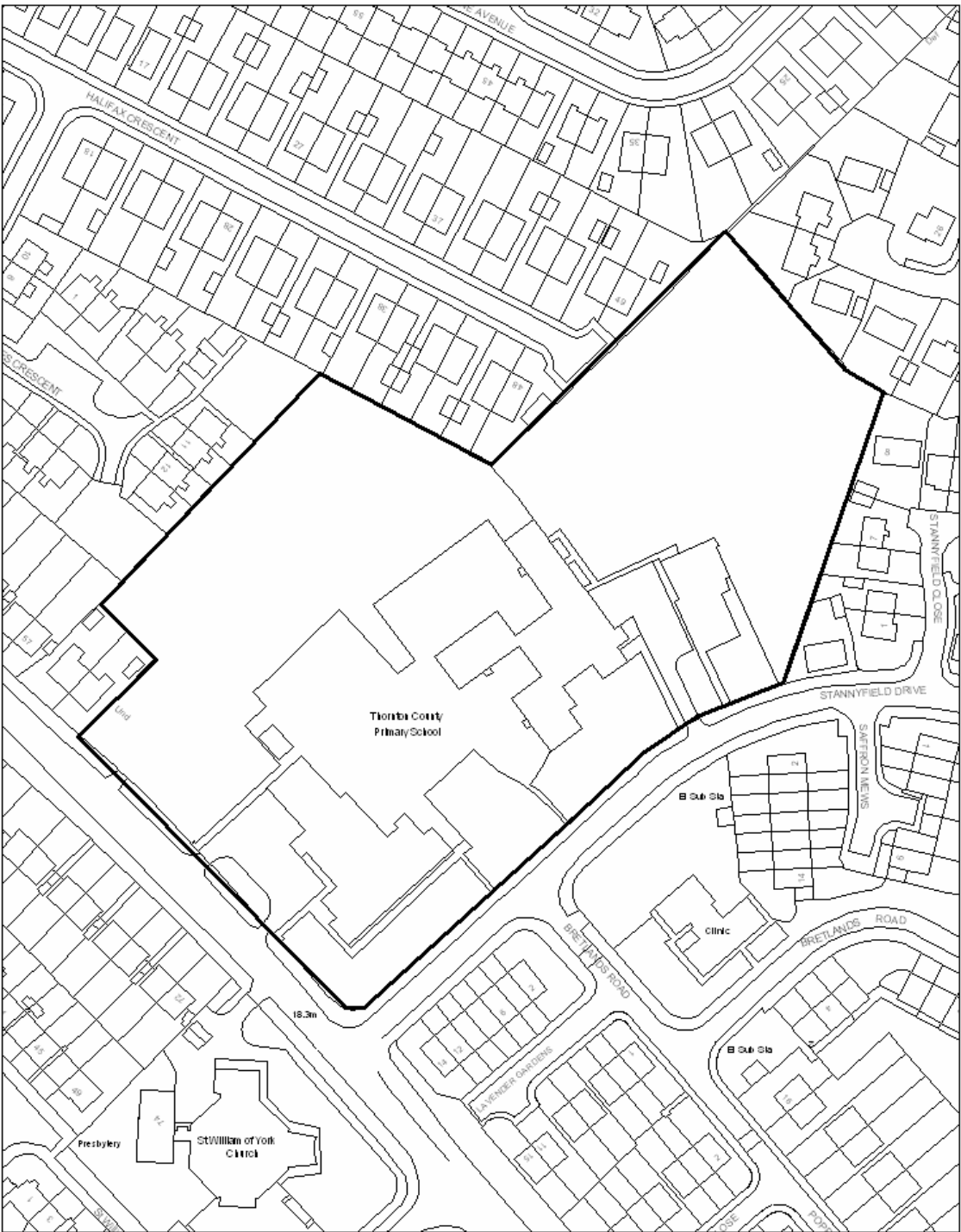
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Financial Implications

CAPITAL EXPENDITURE	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
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/2010/1502 Thornton Primary School Edge Lane Crosby L23 4TF OSGR: 333788, 400605		Sheets: 149C	Area: 20009 sqm	Standard Site Plan Scale: 1:1250 Date: 24/2/2011 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 Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921.</small>		Ward(s): Manor Postcode Sector(s): L23 1, L23 4 Polling District(s): N5, N4 Parish(es): Thornton Cp		

S/2010/1502

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The Site

The site comprises the former Thornton County Primary School located on the north east side of Edge Lane, Thornton.

Proposal

The proposal is for the conversion of former Primary School to post 16 SEN centre including a two storey extension to the north east elevation, a single storey extension plus canopy to the south west elevation and layout of parking and landscaping.

History

S/2007/0184 – Alterations and single storey extensions to form a new children's centre – Approved 25/04/2007

S/01922 – Erection of a 30 place nursery unit – Approved 09/04/1975

Consultations

Environmental and Technical Services - I have no objection in principle, however the subsequent standard conditions/informatives should be included on the approval notice; P-5, P-8.

Further I would recommend that noise associated with the dance/multi use room activities do not exceed LAeq1H55dB at the site boundary.

Highways Development Control - There are no objections to the proposal.

The existing pedestrian access to the adjacent 'Children's Centre' on Stannyfield Drive will be retained, as will the 'School Keep Clear' zig-zag carriageway markings and pedestrian guard-rails on the highway. However, the existing pedestrian access to the former Primary School off Stannyfield Drive will cease to be used in connection with the proposed facility and will be closed off. As such, it will be necessary to remove the existing 'School Keep Clear' zig-zag carriageway markings and pedestrian guard-rails and reinstate the footway at this location.

The proposed SEN centre will be served by a single point of pedestrian access from Edge Lane with a clear and direct pedestrian route to the main entrance to the building. It will be necessary to introduce 'School Keep Clear' zig-zag carriageway markings together with new traffic signs (diag. 642.2A) and posts located at each end of the zig-zag markings.

There are three separate existing vehicular accesses along the Edge Lane frontage. The central point of vehicular access will be closed off and as such the existing footway crossing will need to be removed and the footway reinstated to match the existing. The two existing points of vehicular accesses which are to be retained will need to be widened and reconstructed with new kerb radii and flush kerbs and tactile paving either side. The provision of flush kerbs and tactile paving either side of Stannyfield Drive at the junction with Edge Lane will also be necessary.

The vehicular accesses will only be wide enough for one vehicle, so in order to minimise any conflict at the accesses, a 'one-way' circulatory access arrangement will be operated. As such, traffic signs worded IN & NO EXIT, to diagram 833 & 835 of the Traffic Signs Regulations and General Directions 2002 must be provided on both sides of the most north-westerly access, and traffic signs worded OUT & NO ENTRY to diagram 834 & 836 must be provided on both sides of the most south-easterly access.

A total of 17 off-street parking spaces (including two marked out for use by disabled persons) will be provided in connection with the proposed development as well as covered cycle parking for up to 10 cycles. The proposed levels of car and cycle parking are acceptable, as is the layout of the spaces. The layout of the site includes sufficient space for around 6 mini-buses to queue within the site.

The proposed SEN centre is a new facility and as such an approved Travel Plan has not been submitted with this application. An appropriate condition will be added to secure this within six months of the centre being brought into use.

In view of the above, there are no objections, subject to conditions and informatives being added to any approval notice.

Neighbour Representations

Last date for replies: 17/2/11

Letter of objection received from resident of 61 Edge Lane re; increased volume of traffic, adequate space for parking facilities to side and rear of school, would cause congestion, highway safety issues, obstruction to driveway, close proximity to boundary fence, loss of green space, noise nuisance.

Policy

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

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
G1	Protection of Urban Greenspace
H10	Development in Primarily Residential Areas

Comments

Planning permission is sought to extend the existing vacant school building to provide a new post 16 learning facility for special education needs, together with associated parking, access and landscaping.

Agenda Item 5b

The main issues to consider with regards to this proposal relate to the impact on the urban greenspace, on the visual amenity of the street scene and the amenity of residential properties and parking and access considerations.

The site is within an area designated as greenspace and the proposal needs to be assessed against policy G1 which aims to protect urban greenspace from inappropriate development. Minor development directly related to the existing use of the site will be permitted on urban greenspace. In this regard the proposal is considered acceptable.

An additional floor area of 134m² is required (including the lift area and the canopy) together with remodelling of the existing building. The new entrance will have an accessible lobby, administration and meeting rooms. The former school hall will be converted to a café/bistro and dance/multi use area. There will be an external dining area covered with shade sails in bright colours to the rear of the building. The existing classrooms will be converted to form learning facilities.

The proposed extension will be in keeping with the existing scale and being single storey to front with metal tiled pitched roof and two storey lift to rear with flat roof. All proposed window and door openings will be of similar height and width.

The new building will be built using traditional construction materials with facing brickwork and render and decorative render to various existing walls to brighten up the existing brickwork.

The entrance block will be built on the existing hard play area. The revised scheme retains as much open space as is possible and has less impact on the green space. A low level mound or line of trees would screen the access road. Policy DQ3 requires 7 new trees which are indicated on the revised site plan. Details of new fences and gates can be secured by condition. Pedestrian areas will be lit by low level lighting.

The Environmental and Technical Services Director raises no objections in principle to the proposal subject to noise control measures for plant and equipment and noise associated with dance/multi activities and odour control measures for any proposed kitchen extraction to protect the amenity of the area. These can be secured by conditions.

The scheme has been amended to provide 17 car parking spaces overall (originally proposed 25 spaces) including 2 spaces for disabled users. It is also proposed to provide covered cycle parking for 10 cycles. The Highways Development Control considers the proposed levels of car and cycle parking is acceptable, as is the layout of the spaces. The layout of the site includes sufficient space for around 6 minibuses to queue within the site.

The existing pedestrian access to the adjacent 'Children's Centre' on Stannyfield Drive will be retained, as will the 'School Keep Clear' zig-zag carriageway markings and pedestrian guard-rails on the highway. However, the existing pedestrian access to the former Primary School off Stannyfield Drive will cease to be used in connection with the proposed facility and will be closed off. It will be necessary to

remove the existing 'School Keep Clear' zig-zag carriageway markings and pedestrian guard-rails and reinstate the footway at this location. This can be secured by condition.

The proposed SEN centre will be served by a single point of pedestrian access from Edge Lane with a clear and direct pedestrian route to the main entrance to the building. It will be necessary to introduce 'School Keep Clear' zig-zag carriageway markings together with new traffic signs (diag. 642.2A) and posts located at each end of the zig-zag markings. This can be secured by condition.

There are three separate existing vehicular accesses along the Edge Lane frontage. The central point of vehicular access will be closed off and the existing footway crossing will need to be removed and the footway reinstated to match the existing. The two existing points of vehicular accesses which are to be retained will need to be widened and reconstructed with new kerb radii and flush kerbs and tactile paving either side. The provision of flush kerbs and tactile paving either side of Stannyfield Drive at the junction with Edge Lane will also be necessary. This can be secured by condition.

The vehicular accesses will only be wide enough for one vehicle. In order to minimise any conflict at the accesses, a 'one-way' circulatory access arrangement will be operated and traffic signs must be provided. This can be secured by condition.

The proposed SEN centre is a new facility and as such an approved Travel Plan has not been submitted with this application. An appropriate condition will be added to secure this within six months of the centre being brought into use.

With regard to the amenity of the nearest resident at 61, Edge Lane, who has registered an objection to the proposal, the revised parking is now 29 metres from the adjoining boundary compared to 4.5 metres previously and retains more open space. The Traffic Services Manager raises no objections on highway safety. It is considered the revised scheme addresses the objectors concerns.

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

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

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Committee: **PLANNING**

Date of Meeting: **09 March 2011**

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

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

Applicant: Chapel House (Southport) Ltd

Executive Summary

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

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

Recommendation(s) Approval

Justification

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

Conditions Reasons

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. M-6 Piling
4. The proposed development shall not be brought into use until the existing vehicular crossing has been altered in accordance with plans to be approved in writing by the Local Planning Authority.
5. No part of the development shall be brought into use until areas for pedestrian

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access, parking, turning and manoeuvring have been laid out, levelled and surfaced in accordance with plans to be approved in writing and these areas shall be retained thereafter for that specific use.

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

Reasons

1. RT-1
2. RM-2
3. RM-6
4. RH-6
5. RH-6
6. RH-6
7. RH-6
8. RCON-1
9. RCON-2
10. RCON-3
11. RCON-4
12. RCON-5
13. RP-6
14. RP-4
15. RP-4
16. RX1
17. In the interests of residential amenity and to comply with policy H10 of Sefton's

adopted UDP.

Notes

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

Drawing Numbers

05; 06; 07; 08Rev E; 11; 12; 13; 14; 333.01B

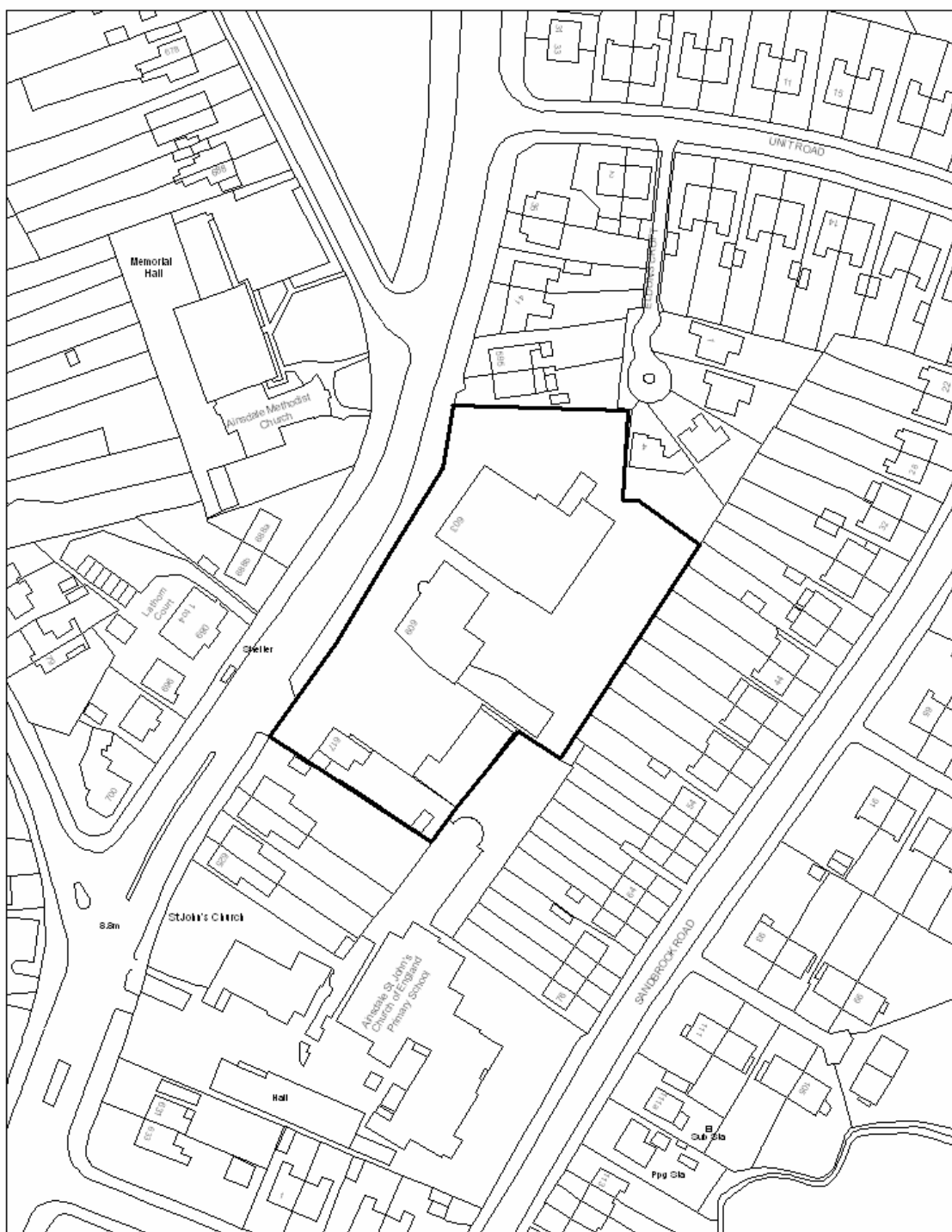
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Financial Implications

CAPITAL EXPENDITURE	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
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/2010/1692 Chapel House 603-617 Liverpool Road Ainsdale PR8 3NG OSGR: 331730, 411970		Sheets: 367C, 367D Area: 6396 sqm	Standard Site Plan Scale: 1:1250 Date: 24/2/2011 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. Sefton Council Licence No. 100018192.</small>		Ward(s): Ainsdale Postcode Sector(s): PR8 3 Polling District(s): R4, R6 Parish(es): None Found	

Application Deferred 9th February:

Planning Committee on 9 February 2011 deferred making a decision on this application pending further consideration of the provision of an appropriate facility for vehicle deliveries and collections to be carried out within the site. This is not viable given the constraints of the site, however an alternative solution has been offered which is considered appropriate and is set out here.

Transport Consultants acting for Chapel House have produced a drawing (Drawing no:- M10076-A-007 rev. B, attached) showing a layout which is considered to be acceptable insofar as it:-

- maintains adequate remaining carriageway width on Liverpool Road to cater for unrestricted two-way traffic flow;
- maintains adequate remaining footway width for pedestrians on the east side of Liverpool Road; and,
- helps to ensure the safe operation of loading/unloading vehicles on the highway.

The proposed layout shows the modification of the existing vehicular access as a 'commercial type' access incorporating flush kerbs and tactile paving either side of the access; the widening of the carriageway on the east side of Liverpool Road; the provision of a loading bay within the widened section of Liverpool Road; and, the provision of double yellow lines across the entire site frontage on the east side of Liverpool Road (except for the loading bay and the existing zig-zag carriageway markings). It has also been stated on the drawing that the reconstruction of the footway will be required where there are redundant vehicular accesses.

Chapel House have also now confirmed in writing that they are:-

1. satisfied with the proposed layout as detailed on Drawing no:- M10076-A-007 rev B.;
2. committed to pay the full costs associated with the off-site highway works (whatever those costs might be);
3. agreeable to the wording of the suggested conditions which will secure the off-site works and Traffic Regulation Order (TRO); and,
4. agreeable to a condition requiring a Construction Traffic Management Plan to be submitted prior to commencement on site.

In order to ensure the above can be achieved, the following are suggested conditions:-

- 10 (a) Unless otherwise agreed in writing, no part of the development shall commence on-site until a programme for the implementation of the off-site highway works as shown on Drawing no:- M10076-A-007 rev. B has been agreed in writing.
- (b) No part of the permitted buildings shall be occupied / brought into use until the off-site highway works as shown on Drawing no:- M10076-A-007 have been implemented in full.

Reason – In the interests of highway safety and to accord with policies CS3 and DQ1 in the Sefton UDP.

11. Unless otherwise agreed in writing, no part of the permitted buildings shall be occupied / brought into use until the Traffic Regulation Order (TRO) to introduce a loading bay and double yellow lines on the east side of Liverpool Road has been implemented in full.

Reason – In the interests of highway safety and to accord with policies CS3 and DQ1 in the Sefton UDP.

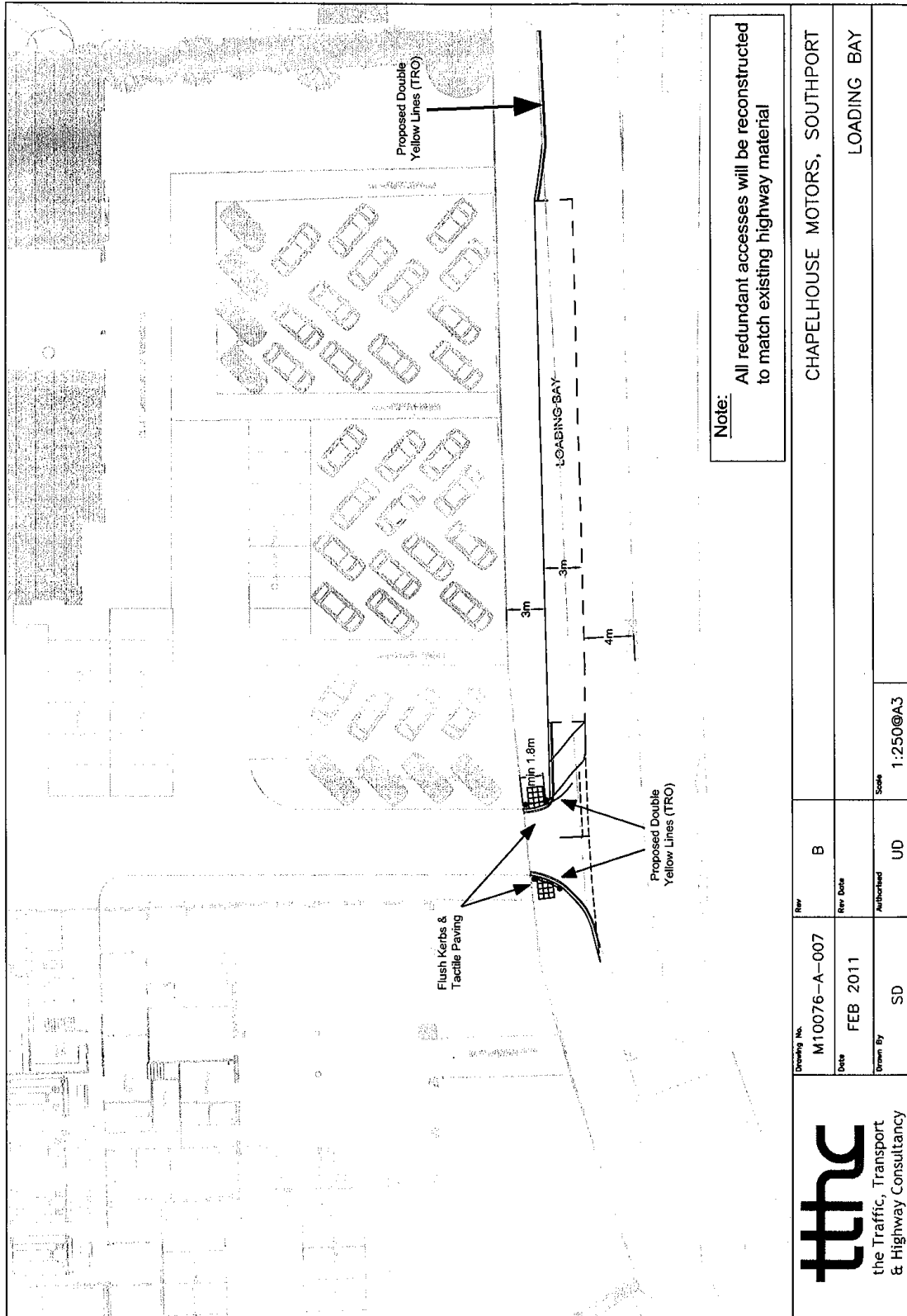
12. H-11 - Construction Management Plan.


Reason – In the interests of highway safety and to accord with policies CS3 and DQ1 in the Sefton UDP.

Please note - Condition 7 as specified in the February Committee Report should be omitted.

On the basis of the above, it is considered that the loading / unloading arrangements have been satisfactorily addressed to enable unrestricted two-way traffic flow on Liverpool Road. The attached plan shows the proposed arrangement which offers a reasonable solution to the issue and is agreed between the Officers and the Applicant.

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 the Traffic, Transport & Highway Consultancy	Drawing No.	M10076-A-007	Rev	B
	Date	FEB 2011	Rev Date	
	Drawn By	SD	Authorised	UD
			Scale	1:250@A3

S/2010/1692

The Site

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

Proposal

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

History

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

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

Consultations

Environment Agency – No objection in principle but would make the following comments. We concur with the conclusions of the letter of Matt Gardner of 3rd November 2010 of Capita Symonds with regard to risks of pollution from contaminated land to inland freshwater, coastal water and relevant territorial waters (controlled waters) only, but would advise that it is possible that the main source of heating for property 617 Liverpool Road or the associated building could have been derived from Heating Fuel. This may have been stored in a tank on the site. It should therefore be borne in mind that unexpected pollution might be possible from the property. We would therefore advise that a condition be applied to any decision notice that if during development any contamination not previously found is present, no further development shall be carried out until the developer has submitted, and

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obtained written approval from the LPA, for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

United Utilities – No objection.

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

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

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

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

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

Site layout – The Design and Access Statement highlights the existing situation at the site, where a number of customers will park on Liverpool Road adjacent to the site, despite the possibility of spaces being available, due to the informal arrangement of the site and the excessive manoeuvres that may be required to enter and leave the site. The arrangement improvements within the site and the slight

increase in customer car park spaces should reduce this problem.

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

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

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

Neighbour Representations

Last date for replies: 29 December 2010

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

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

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

Policy

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

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

Comments

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

Principle

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

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

Design, Visual Impact, Character of the Area

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

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

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

considered to be significant as is the case for the existing showroom also to be demolished.

Trees

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

Residential Amenity

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

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

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

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

It is also important to note that the new building has no workshop element / functions taking place. Whilst the site is closer to No 619, it partly replaces existing open-

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fronted workshops which generate greater potential noise impact than the new building would.

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

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

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

Highway Issues

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

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

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

The proposal seeks to provide a parking / loading bay on Liverpool Road which will be created via Traffic Regulation Orders for both the loading bay and also to provide parking restrictions along the stretch of Liverpool Road between Unit Road and

Staveley Road (double yellow lines). These will ensure that the bay will remain free of traffic and allow for safe and efficient off-loading and loading of vehicles onto the transporters used for deliveries. This will be achieved via conditions which will ensure the applicant agrees a satisfactory scheme with the Council prior to development commencing. Furthermore, the applicant has stated that they intend to reduce the frequency of deliveries, although this is clearly difficult to enforce in busier periods for example.

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

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

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

Conclusion

The overall increase of the site is 0.65 hectares and will extend an existing commercial use within a residential area. The proposal will, however, allow a more coherent layout of the site than the existing disjointed layout which will improve the operation of the site and have less potential detrimental impact on residential amenity. The rationalised access, parking areas and demolition of existing buildings and siting of the new building will have a positive impact on the surrounding area by creating additional parking for customers and generally improving the appearance of the site. Traffic restrictions will be put in place to ensure the successful delivery of vehicles with minimum detrimental impact. The proposal is not considered to have a significant detrimental impact on residential amenity in terms of overlooking or a loss of outlook and the boundary treatments with no. 619 Liverpool Road will seek to reduce potential noise impact. The design of the new building will make a positive contribution to its surroundings and the proposal therefore complies with policies H10, DQ1, DQ3, EP6 and EDT8 of Sefton's adopted UDP.

Agenda Item 5d

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

Committee: **PLANNING**

Date of Meeting: **09 March 2011**

Title of Report: **S/2010/1730**
Moss Farm North End Lane, Ince Blundell
(Ravenmeols Ward)

Proposal: Erection of a wind turbine, (tower height 15m) on land to the rear of Moss Farm

Applicant: Mr Michael Clarke

Executive Summary

The proposal seeks to install a 15 metre high wind turbine within the curtilage of a residential dwelling in the Green Belt. The key considerations are the impact on the openness and character of the Green Belt and the very special circumstances that would outweigh any harm. By virtue of wider environmental, social and economic benefits of the turbine, it is considered that any injury to the Green Belt is outweighed and that consent should be granted with conditions.

Recommendation(s) Approval

Justification

When assessed against the Unitary Development Plan and all other material considerations, particularly policies CS2, CS3, DQ1, GBC1, GBC2, Planning Policy Guidance 2 'Green belts' and Planning Policy Statement 22 'Renewable energy', whilst this is inappropriate development and there is injury to the openness of the Green Belt this is outweighed by the wider environmental, social and economic benefits of the turbine and as such the proposal is considered acceptable.

Conditions

1. T-1 Full Planning Permission Time Limit
2. If the wind turbine hereby permitted is taken out of use the turbine shall be removed from the site and the site reinstated to its former condition in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.
3. P-10 Wind Turbines
4. X1 Compliance

Reasons

1. RT-1
2. In the interests of preserving the character of the Green Belt.

Agenda Item 5e

3. To prevent the emission of noise above a level which would be detrimental to the aural amenity of the area and to comply with policy EP6 in the Sefton Unitary Development Plan.
4. RX1

Drawing Numbers

C12 001, C12 002, 6kW 15m

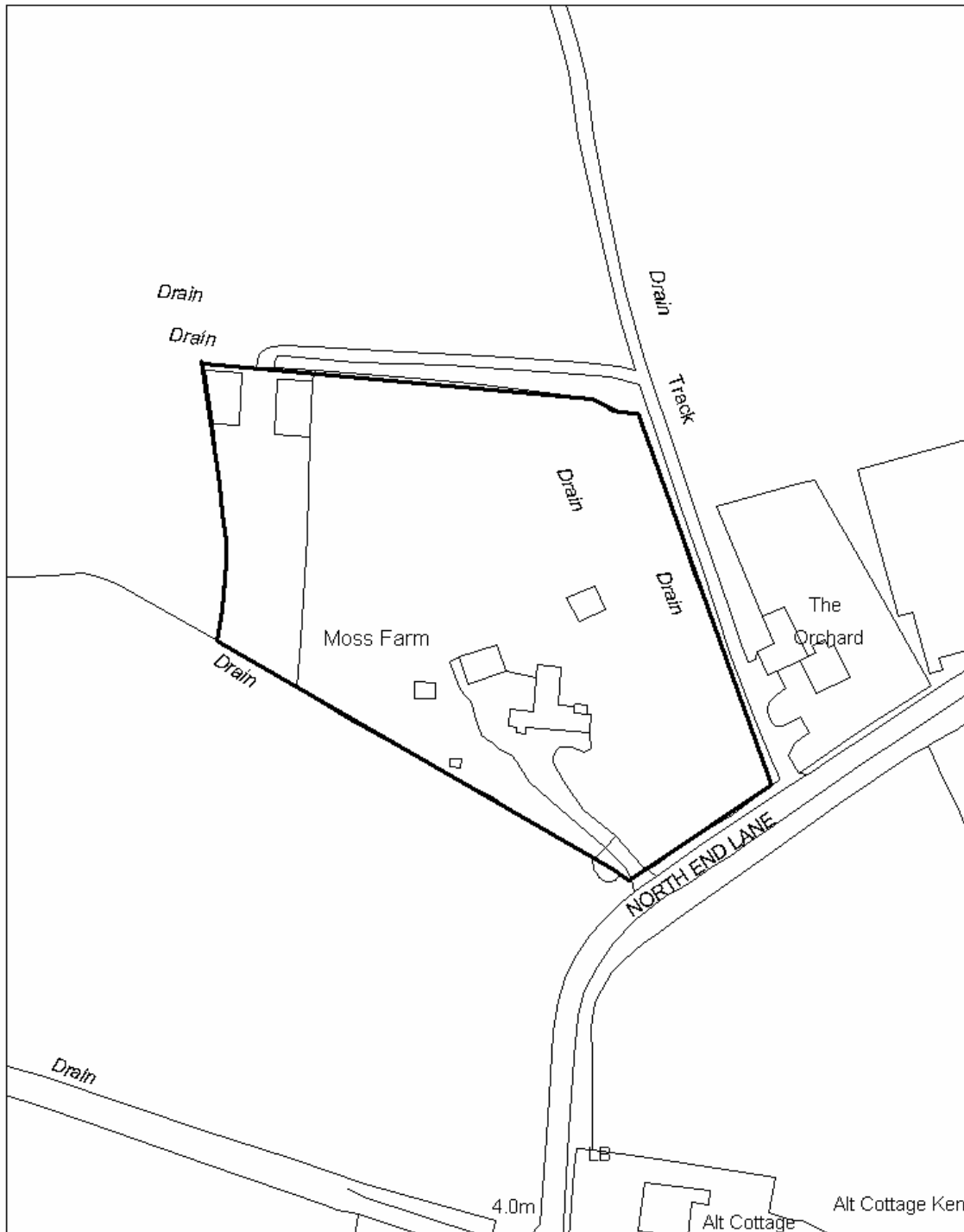
Financial Implications

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

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

History referred to
Policy referred to

Agenda Item 5e



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/1730 Moss Farm North End Lane Ince Blundell L38 4JB OSGR: 330226, 404877	Standard Site Plan Scale: 1:1250 Date: 24/2/2011 Drawn By: BEERTON
	Sheet(s): 226A Area: 12123 sqm	Ward(s): Ravenmeols Postcode Sector(s): L38 4 Polling District(s): P6 Parish(es): Ince Blundell C

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S/2010/1730

The Site

Moss Farm Cottage on North End Lane, Ince Blundell within the Green Belt.

Proposal

Erection of a wind turbine, (tower height 15m.) on land to the rear of Moss farm.

History

None relevant to the installation of a wind turbine.

Consultations

Environmental Protection Director – No objection subject to a condition relating to noise emission from the turbine being added to any approval.

Highways DC – There are no objections as there are no highway safety implications.

Merseyside Environmental Advisory Service – The proposed turbine is not of a scale that would pose significant risk to birds and therefore there are no objections to the proposal.

MoD Safeguarding – No objection to the proposal.

Neighbour Representations

Last date for replies: 3 February 2011 (expiration of press notice, with site notice expiring 2 February 2011).

Representations received: Representation from Number 4 Cleaver Cottages that while supporting the principle of renewable energy initiatives expressed concern as to the noise that would be generated by the turbine.

Policy

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

CS2	Restraint on development and protection of environmental assets
CS3	Development Principles
DQ1	Design
GBC1	The Green Belt
GBC2	Development in the Green Belt

Comments

Agenda Item 5e

As the proposal site lies within designated Green Belt then it must be assessed not only against Unitary Development Plan policies GBC1 and GBC2 but also Planning Policy Guidance 2 'Green belts'.

The applicant has provided a justification statement that relies heavily upon the advice set out in Planning Policy Statement 22 'Renewable Energy' but ignores paragraph 13 of the document which focuses on renewable energy development in the Green Belt and states:

"Policy on development in the green belt is set out in PPG2. When located in the green belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the green belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."

While PPS22 supports renewable energy installations, it is clearly mindful of the requirements of PPG2 whereby renewable energy installations, including the proposal for a 15 metre high turbine with a total rotor diameter of 5.5 metres, would be classed as inappropriate development by definition.

It is clear from the submitted information that the scale of the proposal would, when set against a predominantly low lying area with few structures or natural features above approximately 8 – 9 metres, introduce a highly visible structure that would be at odds with the openness of the Green Belt.

With the above points in mind, the proposal can only be considered acceptable if there are very special circumstances that would outweigh the injury to the openness of the Green Belt that such a proposal would cause.

The applicant has stated that the predicted levels of electricity to be provided by the turbine would cover all of the needs of the dwelling, and would pay for its installation within a five year period. This would bring two benefits in that it would reduce, after the five year period, the outgoings of the household in question but would also reduce their reliance upon centrally supplied electricity with the justification that the turbine would represent a saving of 4,725kgs of carbon per year.

This site is close to an area identified by the Liverpool City Region Renewable Energy Capacity Study (next to the River Alt and south of Great Altcar to the east of the A565 Formby By-Pass) as a suitable zone for wind energy development based upon wind speed evidence. As such, it is clear that the proposal is to be situated in an area that will provide a consistent source of wind.

Based upon the information submitted, it is clear that the proposal brings an environmental benefit and while focussed as it is on one dwelling it presents a long term sustainable solution that ensures a wider environmental benefit.

Furthermore the applicant is a director of a Sefton based company that promotes the use of renewable energy installations and as such, the proposal would also have wider socio-economic benefits as it will assist a local employer and also provide an educational tool for members of the public to understand the benefits such a form of renewable energy could bring.

A representation from a neighbouring residential property raised concerns as to the potential for noise disturbance from the turbine. By virtue of the gearless system within the Proven wind turbines, the attachment of a condition to approval to limit the decibel output of the turbine and the distances from residential properties to the turbine there will be no harm to neighbouring amenity in respect of noise disturbance.

While there is harm to the openness of the Green Belt, this is outweighed by the wider environmental, social and economic benefits that the turbine will provide and as such, the proposal 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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Committee: **PLANNING**

Date of Meeting: **9 March 2011**

Title of Report: **S/2011/0072**
Unit 14 & 15 Vesty Business Park Vesty Road,
Netherton
(Netherton & Orrell Ward)

Proposal: Change of use to form a mixed use unit incorporating, Office (B1), Childrens Play area (D2), Childrens Day Centre (D1), Café (A3) and ancillary uses together with the installation of two mezzanine floors, alterations to the elevations, layout of 56 space car park and the layout of a external play area to the side with associated landscaping

Applicant: Spaceworld Ltd

Executive Summary

This application is for use of two of the hybrid commercial units on the Vesty development to create a mixed development of play centre, offices and day centre. Whilst the play centre would not normally be permitted in a primarily industrial area the particular circumstances of this proposal are examined in the report to conclude that this mixed development is a special case. The details of the proposals are assessed and found acceptable.

Recommendation(s) Approval

Justification

The proposed mixed use is considered acceptable in principle in this location on account of the combination of factors including the lack of alternatives, the incorporation of genuine B1 employment use, the synergy with the business park and the level and quality of employment. The details of the proposals meet UDP policies.

Conditions

1. T-1 Full Planning Permission Time Limit
2. The development shall incorporate a minimum of 300m² B1 (office) and upon such use ceasing to exist, the use as a play centre shall be discontinued.
3. The provision of food and drink shall remain ancillary to the use as a play centre and shall not be operated as an independent A3 or A5 use.
4. Before the garden area is bought into use
(a) a scheme and programme of testing for soil quality has been submitted to and agreed in writing with the Local Planning Authority
and

Agenda Item 5f

(b) the testing has been carried out and any remedial works undertaken to the satisfaction of the Local Planning Authority.

5. P-5 Plant and machinery
6. P-8 Kitchen Extraction Equipment
7. H-6 Vehicle parking and manoeuvring
8. H-7 Cycle parking
9. The development shall provide at least 10% of its energy requirements from on-site renewable energy sources, unless otherwise agreed in writing by the Local Planning Authority.
10. X1 Compliance

Reasons

1. RT-1
2. In order to retain the balance of uses in accordance with UDP Policy EDT5
3. To retain the balance of uses in accordance with UDP Policy EDT5
4. To ensure that risks from land contamination to the future users of the land and are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers and children in accordance with policy EP3 of the Sefton Unitary Development Plan.
5. RP-5
6. RP-8
7. RH-6
8. RH-7
9. RD-5
10. RX1

Drawing Numbers

14210 SK02B,SK03, SK04, SK05A, SK06,SK07

Financial Implications

CAPITAL EXPENDITURE	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
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



S/2011/0072

The Site

This application relates to two recently constructed units on the Vesty Business Park which remain vacant. These units are the end units and adjoin the disused Aintree Curve to the rear and commercial premises on all other sides.

Proposal

Change of use to form a mixed use unit incorporating, Office (B1), Childrens Play area (D2), Childrens Day Centre (D1), Café (A3) and ancillary uses together with the installation of two mezzanine floors, alterations to the elevations, layout of 57 space car park and the layout of a external play area to the side with associated landscaping.

History

The most significant applications are

S/2003/0411 outline for B1, B2 B8 units –approved 01/10/2003

S/2005/0936 commercial development comprising 4 , 2storey units and 12 single story units in phase 1 and 4 single story units in Phase 2 - Approved 17/11/2005

S/2006/0942 - variation of conditions 4,6,9,10,14,15,17 and removal of conditions 12,13,16 and 22 on S/2005/0936 - Approved 05/12/2006

Consultations

Highways Development Control - reference to the revised car parking and pedestrian access arrangement:-

There are no objections to the proposal to change the use of the premises to office/children's play area/children's day centre/café as there are no highway safety implications.

The applicant has now submitted an amended site layout plan which shows a safe and direct pedestrian route (a new section of footpath and 'zebra' type road markings) from the footway on Vesty Road to the main entrance to the children's play area, a dedicated pick-up/drop-off area outside the children's day centre and 56 car parking spaces (including 4 marked out for use by disabled persons). Some cycle parking is also proposed.

On-street parking will be prohibited through the introduction of a Traffic Regulation Order (TRO) in the form of double yellow lines on both sides and for the full length of Vesty Road. This was secured as part of a previous planning permission for an adjacent site, but has not yet been implemented.

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Environmental Protection – no objections – standard conditions required.

The proposed application is for a land use that would be particularly sensitive to contamination on a site that has previously been remediated for a commercial end use. Development proposals will include internal alterations to the existing building and provision of landscaping for an external play area.

The validation report for S/2006/0942 states that the imported topsoil was placed to provide a minimum cover of 300mm in all areas of landscaping. Validation testing of imported material was undertaken at a frequency of 1 sample per 500m³. The results of the chemical testing frequency is not sufficient for the proposed end use. We advise that details of the proposed landscaping scheme will be required, including proposals for chemical testing of the soil, including any imported to site, to ensure it is suitable for use.

Areas of existing landscaping compromise a minimum of 300mm of topsoil, but it is not clear whether this is underlain by a geotextile or other separation layer such as engineered hardcore. We advise that clarification is required as to whether the existing topsoil has been placed over a demarcation layer and details of the methodology to avoid intermixing of the clean cap with underlying soils should be provided (if necessary).

The existing building incorporates gas protection measures and the proposed development includes internal alterations. We advise that the proposed works must not compromise the existing gas protection measures and that consultation with Building Control will be required to ensure that the proposed alterations are appropriate to maintain the integrity of the existing protection measures.

I recommend that the above issues are addressed and that remediation strategy for the proposed works be submitted for approval. On the basis of the available information, further site investigation and assessment should not be required.

Neighbour Representations

Last date for replies: 14/2

None received

Policy

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

AD2 Ensuring Choice of Travel
CS1 Development and Regeneration
CS3 Development Principles
DQ1 Design
DQ2 Renewable Energy in Development
EDT18 Retention of Local Employment Opportunities
EDT2 Provision of Employment Land
EDT5 Primarily Industrial Areas

EDT6 Development Sites within Primarily Industrial Areas
UP1 Development in Urban Priority Areas

Comments

The planning issues in respect of this application concern the principle of the use and the details of the proposal

Principle of use

Units 14 and 15 of the Vesty Business Park fall within an area of land shown on the adopted UDP as an allocated employment site which is covered by *UDP* Policy EDT 6.4 : Former Vesty Site, Bridle Road, Netherton, where the policy is clear that the use for Class B1, B2 or B8 use is acceptable and, by implication, uses falling outside this range are not acceptable except under the exceptional circumstances set out in the policy at (a), (b), (c) and (d). Subsequently the importance of maintaining these sites in employment use has been firmly reinforced by the Employment Land and Premises Study 2008, albeit that the pressure to maintain employment sites in genuine B1/B2/B8 employment use is greatest in the North of the Borough, where the employment land supply is most severely constrained.

Given the above policy context, non B1, B2 or B 8 uses would normally not be acceptable in primarily industrial areas. However, given the current depressed economic climate with a slow take-up of employment land and the need to ensure that the most is made of genuine local employment opportunities (and especially those offering good quality jobs), a degree of flexibility might be considered acceptable in the south of the Borough providing the development delivers a core element of genuine B Uses.

In this case the application proposes a mixed use unit incorporating 307 sq m of (B1) offices, 387 sq m for a day care nursery centre and admin space and 855 sq m for the Spaceworld Concept function play zone, related kitchen space and café zone.

Taking into account the normal presumption against non-B1/B2 B8 uses on business parks, the present proposal presents a special case in that :

- no more suitable site has been found despite a long search. The applicant requires a building with high headroom, accessibility and sufficient floorspace in the local area at an affordable cost.
- the proposal is more than a play centre-it incorporates essential elements of business floorspace. Spaceworld currently has premises in Knowsley which have proved very successful. The company now wishes to roll out the business concept across the UK and wishes to use the current application site as the national headquarters and training centre. A self-contained business centre would be created to promote the business concept. This element is small in size but provides an element which is appropriate to a business park and which needs to be associated with play facility. A marketing suite/viewing zone is incorporated on the upper floor. The proposal also includes a business suite/training academy offering conference facilities to other users in the business park.

Agenda Item 5f

- the day care element of the proposal would provide a facility for local employers. The applicant has been in touch with Santander and the Fire Service and has received a significant degree of interest.
- the proposal offers 37 full time jobs and 33 part time jobs, equivalent to 53 full time jobs. It is understood that only two jobs will be transferred from the other Spaceworld facility and all other jobs will be new jobs, backed by a quality training programme. Using employment outputs for typical B1, B2 and B8 use we might expect 42 jobs in this size of unit. The employment generation is therefore high and of good quality.
- it allows a growing and successful local company to locate in Sefton, in the current economic climate where new jobs are at a premium.

This is a set of circumstances which taken together are considered sufficiently exceptional to justify this use in this particular location. It is the combination of factors, the lack of alternatives, the incorporation of genuine B1 employment use, the synergy with the business park, the level and quality of employment and the location in South Sefton which combine to make a special case. It is not expected that this set of circumstances would be repeated and it is certainly different from a proposal simply for a leisure/play facility on a business park which would not be acceptable. Conditions are required to ensure that the business operates as set out in the justification.

Details of the proposal

The proposals involve very minor external change to the building – a new entrance located behind the existing shutter and installation of 4 sets of doors (one within an existing glazed area) to the garden. These changes have little visual impact and are acceptable.

The access and parking arrangements have been amended to meet Highways Development Control recommendations. 56 parking spaces (including 4 disabled bays) and bike parking are proposed within the existing car park.

A garden area would be provided on the landscaped area to the side of the building to provide a facility for the day care centre. Existing trees would be retained. The principle of this garden is acceptable but conditions are required in respect of any proposed fencing. In addition the Environmental Protection Director is concerned about the quality of fill used in this area as the proposed use as a play area is more sensitive than the existing use as ancillary landscaping. This can be dealt with by condition.

With regard to UDP policies requiring contributions for trees and greenspace, there is no tree requirement as the car park area is not changed. With regard to UDP Policy DQ4 there is normally a requirement for a public open space contribution for change of use to leisure development of more than 1,000m². However since the use is mixed and the leisure element amounts to only 855m², a contribution is not

considered necessary in this case.

Policy DQ2 in relation to renewable energy applies in this case, but provision has already been made with wind turbines on the unit. A condition is required to ensure that use is made of the renewable technologies.

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

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Committee: **PLANNING**

Date of Meeting: **09 March 2011**

Title of Report: **S/2011/0111**
89 Freshfield Road, Formby
(Harington Ward)

Proposal: Erection of a detached two storey dwellinghouse together with a detached two storey dwelling with a detached double garage to the rear (Resubmission of S/2010/1391, withdrawn 06/12/2010)

Applicant: Mr W Russell Powell

Executive Summary

The application is seeking consent for the erection of a detached double garage to the rear (resubmission of S/2010/1391, withdrawn 06/12/2010).

The main issues for consideration are the principle of development, design and impact on the street scene and character of the area, impact on residential amenity, compliance with SPG New Housing Development.

Recommendation(s) Approval

Justification

The proposed dwelling is appropriate in style, height, scale and massing to the street scene of Freshfield Road and adds to the variety of buildings in the 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, EP6, H10, DQ1 and DQ3.

Conditions

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. M10 Window Reveals
4. L11 Trees – maintenance
5. H-4 Visibility splay (pedestrians)
6. Prior to the first occupation of the dwelling hereby approved, a 2 metre high close-boarded acoustic fence with a minimum surface density of 10kg/m³ should be erected to the rear boundary of the residential garden and the adjoining railway.
7. X1 Compliance

Agenda Item 5g

Reasons

1. RT-1
2. RM-2
3. RM1
4. RL1
5. RH-4
6. In the interests of residential amenity and to comply with policies H10 and EP6.
7. RX1

Drawing Numbers

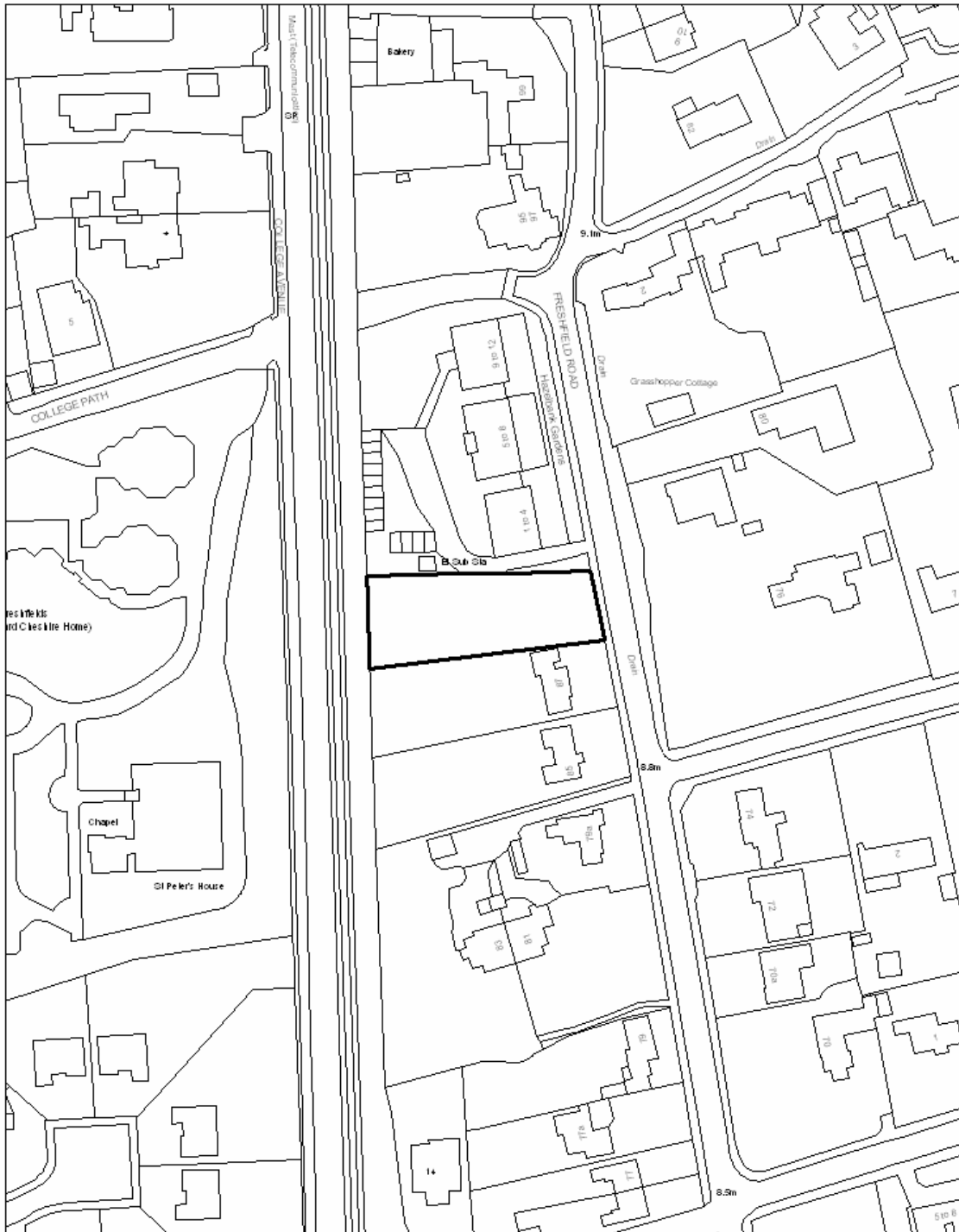
Financial Implications

CAPITAL EXPENDITURE	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
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 5g



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2011/0111 89 Freshfield Road Formby L37 7BG OSGR: 329153, 408036 Sheets: 3058 Area: 1194 sqm		Standard Site Plan Scale: 1:1250 Date: 24/2/2011 Drawn By: EBERT on	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 100018192.</small>		<small>Created by Sefton Council Planning & Economic Regeneration Department using MapInfo</small>		Ward(s): Harrington Postcode Sector(s): L37 7 Polling District(s): Q6 Parish(es): Formby Cp	

S/2011/0111

The Site

The site is a vacant residential plot on the western side of Freshfield Road, Formby. There is a vehicular access to the rear parking area for Hazelbank Gardens, two storey flats, to the north and a two storey residential dwelling to the south.

Proposal

Erection of a detached two storey dwellinghouse together with a detached double garage to the rear (Resubmission of S/2010/1391, withdrawn 06/12/2010).

History

N/2005/1229 Erection of 2 storey dwellinghouse after demolition of existing. Withdrawn 23/01/2006.

N/2006/0057 Erection of 2 storey dwellinghouse after demolition of existing dwellinghouse (alternative to N/2005/1229 withdrawn 23/01/2006) - Granted 16/03/2006.

N/2008/0376 Erection of two detached part two / part three storey dwellinghouses after demolition of existing - Refused 24/06/2008.

S/2010/1391 Erection of detached dwelling together with a detached double garage to the front - Withdrawn 06/12/2010.

Consultations

Highways Development Control – To achieve a satisfactory 2.0m x 2.0m visibility splay the applicant is required to either set back the wall/fence on a 45° angle or lowering the height of the boundary wall/fence to a height of 900mm for a distance of 2 metres either side. An amended plan showing this has been requested and further comments will follow once this is received.

Environmental and Technical Services – No objections subject to the following being addressed. The rear of the site adjoins the Southport-Liverpool railway line. Therefore to protect the rear garden amenity area from noise associated with the above railway line, I would recommend that a 2m close-boarded acoustic fence with a minimum surface density of 10 kg/m³ should be erected to the boundary of the residential garden and the adjoining railway.

Neighbour Representations

Last date for replies: 24th February 2011

Received: Letters of objection received from 78; 87 Freshfield Road raising the following concerns:

- Site plan is inaccurate and needs amending.
- Dwelling is set further forward than previous.

Agenda Item 5g

- Will be higher than no. 87 and also the dwelling that was previously there so will cause visual intrusion.
- Gallery window will cause loss of privacy.
- Tree survey not supplied and is required by question 15 of application form.
- No requirement for detached garage, should form part of main dwelling.
- Will the private access road to flats become adopted as an access to 89?
- Trees and hedge to side boundary with 87 should be retained to protect privacy.

Network Rail have also written stating that they own a strip of land adjacent to the railway which is currently shown as part of the application site. The applicant has confirmed that they own this land. Some Land Registry evidence provided, further is awaited. This is not a material planning consideration and does not affect the planning application.

Policy

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

CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
SPG	New Housing Development

Comments

The main issues for consideration are the principle of development, design and impact on the street scene and character of the area, impact on residential amenity, compliance with SPG New Housing Development.

The site lies within a primarily residential area where residential development is acceptable. The site was formerly occupied by a residential dwelling and consent has previously been granted for a replacement dwelling in 2006 which was never implemented. The principle of the development is therefore acceptable subject to the scheme meeting other policy criteria.

Design, impact on street scene and character of area

The proposed dwelling would be two storey brick built with detached garage to the rear. There is a central projecting gable at first floor level which is to be constructed of stone. The existing vehicular access, trees and hedge to the site boundary are to be retained.

Freshfield Road has a varied mix of dwellings in terms of scale and design with no prevailing architectural style. The proposal represents a dwelling of an appropriate scale and massing to the street scene and the plot remains spacious which is

characteristic of the surrounding area. The overall design is considered to be appropriate given the varied styles within Freshfield Road. The proposal therefore complies with policy DQ1.

Impact on residential amenity

Objections have been received from neighbours relating to inaccuracies on the site plan and lack of a tree survey. An amended plan and tree survey have been requested and are awaited. Objections have also been raised in terms of potential overlooking from the proposed first floor gallery window to the front garden of no. 78 opposite, resulting in a loss of privacy. The proposed window is, however, approximately 25 metres from the curtilage of the property opposite and as this is a front garden can also expect a limited level of privacy compared to a rear garden.

The neighbouring dwelling at 87 Freshfield Road is a detached 2 storey dwelling with main habitable rooms facing predominantly to the front and rear. It has a single garage adjacent to the application site and the party boundary is delineated with a hedge. The hedge is to be retained and there are no side windows proposed serving habitable rooms in the southern elevation of the proposed dwelling which faces 87, only 2 obscurely glazed ensuite / bathroom windows. The proposal will not therefore significantly detrimentally affect the occupants of 87.

To the north is Hazelbank Gardens (flats) which do have side-facing kitchen windows, although main windows look to the front and rear. The outlook from these kitchen windows will alter on the basis that there will be a two storey dwelling at a distance of 9 metres, however, as these windows serve kitchens and not the main habitable rooms of the flats, the arrangement is considered sufficient to retain a reasonable outlook for occupants of these flats. The proposed dwelling has a small obscurely glazed window serving an ensuite to the north elevation facing Hazelbank Gardens. The proposal will not therefore have a significant detrimental impact on residential amenity of neighbours at Hazelbank Gardens.

The proposal is considered to provide a good standard of accommodation for occupants, it is set on a large spacious plot and acoustic fencing will be erected to the rear boundary of the site to limit any potential noise and disturbance from the Southport-Liverpool railway as recommended by Environmental Protection. The proposal therefore complies with policies EP6 and H10.

Three new trees are shown to be planted on the site in accordance with policy DQ3.

Conclusion

The dwelling is proposed on a traditional residential plot which was occupied previously by a dwelling. The proposal is acceptable in principle in this residential location and is of an appropriate scale and massing to the street scene and surrounding character of the area. In terms of the design, it adds to the variety of architectural styles present along Victoria Road and as such meets the requirements of policy DQ1. The proposed dwelling offers a good standard of accommodation and will not have a significant detrimental impact on residential amenity. The proposal therefore complies with policies CS3, H10, EP6, DQ1 and DQ3 and is recommended for approval.

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

Agenda Item 6

Committee: **PLANNING**

Date of Meeting: **9 MARCH 2011**

Title of Report: **Planning Refusals**

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

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

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

Purpose of Report

The items listed in this Appendix are recommended for refusal.

Recommendation

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

Corporate Objective Monitoring

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

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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.

Refusals Index

6A	S/2010/1671	Birkdale School for Partially Hearing, Lancaster Road, Birkdale (planning application)	Dukes Ward
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Committee: **PLANNING**

Date of Meeting: **09 March 2011**

Title of Report: **S/2010/1671**
S/2010/1672
Birkdale School For Hearing Impaired
Children 40 Lancaster Road, Birkdale
(Dukes Ward)

Proposal: S/2010/1671 - Conversion of former school building to form 27 self-contained apartments including internal and external restoration and alteration, erection of 16 detached two storey dwellings, new and revised access from Lancaster Road, parking, landscaping and public open space

S/2010/1672 – Listed building consent for the conversion, restoration and alteration of the former school building to create 27 apartments and demolition of the modern extensions.

Applicant: Centremodel Projects Limited

Executive Summary

The proposal is for the rebuilding and conversion of a fire damaged listed building to 27 apartments, the construction of 16 detached dwellings, and the formalising of open space to the Lancaster Road frontage. Listed building consent is also sought in respect of the rebuild and conversion.

The principle of rebuilding and converting the listed building is fully supported but the report comments in detail on a failure to comply with a range of policies contained within the Sefton UDP. For these reasons it is recommended that discussion continues with a view to granting listed building consent but that planning permission be refused outright.

Recommendation(s)

- 1. That planning application S/2010/1671 be refused for the reasons below:**
- 2. That the Director be authorised to grant the listed building consent S/2010/1672 with any necessary conditions following further discussion.**

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Reasons for refusing S/2010/1671

1. The proposal would result in an unacceptable and unjustified loss of greenspace for which no appropriate compensatory provision is offered. The scheme also fails to make appropriate provisions for public access to the greenspace remaining and reduces the potential for the use of the land for organised sports. The scheme is therefore contrary to Policies G1(e), G2 and G5 of the Sefton UDP.
2. The proposed layout of new build residential dwellings both on the Lancaster Road frontage and to the rear of existing dwellings on Granville Road would result in development of a form inconsistent with the prevailing grain of development within the West Birkdale Conservation Area, by virtue of the orientation of dwellings and the creation of primary vehicular accesses to the rear of both existing and proposed dwellings. The scheme therefore fails to make a positive contribution to the character and appearance of the area and also fails to preserve the established character of the Conservation Area in a form contrary to Policies HC1 and DQ1 of the Sefton UDP.
3. The proposal would result in a series of harmful amenity impacts on existing and proposed dwellings as follows:
 - a. Vehicular accesses and associated movements adjacent to the rear fences of existing properties on Granville Road, and the rear of proposed dwellings causing unacceptable levels of noise and disturbance, and the introduction of useable space with minimal opportunity for overlooking and overall surveillance,
 - b. The proposed plot 16 of a depth and height that causes a loss of outlook and amenity to the rear garden area of no. 21 Granville Road,
 - c. The introduction of main habitable room windows in the side elevation of no. 21 Granville Road resulting in overlooking to that dwelling, and
 - d. The orientation of new dwellings adjacent to Lancaster Road giving rise to an unacceptable relationship to the proposed car parking area for the converted apartments by virtue of the lack of surveillance and the movement of vehicles.

The proposals therefore conflict with Policy CS3 and DQ1 of the Sefton UDP which confirm that development will not be permitted where it causes significant harm to amenity, whilst failing to promote safety and security of those within a site and outside it.

Drawing Numbers

0001, 0002, 0003, 0004, 0006, 1000, 1001, 1002, 1003, 1004, 1010D, 1011, 1012A, 1013B, 1014, 1015A, 1016, 1017, 1018, 1019A, 1020A, 1021, 1029, 1022A, 1023A, 1024, 1025, 1026, 1027A, 1028A, 1030, 1031, 1032, 1033, 1035B, 1034B, 1036B, 1038B, 1037B, 1039, 1040, 1041, 1042, 1043, 1044A, 1045, MCK(BIRK), P.089.10.01

Financial Implications

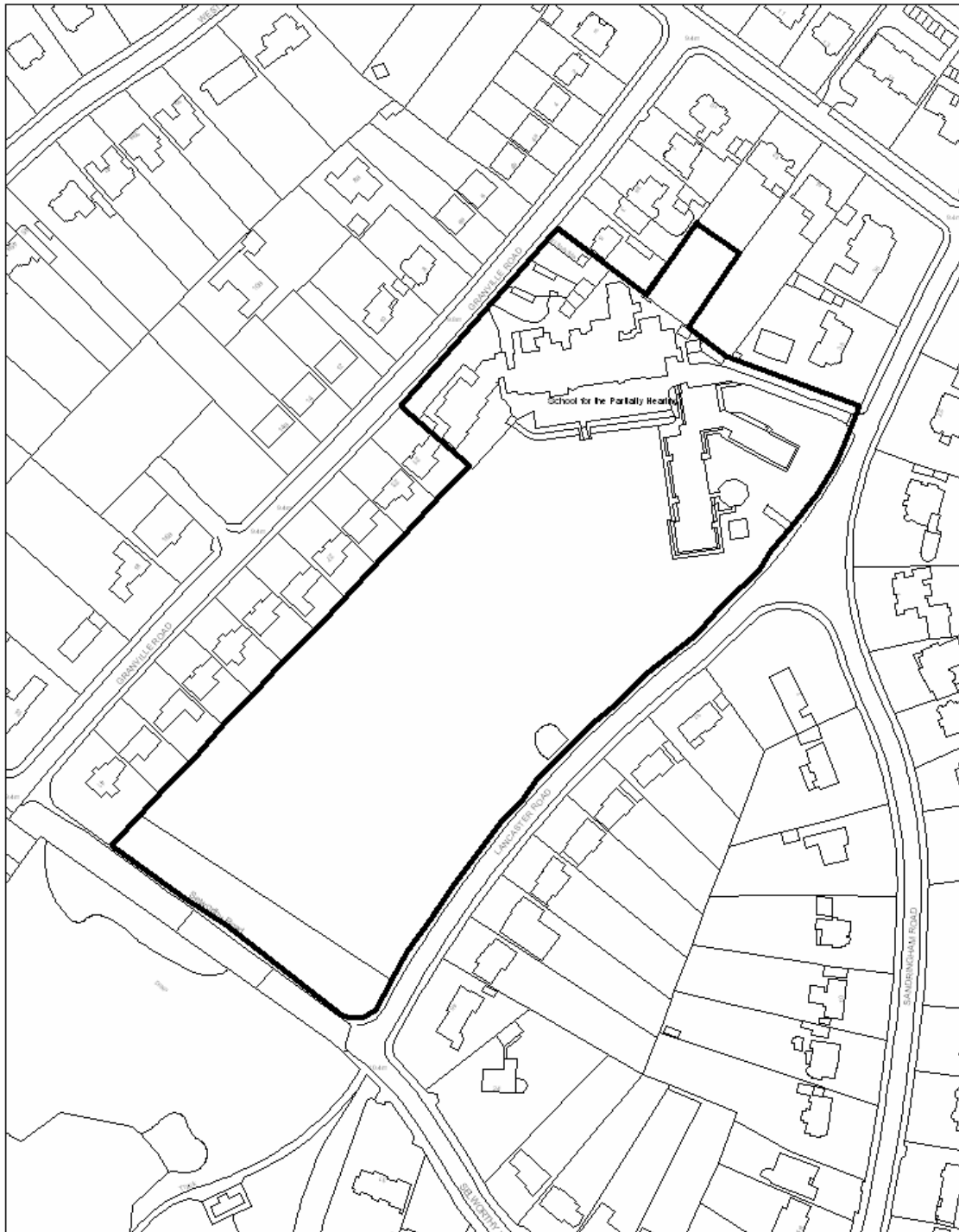
CAPITAL EXPENDITURE	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded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

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

History referred to

Policy referred to

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Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2010/1671 & S/2010/1672 Birkdale School For Hearing Impaired Children, 40 Lancaster Road Birkdale PR8 2JY OSGR: 331885, 415460			Standard Site Plan Scale: 1:2000 Date: 23/1/2011 Drawn By: BEERT on	
	<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921</small>	<small>Sheet(s): 448A, 448B, 447C, 447D</small>	<small>Area: 39475 sqm</small>	Ward(s): Dukes Postcode Sector(s): PR8 2 Polling District(s): W6 Parish(es): None Found	

The Site

The site comprises the former Birkdale School for Hearing Impaired Children. The school closed in 2003 and is occupied by a Grade II listed building on the north east side and a later separate building constructed in the 1970s. Part of the former school fields fronting Granville Road was developed with 11 dwellings in 2000.

The listed building suffered extensive fire damage in May 2010. The remainder of the site largely comprises unkempt green area and varied groupings of trees.

Proposal

S/2010/1671 - Conversion of former school building to form 27 self-contained apartments including internal and external restoration and alteration, erection of 16 detached two storey dwellings, new and revised access from Lancaster Road, parking, landscaping and public open space

S/2010/1672 – Listed building consent for the conversion, restoration and alteration of the former school building to create 27 apartments and demolition of the modern extensions.

History

The relevant history is as follows:

N/1998/0408 – Layout of access road to Granville Road and erection of 23 detached houses to Granville Road, Selworthy Road and part of Lancaster Road frontages – withdrawn 19 November 1999.

N/1999/0796 – Erection of 11 two storey dwellinghouses with garages fronting Granville Road – approved 23 May 2000.

N/2001/0231 – Construction of a combined tennis/netball court, enclosed by 2.75 metre high perimeter fence on existing playing field adjacent to school – approved 18 May 2001.

Consultations

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

On Granville Road it is proposed to widen the existing vehicular access. On Lancaster Road it is proposed to widen two existing vehicular accesses, close-off an existing vehicular access and create a new vehicular access. All widened and new points of vehicular access will need flush kerbs and tactile paving either side. These alterations to the access arrangements will involve significant works to the highways adjacent to the site.

In addition it will be necessary to remove the redundant 'School Keep Clear' zig-zag

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carriageway markings and associated redundant sign posts on Lancaster Road and Granville Road, together with the reinstatement of the footway.

Levels of car and cycle parking proposed are acceptable, as is the layout of the spaces.

Environmental Protection Director – no objection subject to piling conditions.

MEAS – Acceptable ecology reports have been submitted in accordance with UDP policy NC2. However, the ecological walkover was conducted in late January, which is not an appropriate time of year for identifying certain habitat types and species.

In particular, pipistrelles bats were found utilising the site and as these are highly mobile species and can change roost sites regularly, update surveys are required.

I advise that the Council does not need to undertake an assessment of the proposals against the three tests set out in the Habitats Regulations 2010. However, if work does not commence onsite by February 2012, update surveys will be required. This can be secured by a suitably worded planning condition.

If work does not commence onsite by February 2012, appropriate habitat update surveys will be required. This can be secured by a suitably worded planning condition.

To protect breeding birds, a condition requiring no felling between the period 1 March to 31 August inclusive to protect breeding birds.

Conditions should be attached requiring a study of Japanese Knotweed.

Biodiversity improvements are also suggested.

Reference is made to the need for Flood Risk Assessment, on which the Environment Agency comment.

Sustainable Drainage (SuDS) should be provided.

The applicant should comply as far as possible with Code 3 Sustainable Homes. Reference is made to renewable energy requirements and the legal requirement for a Site Waste Management Plan on which they would be able to advise.

Police Architectural Liaison Officer - I note from the Design and Access statement (DAS) submitted that there is no mention of the crime prevention measures to be incorporated into the scheme, other than a brief reference to Safer Places – The Planning System and Crime Prevention. PPS1 makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion. Design and access statements for outline and detailed applications should demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of

safe, sustainable places set out in Safer Places.

That said, we have discussed the proposal and I have briefly outlined my initial concerns which relate to the rear access road to the detached dwellings, isolated car parking for the apartments and access control to the overall site including the open space, amongst other things.

There may be no desire on the part of the applicant to build to the principles of Secured by Design, a proven crime reduction initiative, however, due to the probable high value of the dwellings and apartments and all that goes with them, I believe my input would be invaluable, and I can also provide a Designing Out Crime Advice document.

Environment Agency - We have reviewed the submitted Flood Risk Assessment (FRA) (Betts Associates, Version 1.0, April 2010) and consider it sufficient in assessing the flood risks of the site. We would however recommend a drainage condition.

We have reviewed the Preliminary Risk Assessment, Reference sa/pks/4093/PRA, Sedgwick Associates, September 2010.

We consider that planning permission should only be granted to the proposed development as submitted if a planning condition is imposed to secure remediation of the land.

United Utilities – no objection subject to drainage on a separate system.

Natural England – The proposals have no significant impacts on identified 'Protected Areas'. No material or significant effect on Sites of Special Scientific Interest (SSSIs). Comment is also made on protection of species, habitats and biodiversity.

English Heritage – “English Heritage is supportive of the principle of repairing the former school and returning it to a viable new use. We generally welcome the approach taken by the applicant but suggest that aspects of the scheme...and any related amendments need to be addressed before we can add our support to it.

The design of the proposed new development has clearly been driven by an aspiration to blend it into the Conservation Area but, again, we suggest that some further work is necessary at quite a fundamental level to achieve a plan that English Heritage can support.”

They also comment on detailed matters relating to the listed building restoration and detail of the new development. Reference is made to 'enabling development' which is expressed within the main report. Particular comment is made on the plot layout of new dwellings. English Heritage comment:

“Such formal, high specification houses should 'command' the public realm rather than being informally distributed within it. This creates an uncomfortable tension in

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the relationship between the architecture and urban design proposed within this Conservation Area.”

They go on to express that they are not supportive of the approach to the layout promoting rear driveways dividing the back gardens of the proposed dwellings from the existing on Granville Road.

Sport England – object– a detailed letter has been received which is fully reported in the Greenspace section of this report.

Neighbour Representations

Last date for replies: 24 December 2010.

Representations received from 3b, 21, 25, 27, 29, 31, 35 Granville Road, 12 Grosvenor Road, 38, 43 Lancaster Road, 4 Regent Road, 12, 21, 31, 53 Selworthy Road, 7 Regents Way, Bamber Bridge, 40 The Rowans, Poulton-le-Fylde, Flat 4 16 Westcliffe Road,

Comments in support of the proposals:

The restoration of the listed building is fully supported,
The site has become an eyesore and magnet for criminal activity, gathering of youths,
Managed control of open space is welcomed and will improve on existing,

Comments objecting to the proposals:

Scheme contrary to established planning policies,
Loss of light and privacy to adjoining property (no. 21),
Loss of privacy to residents on Granville Road and increased noise and disturbance, issues of delivery vehicles
Loss of open space and open aspect, detrimental effect on designated greenspace,
Elevations are of bland, inappropriate design,
Listed building should not be demolished,
Would be better to be reopened for educational purpose,
Increase in traffic,
Disturbance from construction traffic,
Too much car parking,
Development of former school should come first,
Long standing educational function of building has now gone,
Suggestions on leisure use eg bowling green, ignored by applicant,
Unclear how greenspace would work functionally,
Vandalism is a result of neglect and not a basis for promoting development,
Fire has increased return required to enable development,
No guarantee that dwellings will sell if built,
Land within a Conservation Area should not be developed,
Covenants on parts of land are prohibitive of development (*members are advised that this is a legal matter to resolve and has no bearing on any the planning decision*)

or recommendation),

Existing covenant should be enforced (*this is commented on in the main report under heading Section 106*)

Site prone to flooding,

Potential for renewable techniques in dwelling construction,

Other more suitable development sites nearby,

Greenspace would become domesticated, ie extensions, conservatories, washing lines, garden sheds on view from elevated Lancaster Road,

Incorrect reference to SHLAA report, applicant incorrect to claim 87 appropriate, reference in report to development on existing footprint only

Need for improved maintenance and new boundary walls to be constructed where necessary.

Many comment that they do support the conversion of the school but cannot support the further development of the greenspace and there is comment that development is supported on other already previously developed parts of the open space.

Policy

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

AD2	Ensuring Choice of Travel
CS2	Restraint on development and protection of environmental assets
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
G1	Protection of Urban Greenspace
G2	Improving Public Access to Urban Greenspace
G5	Protection of Recreational Open Space
H12	Residential Density
H2	Requirement for Affordable, Special Needs and Housing
HC1	Development in Conservation Areas
HC3	Development or Change of Use Affecting a Listed Building
HC4	Development Affecting the Setting of a Listed Building
NC2	Protection of Species

Comments

The report comments on both the planning application and the proposal for listed building consent pursuant to the 'Terra Nova' building which was subject to extensive fire damage in May 2010.

The Director entirely supports the principle of converting and rebuilding the listed building in full. There is a mind to grant listed building consent for the works subject to resolution of detail and in principle, any planning application solely connected to the rebuilding of the damaged building would also in its own right be regarded as acceptable.

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Additionally, whilst some limited forms of development, most notably, in and around the area of the existing two storey detached building on the eastern corner of the site, would be acceptable in principle, the scheme proposed however goes further, as described.

The applicant's case for the proposed more comprehensive development centres mainly on the following points:

- there is a fire damaged listed building on the site,
- there is a need to rebuild and convert the listed building,
- to secure these aspirations, it is necessary to build new residential development on the existing greenspace,
- the greenspace policy is one required to be balanced against a range of other policies and other material planning considerations,
- the need for the benefits connected to the listed building eliminates the potential for affordable housing or other commuted sum obligations on Section 106 to be delivered,
- there is a housing land supply issue within Sefton,
- the scheme when weighed against planning policies is overall compliant and therefore there is no requirement to regard the scheme as 'Enabling Development' within the terms of PPS5 (Planning for the Historic Environment), and;
- the development proposed is the minimum required having regard to securing long term management of the greenspace that remains.

The applicant is of the view that development of the greenspace is compliant with policy and that the application to convert the listed building should also be considered as a stand alone proposal on its own individual merits.

The applicant has been invited to conclude that the development of the Greenspace fails to comply with planning policy. This would allow for an 'Enabling Development' test to be undertaken, which would involve establishing a value for the historic asset in its current condition as well as a predicted value once restored. This would give rise to a 'conservation deficit', which would inform the level of new development allowed.

Members are advised that any such test would be made on the assumption that appropriate insurance is in place to cover the cost of rightful repair to the building following fire damage; in my view, to conclude otherwise would potentially reward deliberate and wilful neglect of conservation assets and give rise to a bigger deficit.

Instead, the applicant has asked for the scheme to be determined on its overall merits, weighing the respective policy balances. It is essential that this development is not looked on as a ready made solution to ongoing heritage concerns; the scheme is not argued by the applicant with that in mind and no proposals for investment in the listed building are offered; nor is any phasing of works.

This has required a rigorous assessment which draws clear conclusions that the scheme fails to comply with policy. These are outlined in full detail below.

Principle of Development on Urban Greenspace

The principle of development on this occasion is informed not by the manner in which a range of policies are met, rather, whether or not the scheme is capable of complying with the key principle of being acceptable in land use terms. Should a scheme be unacceptable in principle, other policies and material considerations should undoubtedly carry weight, but the weight would attached must then be overriding.

The central issue is whether or not the proposal complies with the greenspace policies of the Sefton UDP, particularly policies G1(e) and G2.

Policy G1 – Protection of Urban Greenspace.

Policy G1 states that development will not be permitted on urban greenspace except in a few given circumstances, which are listed (a) – (e). None of (a) – (d) apply to this case but criterion (e) does.

Criterion (e) states that the special circumstances where development may be acceptable are ***where development on greenspaces with no public access results in the creation of new areas for public use as defined in Policy G2.***

At present, the site does not have a dedicated public access. A number of those making representation have commented that prior to the fire they used the site without being asked to leave, and without permission being first obtained.

Fundamentally, the site should not be available for public access and it would be within the applicant's right (subject to any necessary planning permission being obtained) to fully enclose the site to avoid the passive use of the land as described. There is an outstanding Section 106 Agreement which is still in force (discussed in detail later).

The proposal put forward is to offer public access to the area of greenspace that remains, but only through a permissive agreement where, for example, people pay an annual fee for a key. In such cases, the wider public could clearly not expect free use of those facilities.

Sefton's Greenspace and Recreation Study of 2009 defines "publicly accessible" as "sites where members of the public have full and free public access on foot and sites

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where they have permitted access, on foot”.

The scheme does not afford this and as such fails to meet criteria G1(e) by offers a selective level of use for those willing to participate.

Policy G2 – Improving Public Access to Urban Greenspace.

Policy G2 comprises three different criteria that need met for public access to be considered acceptable.

G2(1) Development may be permitted on greenspace where there is no public access provided that a substantial percentage of the greenspace is made available for public use.

The policy doesn't indicate what “a substantial percentage” actually means. . . . Nonetheless, it remains necessary to come back to G1(e) above; accessibility through potential key arrangement cannot be regarded as full public use.

G2(2) Development will only be permitted if it is demonstrated that the effects of the development on the benefits provided by the greenspace can be offset and that overall the development responds positively to the character and form of its surroundings.

This tests whether or not the “effects of the development on the benefits provided by the greenspace can be offset”. This relates only to greenspace benefits and does not relate to other aspects of the development.

Arguments relating to restoration of a heritage asset as offsetting factors are not in any manner applicable to this policy criterion.

Interpretation of this policy in isolation confirms that the development will greatly reduce the openness of the site through a significant part being developed for housing with no obvious benefits to offset this.

G2(3) Development which is acceptable in principle will only be permitted where:

- a) The greenspace is publicly accessible and convenient*
- b) There is a local need for recreational open space; and /or*
- c) There is a local need for nature space*

As stated earlier, it is not considered that the open space as presented will be publicly accessible due to the restrictions on use. The Recreation and Open Space Study (2009), and the accompanying accessibility maps demonstrates that there is no identified need for open space in the area.

The applicant's pre-consultation has suggested a need but this relates to the *desire* for additional public greenspace in the area. This must be considered different to need.

For the above reasons I do not consider that the proposal does comply with UDP policies G1 and G2. The application therefore does not comply with the policies in the development plan.

The applicant was asked to reconsider his position on these policies and responded as follows:

"I do not accept that what we are proposing is enabling development. The scheme as submitted quite logically looks at the whole of the school site and makes balanced proposals for how development can be used to resolve the issues of restoring and converting the school, the incipient dereliction of the old playing fields and the preservation of the character of the conservation area. I consider that the 2009 survey which identifies a surplus of greenspace over standards in the Southport area and no need for POS on the Southport fringes is a relevant consideration with regard to the weight to be afforded to the two policies that preserve the urban greenspace. And especially as we retain a large part of it and enhance its appearance and nature conservation value."

This approach is not consistent with the advice of English Heritage which was sent to the applicant following this comment. The scheme clearly fails to meet with Policies G1(e) and G2 and therefore, as English Heritage observe, the fundamental issue to be decided is whether or not the new development associated with the restoration of the school is contrary to local policy. If so, it requires testing against the requirements of PPS5 HE11. No such test is presented and therefore the Council has no basis on which to assess conservation deficit.

Section 106 Agreement

There is a Section 106 Agreement attached to the previous planning permission N/1999/0796. This was for the residential development of the part of what was then greenspace fronting Granville Road, which has since reverted to Primarily Residential Area. This is fully enforceable.

The requirements of the Section 106 were binding on the successors in title to the Deaf School, and required the following:

1. The grass cutting and white lining of cricket and football pitches comprised within the land, and
2. Tree planting along the Lancaster Road frontage.

Specific provisions were made within the Agreement that local sports clubs or local schools would have full and free use of the playing fields at weekends and during specifically defined school holidays.

These requirements still apply. As such, arguments that the land will degrade and become a public hazard over time are irrelevant. That no clubs are seemingly seeking to become involved is also irrelevant. It would seem feasible that the formal

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marking out of the spaces may well offer a hitherto unknown resource for local clubs.

In the context of the above, it is worth quoting the following point made by the applicant on the Council's greenspace stance.

"What I fail to understand about your position is that as there is no need for public open space and unless we get PP for something on the land it will be unsightly, derelict and a security hazard to local residents, so what is the benefit of preserving it as urban greenspace. Surely that designation is meant to enhance the character of an area rather than detract from it as the unused and unmanaged land surely will if PP is not forthcoming."

As the above paragraphs show, this misses two key points. Firstly, the key test does not lie with demonstrating that there is a need for public open space; the issue is with protecting what is there at present. If there is no need this does not justify a concession of greenspace in favour of new development.

Secondly, reference is made to the site being unsightly, derelict and a security hazard to local residents. This is the however the applicant's responsibility.

There is existing provision for an area of land considerably larger than that presented by the applicant to be available on the basis of the Section 106 Agreement which appears if enforced to offer as much if not more more than the applicants latest proposal for a key based access to a much smaller area.

The legal agreement strengthens the argument considerably for maintaining the balance of greenspace as it currently stands and confirms the landowners requirement to do so in law.

Sport England

Sport England have objected as explained above. They were originally consulted on the 1999 application and offered positive feedback based largely around the remaining potential to secure improvements to the remaining greenspace facilitating local use.

Sport England are entirely aware of the previous circumstances. Sport England have identified five criteria that are relevant:

- 1) The 2009 study identified shortfalls in pitch provision. There is no excess.
- 2) The residential development of the land is not ancillary to the existing use.
- 3) The development clearly affects land that could form a playing pitch or part of one. There is no odd shape or other physical feature to reduce the potential.
- 4) No replacement pitch/pitches are being offered.
- 5) The development is not in its own right for specific indoor/outdoor sports.

Sport England have also referred to UDP Policy G5 (Protection Of Recreational Open Space). This states that planning permission would be refused for any development leading to the loss of open space for recreational purposes or could meet a recreational need in the area.

It seems reasonable to suggest that the Section 106 Agreement which expressly requires marking an area out for playing pitches must offer potential for a playing pitch.

It is acknowledged that there is no fully up to date or accurate playing pitch study. However, no such assessment would actively promote the loss of potential facilities, even less so where there is a legal requirement for its marking out, in favour of residential development with no apparent policy support.

Conclusions on Greenspace Policy

- There is an unacceptable level of public access proposed by the scheme.
- A perceived absence of local need does not automatically afford on a point of principle the loss of existing (finite) greenspace resource.
- The development has no direct benefit in respect of the greenspace resource; infact it takes around 62% of it.
- The development results in the loss of land with the potential for use as a playing field.
- No acceptable level of compensatory provision is being made on the site or offered elsewhere.

The scheme therefore fails to comply for these reasons with Policies G1(e), G2 and G5 of the Sefton UDP.

It is therefore necessary for the applicant to accept these failures of policy principle in order to progress an enabling argument and the failure to do so therefore results in failure to meet with the requirements of the UDP.

Other matters

Affordable Housing

The Council's position regarding affordable housing is that any scheme proposing 15 or more dwellings, as advised by PPS3, should be subject to the requirement for affordable housing. Therefore, following in line with Sefton UDP Policy H2, and further adopted advice, a minimum of 30% of all bedspaces in such dwellings should be of affordable tenure on an 80/20 split of social rented/intermediate housing respectively, subject to economic viability.

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The applicant has advised that should affordable housing (or any other Section 106 based commuted sum) be required in conjunction with the proposals, it would when set against other potential unforeseen conversion costs or overheads, give rise to a deterioration in profit margins to unacceptable levels, thereby affecting scheme viability.

A financial appraisal summary report has been submitted alongside the application. It was agreed with the applicant that this would only be reviewed by the Council's retained affordable housing economic viability consultants, Three Dragons, at the applicants' expense, at such time that all other matters of site planning were resolved.

However, it is clear that there is no forthcoming agreement on these other matters and therefore, whilst it is possible that the appraisal could be accurate in concluding that the scheme would not be viable with affordable housing being provided, it is a matter that remains unresolved.

It is therefore considered, in the circumstances, that there should be no reason for refusal on this ground, but that there is scope for the necessary work to be completed and the applicants' scheme costs and residual value appraised by Three Dragons, in the event that a planning appeal is subsequently progressed.

This is the more so bearing in mind that other compelling reasons for refusal are being presented.

Layout and design

The layout suffers in a number of respects. Houses are offset in respect of defined built frontage; the Conservation Area character is of larger, imposing dwellings fronting street scenes with readily definable individual frontages and accesses. The layout is inconsistent with this aspect of the character and appearance of the Conservation Area.

Whilst individual architectural designs are proposed, there is no strong street frontage and uniformity, and all accesses are to the rear of the dwellings, resulting in there being an access road dividing the dwellings from the rear boundaries to Granville Road.

There is no obvious reason why a new residential scheme (if acceptable in principle) couldn't achieve alignments and garden widths similar to those achieved on Granville Road but with active frontages onto the remaining greenspace – which could with this arrangement be considerably larger.

In conclusion, housing adjacent to Lancaster Road presents high boundaries onto the car parking for the apartments. This fails to afford appropriate surveillance over the parking area and whilst accepting that the listed building, if converted would achieve this in part, it remains the case that the parking and turning of vehicles close to residential boundaries would harm the amenity of residents. This part of the

scheme is equally deficient in terms of plot layout and character to the areas described above.

I therefore consider the overall layout inappropriate and it fails to preserve the character and appearance of the Conservation Area.

There are some issues relating to the individual design of the dwellings. It is a matter of concern that the attempt to offer a more modern approach to Granville Road to distinguish from the listed building is too alien an approach. There are other issues with regard to individual plots which it is felt could be resolved, in terms of materials, and a confusion of architectural styles on some of the elevations.

It is felt that the car parking would benefit from reduction and or dispersal to front of the listed building so as not to disturb view and help alleviate landscaping issues. There are alternative more suitable access arrangements that could minimise levels of hard standing.

If members are minded to grant planning permission it is essential that any decision is delegated to the Director in order that a Section 106 Agreement can be negotiated to secure the timely restoration of the listed building. However, it should again be emphasised that this is not in any way the applicant's intended approach.

Amenity

The proposed layout arrangement is considered unneighbourly for residents of Granville Road. It promotes enclosed areas with little by way of obvious overlooking or surveillance, and this would be exacerbated by the opening and closing of car doors, reversing and revving of vehicle engines at times when peace and quiet could be reasonably expected, and the probable need for deliveries/refuse vehicles to visit at potentially unneighbourly hours.

The site boundary (barring the rear to no. 21) is currently defined by perfectly well established laurel hedging and there is no apparent reason for this to be removed as proposed by the applicant. There are no security fears raised by objectors and no evidence that the layout would offer further benefit.

The proposed plot 16 adjacent to no. 21 Granville Road projects around 6 metres back from the principal rear elevation of the existing dwelling. It is noted that the site boundary is defined at present by a trellis fence in the order of 4 metres in height. However, though the main rear windows of no. 21 are positioned away from the boundary, there is a significant full gable two storey projection some 8 metres beyond the rear garage of the existing dwelling which would take early sunlight from the rear garden area and present an unneighbourly, oppressive impact.

Moreover, the dwelling is designed with a bedroom window at second floor level in the side elevation, and a central rear outrigger is proposed with a heavily windowed arrangement to the master bedroom. The latter could theoretically be obscured, but both openings are liable to reduce the amenity of the garden to no. 21.

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It is considered that the scheme does not appropriately address the amenity of the existing occupiers of that dwelling, who have raised objection on this specific point in addition to those raised commonly by others.

The amenity issue could be resolved with a single dwelling in place of both plots 16 and 17 and revised window positionings to avoid habitable rooms in line of sight of the rear garden of no. 21.

Listed Building Conversion

As previously explained, there is full support for the reconstruction and conversion of the listed building. It is however necessary to resolve a number of points relating to the specifics of the conversion.

Most notably, PPS 5 informs on some clear standards required to be achieved in respect of listed building restoration, and those relevant to this proposal are as follows:

- All windows should be timber sliding sash timber, replicating the original windows rather than pvc,
- All rainwater goods should be cast iron, painted black,
- Decorative bargeboards on front elevation should be reinstated,
- Further justification is required for the courtyard demolition, they need to explain why this is necessary and does not bring harm to the building,
- Further confirmation and justification is required from the Conservation Management Plan, to convey that ceiling heights room proportions etc will be retained.

On the latest set of plans there appears to be a dummy window inserted where there should not be one on the front elevation.

The plans also show what appears to be dry lining running across some windows, and it is expected that some of the timber boarded ceilings in the ground floor could be retained as a result of recent internal inspection.

Also mentioned in the Conservation Management Plan is the need for suspended ceilings; however, there are potential exemptions for historic buildings that may circumvent this requirement.

A range of conditions would be attached to any listed building consent as follows:

- Clock should be repaired and brought back into use, using the original mechanism in the clock tower

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- The clock tower should be preserved in situ
- Details of how compliance with building regulations should be submitted, that may affect room proportions heights or any change to original features.
- All new Materials must be submitted for approval
- Windows and external door detail submitted at 1:5 showing sections through and finish
- All windows should be recessed a bricks width in order to accord with existing windows
- Covings, roses, picture rails, dado and skirting, should be kept and reinstated where lost
- A full photographic record of all outbuildings is to be recorded before demolition.
- Interpretation feature to be placed on the air raid shelters explaining their significance

Whilst the reconstruction still requires planning permission, there is no reason to believe that the granting of listed building consent will in itself cause delay to solving the issues relating to the listed building itself.

Trees

Overall the layout is positive in respect of the level and extent of tree retention. The layout is seen as beneficial for the southern most plots at the access point from Lancaster Road, in minimising impact on a considerable tree belt with much environmental, visual and ecological value. Similarly, there are no tree implications connected to other plots backing onto the Granville Road plots.

There is an identified discrepancy between the tree survey and proposal layout, in that the proposal 'moves' the tree line nearer the frontage boundary bordering Granville Road and so gives the impression that a greater amount of space exists than is actually available on site. Clearly this is not achievable as shown and it is important to recognise that the interface between the tree canopy and proposed dwelling is less than indicated – therefore a significantly increased impact from overshadowing and canopy encroachment will result, than is indicated.

This could readily be accommodated by the previously described reduction down to one plot in this position.

It is also considered that there is a group adjacent to the Granville Road access point of Sycamore, Ash and Wych Elm that extends into the site and is to be removed. Whilst reported as being of poor form and low landscape value, it is felt collectively that they provide a level of amenity and there is no particular good reason for their removal. At least the frontage element of group G6 could be retained to enhance the level of tree retention observed along the street scene. Other trees throughout could be retained and construction measures would ordinarily be secured by condition.

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In conclusion, the proposals would benefit again from refinement to resolve some concerns regarding tree loss, however, there are no substantive reasons to issue a refusal on the grounds of associated impact; the matters of concern could readily be resolved through amendment.

Housing Land Supply

The applicant is of the view that Sefton does not have a 5 year supply of housing land. The Council's 2010 Annual Monitoring Report clearly sets out our 5 year supply position, which consists only of sites with extant planning permission and strategic brownfield and allocated sites. Appropriate discounting measures have been applied to this supply to ensure that it is both robust and deliverable. This is considered to represent a defensible position in the event of subsequent argument relating to Housing Land Supply.

For the reasons above, having regard to national and local policy, and all other material considerations, it is recommended that planning permission be refused but that delegated authority is given to conclude matters relating to the application for listed building consent.

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

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

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REPORT TO: PLANNING COMMITTEE
CABINET

DATE: 9 March 2011/
14 April 2011

SUBJECT: **Proposed charging for Pre-Application Advice
in Relation to Planning Applications**

WARDS AFFECTED: ALL

REPORT OF: Andy Wallis, Planning & Economic Development Director

CONTACT OFFICER: Sue Tyldesley Telephone 0151 934 3569

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To seek approval of the Planning Committee to levy fees for pre-applications within the Planning Portfolio.

REASON WHY DECISION REQUIRED:

At the meeting of 26 February 2004, Cabinet requested that any other amendment to fees and charges be referred for approval prior to implementation. The commitment to pre-application charging is already in the budget for 2011/12.

RECOMMENDATION(S):

Planning Committee -

1. approves the proposed level of charges for consultation purposes.
2. requests Cabinet to approve the proposed level of charges for consultation purposes.

Cabinet -

3. Approves the proposed level of charges for consultation purpose.
4. delegates to the Planning & Economic Development Director the authority to make minor adjustment to fee levels and other presentational changes as necessary.

KEY DECISION: N/A

FORWARD PLAN: N/A

IMPLEMENTATION DATE: Following the consultation exercise

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ALTERNATIVE OPTIONS:

That no fees be charged for pre-application advice

IMPLICATIONS:

Budget/Policy Framework: The 2011 budget includes a new income target for pre-application fees of £30,000

Financial: It is anticipated that, subject to approval of the fee levels contained herein, and following a consultation period, £30,000 additional income might be achieved through charging fees for pre planning application advice.

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

Legal:

Risk Assessment:

Asset Management:

CONSULTATION UNDERTAKEN/VIEWS

Finance Department FD678

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

The Local Government Act 2007 “A Material World – Charging for Pre-application Planning Advice” Planning Advisory Service (PAS).
 The Killian Pretty Review 2008

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1. Background

Provision of pre-application advice is a significant and valuable part of the development management service at Sefton but is increasingly time consuming. A time recording exercise in 2010 revealed that almost 15 % of planning officer time in the Development Management team is spent responding to pre-application queries with this figure rising to up to 37% for senior officers. A total of 1294 pre-application queries were received in 2010 and the average response time was just over 4 working days. The government is moving us towards a system whereby fees should be set to cover actual costs for planning applications. Whilst we are not yet ready to introduce local fees, Sefton is able to take advantage of the opportunity to charge for pre-application advice.

The Local Government Act 2003 and specifically Section 93 gives Local Planning Authorities discretionary power to charge for services such as pre-application advice. Where a fee is charged, it must be on a not for profit basis and over the course of each year, the income from charges for such services must not exceed the cost of providing them.

The Planning Advisory Service (PAS) produced a Paper in April 2007 entitled 'A Material World - Charging for Pre-Application Planning Advice'. The research included interviews with Local Authorities who were charging and those that had considered the idea but then dismissed it. The main findings to emerge were that:

- Charging improves the delivery of what is an essential but time consuming service and helps to ensure better quality application submissions;
- Charging helps filter out speculative and poorly thought out development proposals;
- Charging could, however, discourage development or risk harming a good working relationship with local agents;
- No authority interviewed charged for householder development and most exempt development affecting small business premises;
- Charging was largely accepted in principle on the basis that developers would receive in return, assured and timely access to the service/staff and carefully considered and constructive written advice at the end of the process;
- Charges need to be easily understood and administered

Since that time the Killian Pretty Review (November 2008) has noted the need to improve this "critically important" stage and encourages a more measured and consistent approach to pre-application fee charging

2. Advantages of pre-application engagement

In the current economic climate, charging for pre-application advice could be seen as a further burden on the applicant/developer. However, the importance of early consultation and front loading of applications so that all the issues are properly considered at application stage has been shown to be very valuable to both the council and the applicant.

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There are many reasons why applicants appreciate clear pre-application advice. In general pre –application discussions :

- Give applicants an opportunity to make changes to their proposals before they apply for planning permission to enable the application to move through the formal system more smoothly and quickly and without the need for multiple applications. Genuine development management approaches seek to work together with the applicant to resolve problems and find the optimum solutions on a site;
- Enable the applicants to identify at an early stage if a scheme is unlikely to be successful and save the cost of working up and submitting an unacceptable scheme.
- Reduce the time spent by professional advisors in working up a proposal by identifying at an early stage those issues and policies which need to be addressed
- Enable the applicant to carry out the necessary studies(which can take some time) an early stage and to identify the need for any specialist input so that the need for further information does not result in delay to validation or at a later stage
- Encourage applicant to carry out early community consultation thus enabling issues to be resolved and reducing the weight of unnecessary objection at application stage. (This is expected to become mandatory for larger schemes as part of the Localism Bill).

In general pre-application discussion can significantly reduce the costs of preparing an application and by providing a greater chance of success and less need for appeal reduce the costs associated with delay.

At an Agent's forum in Sefton last year, agents were asked for their views about what they would expect if there was a charge for pre-application enquiries. They were not negative about this but clearly expected a high quality of response and made the following suggestions :

Response within 2 weeks

Refund of charge on submission of planning application

Don't charge for householder developments

Need to specify response times according to type of enquiry

Staff must be empowered to respond on behalf of all Council areas involved

Should be given the same priority as an application

Discourage charging for anything other than major applications

Response within 30 days

Introduce a fast track service (for an increased cost)

Development Team response

Introduce a validation checklist for pre-applications

Differential charge for varying types of application

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What is important to developers is that they are receiving timely, responsive, constructive and reliable advice. In turn, this can save developers significant resources by not pursuing schemes which are unacceptable or have to be modified once submitted.

There are also benefits to the Council in providing pre-application advice in that this can reduce the number of unacceptable applications, reduce the number of issues which need to be resolved at application stage and reduce the number of time consuming appeals. Indeed the experience of the development management team at Sefton is that pre-application consultation has been instrumental in bringing forward better quality development.

3. Charging

Introducing charges would have the following advantages for the Council:

- In line with the government's approach to planning fees, the customer would pay for the service, not the general council tax payer;
- Income can support the planning service and/or reduce the call on Council Tax as part of overall budget savings. Indeed it is anticipated that £30,000 could be generated by such charges in 2011/12 and this has been built in to the anticipated budget.
- On an operational basis charging for pre-application discussions would give them the higher priority on officer time which they deserve and thereby make them more effective for both applicant and the council. Whilst they remain non fee earning they cannot be given the same priority as that which is afforded to fee earning work.
- Applicants would be discouraged from making pre-application queries simply as a valuation exercise with no real prospect of implementation

On the other hand there are potential disadvantages

- The applicant might choose not to seek pre-application advice and problems may arise later which could have been avoided. This may result in poorer quality developments, more refusals and subsequent appeals;
- The charges for advice will require additional officer time in respect of the collection of fees and arrangement of meetings. Planning officers will need to give more time to preparing for meetings and provision of written minutes. This may impact on officers' ability to determine applications within the prescribed periods.

4. Fee charging elsewhere

It is evident that many authorities now charge for pre-planning advice. Many authorities in the South East adopt this approach along with several in the north including Leeds, Ashfield, High Peak and Derby. Strategic major developments charges range from £1,175 for a meeting and written response with Derby to £4,000 at Haringey Locally, the Merseyside

advice although some are researching the possibility. In Lancashire fees are charged by Chorley, Preston, Hyndburn, Ribble Valley and Wyre. Most significantly West Lancashire is shortly to introduce charging.

Setting the level of fees is a challenge and there is no degree of consistency nationally. However there are some similarities between Lancashire districts and given the proximity, the proposed charges at West Lancashire are highly relevant.

The local setting of planning application fees is to be based on a cost recovery basis and a time recording exercise is planned to get a more accurate analysis of costs. This is to be done on a joint basis with other local authorities in the North West. In due course this will also inform the costs of pre-application advice and will enable charging which more accurately reflects costs to be considered. Indeed as part of the local fee setting exercise it would be possible to consider discounted fees for applications where pre-application discussions had taken place and been paid for. This would be appropriate as applications that have been subject of detailed pre-application discussions normally take less work at determination stage.

Some authorities charge a nominal amount for a householder application but many do not. In Sefton there is clear advice in the 'house extensions SPG' which is often sufficient. However, in respect of householders and all other applications it would seem reasonable to charge for a site meeting as there are real additional costs in officer time.

5. Pre-application charging in Sefton

It is proposed to bring in pre-application charging at the present time to cover the gap until local fee setting can properly consider the costs of the whole development management service

Service for applicants

Under the proposed scheme, a prospective applicant would receive a guaranteed level of service and would be able to request follow up advice /meetings but at extra cost. The system would be administered carefully, so that the process is accountable and auditable and would be based on the system which the department already operates for pre-application letters. It would be customer focused and apply to pre-application discussions submitted from a defined date to be published on the Council's website. We would not withdraw from discussion on projects currently under discussion but would look to charge for additional advice.

In summary the applicant can expect that a response would be provided within an agreed timetable, normally 10 working days (unless otherwise agreed because additional information is required or more consultations are needed) and would be in a standard format to identify relevant policies and planning issues with appropriate internal consultations. The response would conclude with recommendations. The provision of external consultations would only be included if agreed in advance and an additional fee may be required.

Fee levels

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Proposed costs are set out below and are based on likely time taken together with comparison with other authorities, especially those in Lancashire and proposals for West Lancashire in particular.

In order to be consistent, fair, and impartial the charging regime needs to apply to all pre-application inquiries. However, there should be certain exceptions where the development would benefit the Borough in terms of, for instance, the provision of 100% affordable housing or assisting a community or voluntary sector project where the social benefits of the scheme are paramount. Those exceptions would be set out in more detail in the service standard.

In the context of a significant development the cost of a pre-application advice should be money well spent. However, the sliding scale of charges seeks to ensure that costs are kept modest for smaller developments and small businesses.

Moving forward

It will be necessary to undertake a consultation exercise for 4 weeks with local agents, statutory bodies, Ward Councillors, Parish Councils, other interested parties and members of the public before introducing the charges.

It will also be necessary to set out service standards to explain in full what we require from applicants and what they can expect from us. Whilst based on the comments above, this will need to be set out in a detailed formal document which would be published on the website.

6. Sustainability

The introduction of pre-application charging will provide clarity for all those involved in the planning process.

7. Financial and resource implications

At this stage it is difficult to predict actual income from this new scheme but an income of £30,000 has been budgeted for based on the numbers of pre-application queries received in recent years, and taking into account that charging may result in less inquiries and the present economic situation has reduced queries.

8. Risk Assessment

There is a risk that giving more priority to pre-application work may temporarily affect the council's ability to maintain the current very high performance standards in relation to time periods for determination of planning applications. However this effect is not considered to be significant and will be compensated for by better quality applications in the future. There may also be an expectation that pre-application consultation will result in planning permission being granted. However, it will be made clear to applicants that all advice is given without prejudice and does not fetter the decision making powers of the Local Planning Authority and particularly the Planning Committee in coming to a decision in respect of the subsequent planning application.

9. Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

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PRE-APPLICATION ADVICE

PROPOSED FEE SCHEDULE

	FEE
Householders	No fee £50 if meeting requested
Minor development less than 3 dwellings <ul style="list-style-type: none">• all non-residential schemes with a floor space less than 500sqm or sites less than 0.5ha• adverts• change of use of building(s) with a floor space less than 500sqm or sites less than 0.5ha• single wind turbines/telecoms mast under 17m high	£100 to cover one unaccompanied site visit and one letter; £150 if meeting requested; Hourly rate thereafter (£50 per hour)
Intermediate development 3 to 25 dwellings <ul style="list-style-type: none">• All non-residential schemes with a floor space between 500sqm and 2,000sqm or on sites between 0.5ha and 2ha• change of use of building(s) with a floor space between 500sqm and 2,000sqm or sites between 0.5ha and 2ha	£200 to cover one site visit and one letter; £250 if meeting requested; Hourly rate thereafter (£50 per hour)
Significant development 26 or more dwellings <ul style="list-style-type: none">• All non-residential schemes with a floor space over 2,000sqm or on sites over 2ha• change of use of building(s) with a floor space over 2,000sqm or sites over 2ha• any scheme requiring an Environmental Impact Assessment	£750 to cover up to one site visits and two meetings; Hourly rate thereafter (£50 per hour)

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REPORT TO: PLANNING
CABINET MEMBER –REGENERATION
CABINET

DATE: 9 MARCH 2011
16 MARCH 2011
14 APRIL 2011

SUBJECT: STUDY TO REVIEW THE REGIONAL SPATIAL STRATEGY
HOUSING REQUIREMENT FIGURE FOR SEFTON – FINAL
FINDINGS

WARDS AFFECTED: All

REPORT OF: Andy Wallis, Planning & Economic Development Director

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

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To report on the final findings of a key study to review the Regional Spatial Strategy Housing Figure for Sefton, in order that this can inform the evidence base for the Local Development Framework and specifically the Options Stage of the emerging Core Strategy.

REASON WHY DECISION REQUIRED:

To comply with national planning guidance on the need to provide a robust evidence base for Sefton's housing policies in the Local Development Framework

RECOMMENDATION(S):

That:

- (I) Planning Committee and Cabinet Member – Regeneration note the key findings of the study to review the Regional Spatial Strategy Housing Figure for Sefton and the sub-district split; and
- (II) Cabinet endorses the key findings of the study to review the Regional Spatial Strategy Housing Figure for Sefton, and the sub-district split, and confirms that they be used as part of the housing evidence base to inform the Core Strategy Options Consultation which will start in May 2011

KEY DECISION: Yes

FORWARD PLAN: Yes

IMPLEMENTATION DATE: Following the expiry of the call in period after Cabinet meeting

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ALTERNATIVE OPTIONS:

None

IMPLICATIONS: None

Budget/Policy Framework: None

Financial: There are no additional cost implications of this study as the costs have been paid.

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

Legal: No comments

Risk Assessment: N/A

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS

The study findings will inform the Core Strategy Options Consultation

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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

None, other than the NLP Study referred to in the report below

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Study to Review the Regional Spatial Strategy Housing Requirement Figure for Sefton – Final Findings

1 Background

1.1 The background and context to this important study is set out in full in the report to Planning Committee on 9th February 2011 which is appended to this report as Annex A below. For this reason it is not repeated in this report.

1.2 Nathaniel Lichfield and Partners' (NLP) final study report is currently available to view on the Council website at:

www.sefton.gov.uk/planningstudies

1.3 As anticipated and importantly the headline findings already reported to the Planning Committee remain unaltered but are expanded on in this report, principally with regard to the various scenarios examined and the proposed disaggregation of the 'preferred' Borough housing figure.

1.4 After considering all the background data and the wide range of options NLP firmly recommends a revised housing target of 480 net new dwellings per year for Sefton. A figure lower than this would prejudice our ability to meet our demographic, housing and employment needs.

2. Key Study Findings

(i) Borough Level

2.1 As previously advised and in accordance with the study brief and subsequent discussions with Council Officers, NLP have tested a broad range of possible scenarios to reflect a wide range of possible outcomes. In total eleven different scenarios [six demographic (scenarios a-f), three economic (g-i) and two housing factors (j-k)] have been appraised in accordance with the best practice approach to undertaking such studies. The analysis looks first to 2027 (consistent with the Core Strategy plan period, and then further forward by 5 years to 2032 to allow for any potential slippage in the Core Strategy timetable. Full details covering the period to 2027 to 2032 are set out in the study report but are not repeated here. The annualised figures for housing requirements for most scenarios for the post 2027 period are lower because of changes in the demographic structure of the population. Consequently, the summary below only relates to the period base dated from 2003 (unless otherwise stated) to 2027 for Sefton.

2.2 A summary of the key findings of each of the scenarios is set out below, although full details are set out in the NLP study report.

a. Baseline scenario

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2.3 Under this scenario NLP have run their bespoke PopGroup model and used ONS (Office for National Statistics) assumptions for natural change, using projected fertility and mortality rates and ONS 2008-based sub-national projections for migration, the latter reflecting consistent high levels of net international out-migration. These factors taken together lead to a population decline of approximately 6,900 residents. However, when combined with the strong trend toward reduced average household size (reflecting ONS headship rates) this scenario would lead to a growth of households of about 7,780 to 2027. Taking account of the need for a stock vacancy component this generates a requirement for 8,185 dwellings 2010 to 2027 and taking this back to a 2003 base date gives total requirement of 11,555 dwellings. But it would also imply, a loss of 18,500 economically active people from Sefton's labour pool, with the estimated 10,745 jobs that they occupy (based on existing commuting rates and estimated unemployment rates) either lost to the Borough or filled by in-commuters. This scenario would result in a dwelling requirement of 11,555 dwellings 2003 to 2027 equivalent to 481 dwellings per annum.

b. Natural change scenario

2.4 Under this scenario NLP model a situation where domestic and international migration is assumed to be zero (i.e. there is no in or out migration to/from the Borough whatsoever) enabling the examination of the potential housing requirement that Sefton would face if it were only to provide for the needs of existing residents providing none left the borough. Although unrealistic, this provides a benchmark that balances the housing need for existing residents with those resulting from net-in migration. This would lead to a population decline of 1,355 people, a growth of households of about 12,034 to 2027 or 12,655 allowing for the stock vacancy rate. This scenario results in a dwelling requirement of 12,655 dwellings 2003 to 2027 equivalent to 527 dwellings per annum

c. Zero net migration scenario

2.5 Under this scenario NLP model a situation that net domestic and international in/out is set at zero (i.e. allows for domestic/international migration, but the 'ins' equal the 'outs'). Whilst this give rise to relatively limited difference between this scenario and scenario b above, population growth tends to be higher as in migrants tend to have a higher proportion of residents in the 18 plus age bracket as this has positive population implications. This scenario has a population loss of 3,389 people although 9,056 new households would still be created. Taking account of the stock vacancy rate, this scenario would give a total dwelling requirement of 13,445 new dwellings over the period, equivalent to 560 dwellings per annum.

d. Past migration trends scenario

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2.6 Under this scenario NLP model a situation based on long term migration trends (over the eleven years previously i.e. equivalent to a net internal out migration of 91 dwellings per annum and net international out migration of 425 people per year). This scenario results in very high levels of population loss due to net out migration, leading to a population decline of 13,780 people, equivalent to 4,859 households. Taking account of the stock vacancy rate this generates a housing requirement of 7,215 dwellings over the period, equivalent to 301 dwellings per annum.

e. Stable population scenario

2.7 Under this scenario (as specifically requested by Sefton) NLP model the housing implications of a stable population over the plan period keeping the 2010 borough population of 272,100 constant over the long term. This gives a household growth figure of 10,630 and allowing for a stock vacancy rate, a total dwelling requirement of 11,177 units from 2003 to 2027, equivalent to about 657 dwellings per annum

f. 2008 based ONS population projections/2008 based CLG household projections scenario

2.8 Under this scenario ONS 2008-based sub-national, the most recent demographic projections that have been published, are used. Following these, CLG published their 2008-based household estimates. Using these, the 2008 based ONS population projections show that Sefton's population will decline by 9,024 people to about 264,800 by 2033. Applying CLG household projections this would lead to a rise in households from 117,000 to about 124,000 over the period to 2028, equivalent to an additional 280 dwellings per annum, which when adjusted for the stock vacancy rate, gives rise to 294 dwellings per annum to 2027.

g. Zero job growth scenario

2.9 Under this scenario NLP assume that the 2010 level of jobs (equal to 88,880) is maintained to 2027. Based on NLP modelling there would need to be an increase in resident population of circa 30,171, which would lead to a dwelling requirement of 28,825 over the period to 2027, equivalent to 1,201 dwellings per annum.

h. Past trends job growth scenario

2.10 Under this scenario NLP carry forward past borough jobs loss (i.e. not growth) over the last 10 years of 283 jobs per annum, equivalent to a jobs loss 2003 to 2027 of 5,940 jobs. The modelling of this scenario would require an in-migration of circa 8,770 people to 2027. Combined with indigenous household

growth this would generate a need for 21,035 dwellings over the period to 2027, equivalent to 876 dwellings per annum.

i. National rates of unemployment scenario

- 2.11 Under this scenario NLP model the implications of reducing the level of unemployment in Sefton to the national average of 5.75% by 2027. This would increase the number of jobs required by 2027 from 78,118 to 78,618. However, the dwelling requirement is unaltered from the baseline scenario of 481 per annum since it merely adjusts the unemployment rate of existing citizens. The requirement figure for this scenario is 481 per annum to 2027.

j. Past housing delivery trends scenario

- 2.12 Under this scenario population and household change is not modelled. Rather past (net) house building rates over the last 20 years are taken as a proxy for the future (whilst recognising that they may have been artificially reduced by the application of Sefton's housing restraint policy between 2003 and 2008). On this basis an annual housing requirement of 427 dwellings per annum is derived up to 2027.

k. RSS housing delivery scenario

- 2.13 This scenario simply assumes the current RSS housing figure for Sefton of 500 dwellings per annum.

The Treatment of Vacant Dwellings in the Study

- 2.14 In examining all the above scenarios, except j and k, NLP assume that the current stock vacancy rates for the borough at 4.9% rate will remain the same in the future. Unless there were clear evidence that this figure would change significantly over time, which there is not, this approach is correct. In this regard, Members should be aware the target vacancy rate should be 3%, which is widely regarded as the level necessary to ensure the efficient recycling of the existing stock. This would mean that we should be aiming to bring back up to 2,500 vacant dwellings back into use. However, as a report elsewhere on the Cabinet agenda on empty homes concludes:

'It is accepted that it is very important that we bring back into uses as many long term vacant homes as possible, in order to both secure the most efficient use of existing stock and minimise local dereliction. Such an approach needs to be complementary to (although it cannot replace) housing polices in a Core Strategy, which makes adequate provision. However, given current budget constraints it is unlikely we could increase service levels to bring back into use a large number of empty homes each year.'

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- 2.15 Given this context, NLP take the precautionary view and assume current stock vacancy levels will remain the same because they have no basis to take a different view. The more so because any reduction in vacant dwellings achieved must be a net figure after allowing for other stock that may fall into vacancy over time. Notwithstanding this, NLP highlight that it is important that changes in vacancy rates are monitored over time by the Council, as significant reductions in net vacancy rates would reduce any housing requirements.

NLP Conclusions

- 2.16 On the basis of the NLP work they have forecast a range of potential housing requirements ranging from a low of 294 per annum based on Scenario f to a high of 1,201 dwellings per annum based on Scenario g. However, it is clear that some of the above scenarios need to be regarded as no more than theoretical possibilities but are nevertheless useful to provide comparators to other more realistic options.
- 2.17 Using NLP's expert professional judgement and taking account all the factors used to derive the above scenarios and all the constraints on development delivery as shown by the available data (including land supply) etc, in their view the evidence shows that the dwelling requirement for Sefton '*should sit around the 480 dwellings per annum mark to the 2027*'.
- 2.18 This conclusion is primarily justified on the basis that the level of housing delivery proposed would largely meet the scale of needs arising from the projected household growth in Sefton, and would also enable the delivery of affordable housing in line with recent delivery rates and thereby contribute towards meeting the urgent housing needs identified in Sefton's Strategic Housing Market Assessment.
- 2.19 Importantly, although it would imply a housing growth of at least 7,780 households, this level of housing development would not imply any population growth for Sefton. In fact, it would result in a population decline for the Borough of about 6,900, from its present level of 272,100 to about 265,200 by 2027. Furthermore, total net migration loss would be an average of over 100 people per annum over the whole period. Arising from these factors there would also be local labour force contraction of about 18,000 people (primarily because of the ageing of the population) from its present level of 130,000, equivalent to a loss of 10,745 jobs. (This suggests a possible need for a reduction of out-commuting, 'smarter economic growth' and encouraging, among other things, a greater mix of family homes to retain the economically active population.)
- 2.20 Given the above it is firmly suggested by NLP that a house-building rate of 480 dwellings per annum (net) could plausibly form the basis of one of the Core Strategy options (Option Two of the paper approved by Cabinet in February 2011).

(ii) Sub District Split

- 2.21 The explanation of this set out in the Report to Planning Committee (Annex A) is not repeated here. However, the summary implications of the suggested sub district split of the 480 dwellings per annum over the period 2010 to 2027 (taking no account of any backlog or under provision which is estimated at about a further 360 units) are set out in the table below.

Possible Division of the Proposed NLP Borough-wide housing requirement 480 dwellings per annum

Sub Area	New Dwellings Per Area (%)	Potential Dwellings per Year	Total Notional New Dwellings over the period 2010 to 2027 (i.e. 17 years @480 pa)
Southport	35	168	2856
Formby	7.5	36	612
Maghull/Aintree	12.5	60	1020
Crosby	15	72	1224
Bootle	15	72	1224
Netherton	15	72	1224
Sefton Total	100	480	8160

3. Comments of the Planning and Economic Development Director

- 3.1 My earlier comments made in the Planning Committee report remain valid and are not repeated here.
- 3.2 What is very important is to acknowledge that this is an essential study which will be required as we take forward the Core Strategy process, the more so because the borough housing figures will be challenged vigorously (by those arguing for a higher figure and by those arguing for a lower figure) once RSS has been abolished following the enactment of the Localism Bill later this year. In this regard, I am confident that it is a very robust piece of work that has been undertaken by one of the leading consultancies in this field. Therefore, I strongly recommend Cabinet to endorse this study as part of the evidence base to underpin the emerging Core Strategy Options process and the 480 net dwellings per annum, and the sub-district split, should inform one of the options. I also recommend Cabinet to endorse the NLP recommended housing figure of 480 net dwellings per annum for Sefton as the basis for assessing the 5-year borough housing requirement, once RSS has been abolished later this year.

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Recommendation(s)

That:

- (i) **Planning Committee and Cabinet Member – Regeneration note the key findings of the study to review the Regional Spatial Strategy Housing Figure for Sefton and the sub-district split; and**
- (ii) **Cabinet endorses the key findings of the study to review the Regional Spatial Strategy Housing Figure for Sefton and the sub-district split and confirms that they be used as part of the housing evidence base to inform the Core Strategy Options Consultation which will start in May 2011**

Annex A: Planning Committee Report

REPORT TO: PLANNING

DATE: 9 FEBRUARY 2011

SUBJECT: STUDY TO REVIEW THE REGIONAL SPATIAL STRATEGY
HOUSING REQUIREMENT FIGURE FOR SEFTON – HEADLINE
FINDINGS

WARDS AFFECTED: ALL

REPORT OF: Andy Wallis, Planning & Economic Development Director

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

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To report on the headline findings of a key study to review the Regional Spatial Strategy Housing Figure for Sefton, in order that this can inform the evidence base for the Local Development Framework and specifically the Options Stage of the emerging Core Strategy (which is reported separately at this meeting). The full study report will be reported in the next cycle to Planning Committee, Cabinet Member -Regeneration and Cabinet.

REASON WHY DECISION REQUIRED:

To comply with national planning guidance on the need to provide a robust evidence base for Sefton's housing policies in the Local Development Framework.

RECOMMENDATION(S):

That Planning Committee note this report and agree to receive a further more detailed report on the matter (together with Cabinet Member - Regeneration and Cabinet) in the next committee cycle.

KEY DECISION: No (although a decision on the report on the final study will be a key decision)

FORWARD PLAN: No

IMPLEMENTATION DATE:

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ALTERNATIVE OPTIONS:

None

IMPLICATIONS:

Budget/Policy Framework:

Financial:

The cost of the study (£8,895 exclusive of VAT) will be covered by Planning and Economic Development Department's consultancy budget.

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2013/ 2014 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: None

Risk Assessment: None

Asset Management: None

CONSULTATION UNDERTAKEN/VIEWS

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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

None at this time

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STUDY TO REVIEW THE REGIONAL SPATIAL STRATEGY HOUSING REQUIREMENT FIGURE FOR SEFTON – HEADLINE FINDINGS

1. BACKGROUND AND CONTEXT

- 1.1 Meeting the need for new homes is a key element of the local planning system and sits at the heart of our work to prepare the Local development Framework.
- 1.2 Members may recall that the Regional Spatial Strategy for the North West (RSS) was approved by the Secretary of State for Communities and Local Government in September 2008. Among other matters, under *Policy L4 – Regional Housing Provision* (Table 7.1), it set a housing provision for each local authority area in the North West for the period 2003 to 2021 and ‘for a limited period beyond then’. In Sefton’s case this set a total housing requirement figure for the borough of 500 dwellings per annum equivalent to 9,000 dwellings for the period to 2021 (net of clearance replacement). This is the requirement figure which Sefton has, to date, been using to inform the preparation of its emerging Core Strategy.
- 1.3 However, with effect from 6th July 2010, the Secretary of State for Communities and Local Government of the new Coalition Government announced the revocation of Regional Spatial Strategies (RSS) with immediate effect. The consequence of this was that the RSS housing figure was also abolished. However, in a covering letter by Steve Quartermain, the Chief Planner at the Department of Communities and Local Government, it was made clear the precise position that local authorities should take following the revocation of RSS. Among other matters and as clarification for two specific policy questions, he advised as follows:

Who will determine housing numbers in the absence of Regional Strategy targets?

Answer: ‘Local planning authorities will be responsible for establishing the right level of housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets. Some authorities may decide to retain their existing housing targets that were set out in the revoked Regional Strategies. Others may decide to review their housing targets. We would expect that those authorities should quickly signal their intention to undertake an early review so that communities and landowners know where they stand.’

Will we still need to justify housing numbers in our local plans?

Answer: ‘Yes – it is important for the planning process to be transparent, and for people to be able to understand why decisions have been taken. Local authorities should continue to collect and use reliable information to justify their housing supply policies and justify them during the LDF examination process. They should do this in line with current policy in PPS3.’

- 1.4 More recently the Minister of State for Decentralisation and Planning, Greg Clark on 12 September 2010 at a Select Committee on the work of the DCLG further commented as:

'it is open to local authorities to review their local development frameworks and to reintroduce their own assessment of the housing needs in their area. But it needs to be rigorous. They can't just pick a number and put it in and regard that as being the end of it. They need to make an assessment, and they need to put that, and justify that, in their plans. In doing that, those plans exist and they include Government decisions including appeals. We have not made any changes to the five-year requirement, but that five-year requirement is obviously going to be based on the numbers that they have established are needed in that area.'

- 1.5 Given the above, it therefore became clear that Sefton's emerging Core Strategy could not rely on the existing RSS housing figure and needed to be informed by a robust and rigorous assessment of its housing requirement. The more so, because any Core Strategy Examination would not take place until at least mid 2012, by which time the RSS (or former RSS) housing figure would be four years old and based on data which would date from an earlier date.

2. CALA HOMES LEGAL DECISION REGARDING RSS

- 2.1 Notwithstanding the above Members may be aware that the High Court on 10 November 2010, arising from a challenge brought by Cala Homes (in relation to a proposal to build 2,000 homes in Winchester consistent with RSS i.e. 'The South East Plan') ruled that the Secretary of State's decision to abolish Regional Spatial Strategies was unlawful. In particular, Justice Sales ruled that the Communities Secretary was not entitled to revoke regional strategies under existing planning law. He said:

"Parliament has given no clear or sufficient indication that that principal [that each region should have a regional strategy] may be set aside by virtue of a contrary policy judgement." He added: "The revocation of the South-East Plan is likely to have an immediate impact upon determination of planning applications.....I consider that the Secretary of State acted unlawfully by purporting to revoke the [RSS]."

- 2.2 At face value this decision may appear to be a very significant one, however it does need to be seen in context. The Government is now bringing forward its Localism Bill and it is its clear intention that the Legal Decision will be rectified by way of an appropriate provision in this Bill. In short, whilst the High Court decision provides a short 'technical' reprieve for RSSs, it will be no more than this, and it must be therefore be assumed that the forthcoming legislation will confirm in more robust terms that RSSs will no longer play a role in determining local planning matters.

- 2.3 It must be assumed that the Secretary of State for Communities and Local Government intention to abolish RSS will be achieved when the Localism Bill

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becomes law later this year. Furthermore, by a similar logic, it must also be assumed that both his advice and that of the Minister of State for Decentralisation and Planning, referred to at paragraphs 1.3 and 1.4 above, must be attached considerable weight since they anticipate a situation that will be resumed once RSS is abolished later this year.

3. APPOINTMENT OF CONSULTANTS TO REVIEW THE RSS HOUSING REQUIREMENT FOR SEFTON

3.1 Given the above changing context and given how critical it is that the housing requirement figure is to establishing the robustness of emerging Core Strategies – a point constantly emphasised by the Planning Inspectorate at Core Strategy inquiries – it is vital that Sefton derives a robust housing requirement figure to replace the RSS housing figure that is to use the words of the CLG Chief Planner establishes ‘*the right level of housing provision in their area*’. The temporary reinstatement of RSS referred to above, in no way changes this requirement; it just postpones the date when the Government’s intentions will have formal legal effect.

3.2 Accordingly, given the specialist nature of this work (i.e. it requires the application of sophisticated and expensive computer software modelling, and a specialist understanding of demography to forecast population and household change at the local level), informal tender submissions were invited from three planning consultancies with a proven track record in undertaking this work, and very importantly defending it at public inquiries. After a rigorous selection process Nathaniel Lichfield and Partners (NLP) were appointed to undertake this work in November 2010.

3.3 The tender brief for the study required them to:

- (iv) Undertake a rigorous review of Sefton’s housing requirement figure, base dated at April 2003 (as was RSS and to ensure comparability) and looking forward to 2027 in the first instance and then longer term, by a further five years, to 2032. This work was required to be undertaken in a robust, transparent and defensible manner.
- (v) Linked to the above the appointed consultants were required to provide, by a best approximation approach, the borough housing requirement disaggregated by the six sub areas of Sefton, namely:

Sub-area Wards

Southport	Ainsdale, Birkdale, Cambridge, Dukes, Kew, Meols, Norwood
Formby	Harington, Ravenmoels
Maghull/Aintree	Molyneux, Park, Sudell
Crosby	Blundellsands, Church, Manor, Victoria
Bootle	Derby, Linacre, Litherland

Netherton Ford, Netherton and and Orrell, St Oswald

- 3.4 A copy of the full tender brief for this study is available for Members on request to inspect should they wish to do so.

4. KEY HEADLINE FINDINGS OF THE NLP STUDY

- 2.21 Whilst NLP have still to submit their final report to the Council, which is expected within the next fortnight, they have provided details of their key headline findings. These headline findings, which will not change, are reported below.

- 2.22 The key findings of their report may be summarise as follows:

(i) Review of Sefton's housing requirement figure

- 2.23 NLP have undertaken a rigorous review and assessment of all available demographic, housing and employment data and evidence *'in order to provide an analytical review of the level of housing Sefton needs to plan for it to fulfil its role in providing housing to support these factors'*.
- 2.24 The study (to assist comparison) replicates the RSS timescale, from a base date of 2003 but looks forward to 2027 in the first instance (RSS only looked forward to 2021 and *'a limited period beyond 2021'*) to accord with the notional end date of Sefton's emerging Core Strategy, and then beyond this by five years to 2032.
- 2.25 As part of this process NLP have used their sophisticated HEaDROOM forecasting model, which is a bespoke computer-modelling framework, which has been developed over a number of years, for identifying robust locally generated housing requirements, based upon a detailed analysis of demographic, housing and employment data within an area. The forecasting model used by NLP is widely regarded as the market leader and has been found to be robust in an extensive number of RSS EIPs, development plan public inquiries and S78 planning appeals. In this regard, we are not aware of any instance where their derived housing requirement figure has been successfully challenged at public inquiry or similar.
- 2.26 It is important to emphasise that the HEaDROOM forecasting model does not look at housing needs in isolation of a wide range of influencing factors. For example in looking at 'demographic factors' it considers such factors as population growth, household formation rates migration and household vacancy rates. In terms of 'housing factors' and to derive a gross housing requirement, it considers such factors as the Strategic Housing Market Area Assessment (SHMA) findings on affordable housing and other requirements, local housing affordability rates, past housing delivery rates and requirements, housing renewal and replacement. In terms of 'economic factors' it looks at such factors as current and forecast employment levels, changes to the likely structure of the local economy, commuting patterns. It then looks at policy factors including any visions for the future and capacity and delivery factors and constraints. It then, in

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turn, applies a series of 'checks' such as capacity, past housing delivery rates etc and infrastructure and other constraints, to derive a housing delivery figure.

2.27 As part of their work, NLP have tested eleven different scenarios (n.b. they will be reported in greater detail in the next committee report) as follows:

- (vi) a. Baseline scenario
- (vii) b. Natural change
- (viii) c. Zero net migration
- (ix) d. Past migration trends
- (x) e. Stable population
- (xi) f. 2008 based ONS population projections/2008 based CLG household projections
- (xii) g. Zero job growth
- (xiii) h. Past trends job growth
- (xiv) i. National rates of unemployment
- (xv) j. Past housing delivery trends
- (xvi) k. RSS housing delivery scenario

2.28 On the basis of the NLP work they have forecast a range of housing requirements ranging from a low of 294 per annum based on Scenario f to a high of 1,205 dwellings per annum based on Scenario g. However, it is clear that some of the above scenarios need to be regarded as no more than theoretical possibilities but are nevertheless useful to provide comparators to other more realistic options.

2.29 Using NLP's expert professional judgement and taking account all the factors used to derive the above scenarios and all the constraints on development delivery as shown by the available data etc, the evidence shows that the dwelling requirement for Sefton '*should sit around the 480 dwellings per annum mark to 2027/2032*'.

2.30 This conclusion is predicated on the basis that the level of housing delivery proposed would largely meet the scale of needs arising from the projected household growth in Sefton and would also enable the delivery of affordable housing in line with recent delivery rates and thereby contribute towards meeting the urgent housing needs identified in the SHMA.

2.31 Importantly, although it would imply a housing growth of at least 7,000 households, this level of housing development would not imply any population growth for Sefton. In fact it would result in a population decline for the Borough, from its present level of 273,000 to about 266,000 by 2027. Furthermore, total net migration loss would be an average of over 100 people per annum over the whole period. Arising from these factors there would also be local labour force contraction of about 18,000 people (primarily because of the ageing of the population) from its present level of 130,000.

2.32 Given the above it is firmly suggested by NLP that a house-building rate of 480 dwellings per annum (net) could plausibly form the basis of one of the Core

Strategy options. This option is clearly set out in a separate report on the matter, elsewhere on the agenda.

(ii) Borough housing requirement disaggregated by the six sub areas of Sefton

2.33 As part of the tender brief for the above work (see para 3.3, bullet 2 above), NLP were asked to provide by a best approximation approach, a sub-area breakdown of the 480 dwellings per annum housing requirement. In this regard, the possibility of undertaking detailed sub-area based population and household projection work was ruled out on the basis of cost (estimated to be circa £25k) and on the basis that such an analysis would, because of the serious statistical difficulties involved in estimating local area migration patterns (which is a key element of local area population and household change). Given this, as a proxy for any disaggregation, NLP have derived an index based on a range of factors including: base population, past housing delivery rates, housing development in the pipeline, critical affordable housing need, site at risk of none delivery or delay and the extent of local constraints to housing delivery (infrastructure and environmental constraints included).

2.34 Arising from the above NLP have suggested a local level distribution of the 480 dwellings per annum based on:

Southport	35% of total figure (168 homes/annum)
Formby	7.5% of total figure (36 homes/annum)
Maghull/Aintree	12.5% of total figure (60 homes/annum)
Crosby	15% of total figure (72 homes/annum)
Bootle	15% of total figure (72 homes/annum)
Netherton	15% of total figure (72 homes/annum)

2.35 Southport delivering 35% of the total figure (i.e. 168 pa); Formby delivering 7.5% of the total figure (i.e. 36 per annum); Maghull/Aintree delivering 12.5% of the total figure (i.e. 60 per annum) and Crosby, Bootle and Netherton 15% each (i.e. 72 per annum).

2.36 Notwithstanding the above NLP recognise that, depending on the eventual policy stance adopted by Sefton through the Core Strategy process (and particularly with regard to Green Belt), the above suggested distribution may be difficult or impossible to achieve and for this reason needs to be regarded as a guide to possible provision at the local level and no more.

5. INITIAL COMMENTS OF THE PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR

5.1 I will reserve my full comments on this work until the study has been concluded and reported to Members in the next cycle.

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- 5.2 Notwithstanding the above, Members may be aware that I have for some time held the view that the RSS housing requirement figure for Sefton of 500 dwellings per annum (net) remains broadly appropriate as a basis for assessing Sefton's housing requirements to 2032. However, the uncertainties caused by the impending abolition of RSS and the knowledge that at least one interested party had given formal notification that they intended to challenge the RSS housing figure if we retained it unaltered (including the possibility of commissioning an independent study), allied to the knowledge that the figure could have major longer terms implications for future land release, including potential Green Belt, led me to a firm conclusion that there was a need for an early independent review of Sefton's RSS housing requirement figure. The stance we are taking has been supported by Government/CLG advice and by Counsel advising the Council with regard to our emerging Core Strategy, the latter the more so because any Core Strategy examination will not be until mid 2012.
- 5.3 Arising from the above NLP were commissioned, late last year, to undertake an urgent review of the RSS housing requirement for Sefton. In my judgement this work is essential to being able to progress our Core Strategy. Furthermore, I am confident that it has been rigorously and robustly undertaken by the leading planning consultancy in this field, and their considered judgement is that a figure of 480 dwellings per annum (net) is the 'right' (see the answer to the first question at paragraph 1.3 above) housing requirement figure for Sefton.
- 5.4 It is interesting to note a concluding point that the 480 per annum figure almost exactly equates to the long-term building pattern over the last 29 years in Sefton (i.e. 483 per annum).

Recommendations

That Planning Committee note this report and agree to receive a further more detailed report on the matter (together with Cabinet Member - Regeneration and Cabinet) in the next committee cycle.

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Committee: Planning Committee

Date Of Meeting: 9th March 2011

Title of Report: Lowering Transport Emissions – Policy Note

Report of: Andy Wallis, Planning and Economic Development Director

Contact Officer: Andrew Hall Telephone 0151 934 3604

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?		✓

Introduction:

Members may recall the report to this Committee on 10th November 2010. This explained the background to this policy note including a Regional Group Initiative for transport related Low Emission Strategies. It explained how the draft policy note was supporting the Council's commitment to a Low Carbon Economy and its response to climate change.

Purpose of Report:

The Planning Committee on 10th November agreed in principle support to the Policy Note 'Lowering Transport Emissions' for Development Control purposes, subject to an external consultation with 117 targeted stakeholders from the Local Development Framework consultee list. This concluded on the 15th December and two comments were received. This report provides a formal response to those comments. No changes are recommended to the policy note (attached to this report) presented on the 10th November as a consequence of the consultation.

Recommendation(s):

That Planning Committee:

- (i) Note the contents of this report and adopt the Policy Note attached to this report 'Lowering Transport Emissions' for Development Control purposes

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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		✓	

Financial Implications

None

Departments consulted in the preparation of this Report

Environmental Protection

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

Draft Planning Policy Statement for a Low Carbon Future in a Changing Climate (March 2010)

Developing the Low Carbon Economy (Cabinet 5th August 2010)

Plugged in Places (Cabinet 30th September 2010)

Background

1.0 Introduction

Following additional funding support from Government, Sefton Council is currently taking the lead in a Liverpool City Region Group Initiative (RGI) to further this work.

The key objectives of the RGI are to:

- Raise the level of awareness and readiness amongst partners of the RGI regarding LES
- Maximise co-operation between local authorities in the geographical area of Merseyside.
- Accelerate the deployment and penetration of low emission transport fuels and technologies

The principle behind this Policy Note for Development Control purposes, is that it is intended to be supported by other Merseyside and some Cheshire authorities, as part of the RGI Initiative in the coming months. Subject to being approved by this Planning Committee this policy note will be brought to the District Planning Officers Working Group and the Merseyside Development Control Managers Group seeking in principle support.

2.0 Proposal

The Policy Note will be used as a Development Control tool to encourage developers to support action through the planning system to help lower transport emissions. In particular it will be used to encourage developers to introduce Electric Vehicle Recharging Infrastructure.

It is intended to be used as a temporary measure, during which time, requirements relating to a Low Emission Statement or electric and plug-in vehicles, including cabling and charging infrastructure will be set out through the Council's Core Strategy and other potential Development Plan Documents (DPDs) as part of the Local Development Framework. This process is based on advice in the draft PPS Planning for a Low Carbon Future in a Changing Climate.

3.0 Consultation Responses

Comment: Highways Agency

Welcome and support policies that reduce carbon emissions and aims to mitigate the transport impacts of development.

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Council Response: No Further Comment

Comment: Turley Associates, on behalf of Sainsbury's Supermarkets Ltd

Sainsbury's object to the setting of an immediate requirement for car parking spaces, to provide electric charging points. There is currently no justification to support the implementation of electric charging points and it is difficult to estimate the demand for such a facility over the next 5 years time. In line with the supplement to PPS1 and PPS22, it is suggested that the Table 3 of the Planning Policy Note should be revised to state:

"New development should include provision to ensure that by 2015 at least one or 10% (whichever is the greater) parking spaces marked out for use by electric vehicles only, together with adequate charging infrastructure and cabling for each marked bay

Council Response:

The purpose of this Policy Note is to provide a Development Control officer with a tool to encourage developers through negotiation to support action through the planning system to help lower transport emissions. This Policy Note has been brought in until such time that the Core Strategy and Development Policies DPD are adopted hopefully in 2013.

Therefore given the flexibility in the Policy Note, it is not proposed to amend the desired standards for Table 3 relating to electric vehicle infrastructure.

4.0 Conclusion

This Policy Note is an important contribution towards the Council's commitment to Developing the Low Carbon Economy (Cabinet 5th August 2010) and its response to climate change.

Recommendation(s):

That Planning Committee:

- (i) Note the contents of this report and adopt the Policy Note attached to this report 'Lowering Transport Emissions' for Development Control purposes

Lowering Transport Emissions_Planning Policy Note

Purpose - How will this be used

This Policy Note will be used as a Development Control tool to encourage developers and agents to support action through the planning system to help lower transport emissions. It is intended to be used as a temporary measure, until the Core Strategy is adopted in 2012. Local policy requirements relating to a Low Emission Statement or electric and plug-in vehicles, including cabling and charging infrastructure will be set out through the Core Strategy and other potential Development Plan Documents (DPDs).

Introduction

A Low Emission Strategy is a package of measures to help mitigate the transport impacts of development. **The Climate Change Act 2008** places a statutory target of reducing carbon emissions by 80 per cent below 1990 levels by 2050, with an interim target of 34% by 2020. The Government view is that the decarbonisation of the transport sector has a big part to play in achieving this goal. The Government's role and approach is set down in its publication 'Low Carbon Transport: A greener future July 2009'. Its implementation is supported by the Low Emission Strategies, Good Practice Guidance (Jan 2010). This document was prepared by 'The Beacons Low Emission Strategies Working Group', a Government backed initiative. Developers are advised to refer to this guidance where it can be downloaded through <http://www.lowemissionstrategies.org>.

Objectives

A Low Emissions Strategy can provide a package of measures to help mitigate the transport impacts of development. Objectives include;

Reduction in carbon emissions

Reduction in toxic emissions

An accelerated uptake of cleaner fuels and technologies in and around development

Guidance to help developers understand how to evaluate LES and incorporate into future scheme designs

National Policy Context

Government policy is encouraging the planning system to effectively manage the environmental impacts of new development. This includes the emission of air pollutants and green house gasses through PPS23 Planning and Pollution Control (2004) and a new draft PPS Planning for a Low Carbon Future in a Changing Climate. Both are expected to be taken into adequate account by Local Planning Authorities in preparing Local Development Documents.

PPS23: outlines the statutory basis for applying a combination of planning conditions and legal obligations to address this impact of emissions. This advice is material to decisions on individual planning applications. The Government is committed to using the precautionary principle (1992 Rio declaration on Environment and Development) invoked when there is good reason to believe that harmful effects may occur.

A material planning consideration under PPS23 can include development, that may lead to impacts on health. It can also include the location of development, where it may give rise to pollution, either directly or indirectly. It also seeks to ensure that other uses and developments are not as far as possible, affected by major existing or potential sources of pollution. National environmental objectives, through for example Air Quality Management Areas (AQMAs) are material planning considerations.

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The supplement in PPS1 (2007) recognises that planning has a key role in helping to tackle climate change against the UK's emissions targets. This includes having direct influence on energy use and emissions, and in bringing together and encouraging action by others and local communities by giving them real opportunities to influence, and take action on climate change.

The draft PPS Planning for a Low Carbon Future in a Changing Climate: is planned to replace the existing supplement in PPS1 (2007) and PPS 22 on Renewable Energy (2004). Lowering transport emissions where new development is proposed will be encouraged through the planning system.

Together with the supplement in PPS1 this draft is supporting carbon reduction and are material considerations in determining planning applications.

The draft PPS LCF11.1 is subject to the caveat that local requirement relating to decentralised energy, a building's sustainability or for electric vehicle charging infrastructure, will only be acceptable where the LPA can show that it:

“Would not make new development unviable having regard to the overall costs of bringing sites to the market, including the costs of any necessary supporting infrastructure”

The PPS LCF10.2 also states that local policies for cabling and electric vehicle infrastructure should be set out in a DPD. The standards we expect to include in the Core Strategy or future DPD will be based on Appendix 2 of this policy note

Other national planning advice: relevant to lower transport emissions can be found in PPS1: Delivering Sustainable Development, PPS6: Planning for Town Centres, PPG13:Transport.

Local Policy Context

Sefton UDP policies CS3, EP2 Pollution and DQ2 Design are the most current local planning policies supportive of lower emissions.

The Council's Design SPG (Part 4), and particularly the checklist in appendix A, is aimed at helping to ensure that development is as sustainable as possible, including the reduction in the amount of CO₂ and other harmful gases release into the atmosphere from transport.

Ongoing air quality duties in Sefton have reinforced our understanding, that transport emissions play a significant role in contributing to health based, Air Quality Targets being exceeded. Sefton Council are in the process of designating, Air Quality Management Areas (AQMAs), under Section 82 of the Environment Act 1995. This is due to the likelihood that health based limits for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) will be exceeded in parts of the Borough. A map of AQMAs are included in Appendix 1. Sefton Council's requirements regarding Air Quality are set out in a separate Development Control Information Note

Low emission measures set out in this policy note, will be implemented through both planning conditions and S106 agreements. Where off-setting is considered or wider community benefits are sought, it may be appropriate for the developer to enter into a planning obligation through a Section 106 agreement. It is important that should a

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Community Infrastructure Levy (CIL) approach (ideally sub regional) be adopted in the future, then CILs should support Low Emission Strategy Proposals.

Policy Implementation

Low Emission Strategy Statement:

Where a Transport Assessment, A Transport Statement or a Travel Plan (Table 2) is required, a Low Emission Strategy statement should be integrated within this work, explaining actions for carbon reduction and reductions in toxic air pollutant emissions. In practice this requirement will mostly apply to large and major thresholds of developments (Table 1). Electrical vehicle recharging points are required for all types of new development that includes parking provision (Table 3).

An LES can provide a package of measures to help mitigate the transport impacts of development by encouraging the accelerated uptake of cleaner fuels and technologies, in and around a development. They compliment other design and mitigation options, such as travel planning.

In order to support the development of the LES statement, information on the types of mitigation measures and low emission technologies will be available to guide applicants in the future (<http://www.lowemissionstrategies.org>). In the future a national toolkit will be available to download from this web address. This will help assess the amount of transport emissions resulting from the proposed development. Developers will be able to assess the costs, effects and benefits from adopting low emission fuels, technologies and infrastructure.

Table 1 sets out the agreed size thresholds for built development will apply as part of a pan Merseyside approach to travel The 'Ensuring Choice of Travel SPD', was adopted by Sefton Council in 2009.

Type of Development (If unsure, contact the Planning Department)	Minor	Medium	Large	Major
A1 Food Retail	<200m ²	200 - 500m ²	500- 800m ²	>800m ²
A1 Non-food Retail	<200m ²	200 - 800m ²	800 - 1500m ²	>1,500m ²
A3 Restaurants & Cafes	Less than 250m ²		250 m ² to	>2,500m ²
A4 Drinking Establishments				>600m ²
A5 Hot Food Takeaway				>500m ²
A2 Financial and Professional Services B1 Business Higher - or further education - Institutions	Less than 200m ²	201m ² – 1000m ²	1001 - 2500m ²	>2501m ²

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B2 Industrial Uses	Less than 500m ²	500 - 1000m ²	1000 - 2500m ²	More than 2500m ²
B8 Storage and Distribution	Less than 500m ²	500 - 2000m ²	2000 - 5000m ²	More than 5000m ²
C1 Hotels	Fewer than		30 to 70 bedrooms	More than 70 bedrooms
C2 Residential Institutions			All other residential institutions	Hospitals
C3 Dwelling Houses	Fewer than 10 dwellings	10 to 30 dwellings	30 to 50 dwellings	More than 50 dwellings

Table 2 below summarises (based on the Ensuring Choice of Travel SPD) the criteria for when an LES statement should be requested.

	Information	When a requirement
	A Transport Assessment	Major Developments (generate a significant number of trips) It could affect the Strategic Road Network Or it may create significant issues relating to road safety, access, road capacity or pollution. E.g within or adjacent to an AQMA, where development results in increased traffic flows to AQMAs either existing or proposed.
	A Transport Statement*1	Large Development in addition to an accessibility checklist, or where additional information is sought (air quality assessment?).
	A travel Plan	If the Planning Application is for a large or major development, any smaller development that employs 200 or more staff or that estimates >100,000 visitors per year. or in an Air Quality Management Area (AQMA), but threshold for

*1 It's worth noting that where low emissions are to be covered through a transport statement, it is likely that a developer will require a specialist consultant to prepare an air quality emissions reduction plan, in addition to an engineering consultant.

Electric Vehicle Recharging and Alternative Fuel Provision:

The requirement for Electric vehicle recharging points, (Table 3) is founded on the agreed Merseyside 'parking standards' for development, in the Ensuring Choice of Travel SPD.

For new and refurbished filling stations, one alternative refuelling option is required for every four pumps.

The policy for EVRs will apply to all thresholds of development as set out in Table 1

Table 3: Minimum Provision of Parking Bays and charging points for Electric Vehicles in new developments	
Houses: All houses with at least one off-street parking space or garage space	One charging point per house (in most cases a domestic 13a socket fixed to an internal or external wall, will cost less than £100)
Flats:	At least one or 10%, (whichever is the greater) parking spaces must be marked out for use by electric vehicles only, together with an adequate charging infrastructure and cabling for each marked bay.
All Other Development:	At least one or 10% (whichever is the greater) parking spaces must be marked out for use by electric vehicles only, together with adequate charging infrastructure and cabling for each marked bay
Above requirements includes conversions	

Our aim is for as many EVR points to be installed within the development site as possible. We believe that for new houses and some other types of development (dependent on the type of activity) involving staff or visitor parking, this is relatively straightforward and affordable. Typically it is envisaged that this shall involve the provision of a standard domestic 13a socket, Charging time 6 –8 hours. These can be fixed on internal or external walls. In other circumstances there may be the requirement for more expensive free standing EVR infrastructure to be installed.

Where the required number of EVRs cannot be provided within the development site we want them to be provided within the local committee area of that development. Developers should provide a commuted sum so that we or our partners can install them in public areas such as on-street, and in local, district and town centres. It is proposed that these will need to have fast charging capabilities. For more details about this see Appendix 2.

Once the national toolkit is ready, this can be used to calculate the costs and contribution that these interventions will make towards fewer carbon and toxic pollutant emissions and can be incorporated into the Low Emission Strategy statement.

Exceptional Circumstances

There may be some cases where interventions to generate lower emissions through this policy note would make a development proposal unviable which would otherwise meet our key aim of regenerating Sefton. This is especially relevant to the need to clean contaminated sites in our regeneration priority areas which are concentrated in south Sefton, and in cases where we also require affordable housing.

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In such cases, we may waive part of the requirements for lowering emissions as set out in this policy note.

Appendix 1

AQMAs maps to be attached in published version

Appendix 2

A formula for accepting developer contributions is illustrated below. The breakdown of costs has been put together following discussions with suppliers of EVR charging points, our own experience and with other Local authorities who were in the first phase of the Government's Plugged in Places initiative to introduce EVRs. We recognise that these costs are a guideline as it comprises an average. However it is the figure we would normally charge unless there are exceptional circumstances as set out in this note.

A free standing EVR fast charging point can serve two parking bays, (13 and 32a combined 2-3 hours for a full charge). The estimated cost is **£10,000 per point** for 2010/2011 prices. This covers the cost of the unit's installation, including cabling and a 10-year networking fee and a 10 year maintenance contract, plus a contribution towards the costs of administering the commuted sum. This amount may change in line with inflation and as a result of the technology developing and maturing.

A commuted sum of half this amount is required per bay. This **equates to £5,000**

Supply of EVR Point (13 and 32a combined fast charge)	£3,000
Street Installation Costs	£4,000
10 year networking fee	£300
10 year maintenance fee	£1,500
Supervision of installation on Council land	£800
Administration Cost	£400
	Total £10,000

Of the total of the commuted sum per EVR (100%):

- 30 % is for the supply of infrastructure itself:
- 40 % is for installation costs (includes cabling)
- 15% is for a 10 year (maintenance contract and networking charge)
- 10 % is for supervision of street installation costs
- 5 % is for the costs of administering the commuted sum.

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Sefton's Legal Department also charge an additional fee for preparing legal agreements ('section 106' planning obligations), on an agreed scale of charges. For more complex agreements – mostly those which include affordable housing – additional sums may be requested to cover the costs of obtaining advice from external expert consultants, legal and administration costs.

Appendix 3

Further references and reading:

Sefton Council's Air Quality and Development Control Information Note -
<http://www.sefton.gov.uk/default.aspx?page=5863>

Ensuring Choice of Travel SPD
<http://www.sefton.gov.uk/default.aspx?page=7044>

Information on mitigation measures and low emission technologies is available to guide applicants (<http://www.lowemissionstrategies.org>).

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Agenda Item 10

Committee: Planning

Date of Meeting: 9 March 2011

Title of Report: Works in default within Linacre One HMRI area.
Report of: Andy Wallis
Planning and Economic Regeneration Director

Contact Officer: Mr J E Alford
Case Officer: Mr A Lynch

Telephone 0151 934 3544
Telephone 0151 934 3571

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

Purpose of Report: To seek authority to carry out works in default in respect of non compliance with a notice under the terms of Section 215 of the Town & Country Planning Act 1990 to the following property within the Linacre One HMRI area : 99-101 Linacre Road, Litherland.

Recommendation(s): That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 notices in respect of the property at 99-101 Linacre Road, Litherland, pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by Neighbourhood Initiative Funding.

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Corporate Objective Monitoring

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

Financial Implications

Officer Time

Departments consulted in the preparation of this Report

None

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

The notice referred to.

Introduction.

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

Current situation.

99-101 Linacre Road are vacant mid-terraced commercial units with non residential accommodation above situated within a primarily residential area and also within the Linacre One HMRI area. The properties have remained long term vacant. Their appearance and condition is having an adverse and detrimental impact on visual amenities of nearby residents.

Letters have been sent to the owners at their last known addresses in Ireland requesting work be carried out to improve the appearance of the property by carrying out remedial works. None of the correspondence has been answered and the owners have not made contact with the council. It has therefore not been possible to request remedial works be carried out. As a result Section 215 Notices was issued and served on the property on 13th January 2011. The compliance period ends on 11th March 2011.

The requirements of Section 215 Notice are: Repair and/or clean rainwater goods to front elevation. Paint boarding to windows at front elevation first & second floors with one coat of exterior grade under coat and two coats of exterior grade cream coloured gloss paint. Paint rendering to area of removed window at front elevation first floor with one coat of exterior grade under coat and two coats of exterior grade cream coloured gloss paint. Paint fascia to bay windows at front elevation first floor with one coat of exterior grade under coat and two coats of exterior grade dark blue coloured gloss paint. Shutters to front elevation to be cleaned and prepared, then painted with one coat of exterior grade under coat and two coats of exterior grade dark blue coloured gloss paint. Paint signage board/facia panel at front elevation with one coat of exterior grade under coat and two coats of exterior grade dark blue coloured gloss paint. Paint exposed brickwork to ground floor front elevation with one coat of exterior grade under coat and two coats of exterior grade dark blue coloured gloss paint. Concrete lintels to all windows at front elevation to be cleaned and prepared, then painted with one coat of exterior grade under coat and two coats of exterior grade dark blue coloured gloss paint. Leave the land in a clean and tidy condition. Leave the property secure.

A site inspection is due to take place on 14th March 2011 when it is expected to reveal that no remedial works have been undertaken to comply with the requirements of the Section 215 Notice by the owner(s) of the property, namely, 99-101 Linacre Road, Litherland property continues to deteriorate.

Comments.

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

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

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Financial funding to carry out remedial works is available and can be provided by Neighbourhood funding. Estimates have been sought from authorised contractors and the cost for the remedial works will be in the region of £1,700.00

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

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

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

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

Recommendation.

That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 Notice in respect of the property at 99-101 Linacre Road, Litherland pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by the Neighbourhood Initiative Fund.

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APPENDIX

Committee: PLANNING

Date Of Meeting: 9th March 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 11 Appeals Received and Decisions Made

From 28 January 2011 to 25 February 2011

Planning Appeal Decisions

Plot 3 Land to Rear of Oak Hey Lambshear Lane, Lydiate

S/2010/0907 - 2138594

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

Appeal Type: Written
Lodged Date: 19/10/2010
Decision: Allowed
Decision Date: 07/02/2011

Plot 2 Land to Rear Oak Hey Lambshear Lane, Lydiate

S/2010/0908 - 2138593

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

Appeal Type: Written
Lodged Date: 28/10/2010
Decision: Allowed
Decision Date: 07/02/2011

The Crown Hotel 304 Liverpool Road, Birkdale

S/2010/1195 - APP/M4320/H/10/2140820

Advertisement Consent for the display of four free standing post signs to the car park to the front and side and three illuminated fascia signs to the front and side elevations of the public house.

Appeal Type: Written
Lodged Date: 23/11/2010
Decision: Allowed
Decision Date: 24/02/2011

58 Moor Drive, Crosby

S/2010/0926 - 2143663

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

Appeal Type: Written
Lodged Date: 19/01/2011
Decision: Allowed
Decision Date: 18/02/2011

36 Litherland Park, Litherland

S/2010/0171 - 2137418

Conversion to 5 apartments including the erection of a part two and a half - part two storey extension to the side and two storey extension to the rear, new basement access and car parking to the rear

Appeal Type: Written
Lodged Date: 29/09/2010
Decision: Dismissed
Decision Date: 24/02/2011

New Planning Appeals

White House Ince Lane, Thornton

S/2010/0848 - 2139136

Listed Building Consent for the retention of the existing front boundary railings and modified gates

Appeal Type: Written
Lodged Date: 03/11/2010
Decision: ALLOWED&DISM
Decision Date: 08/02/2011

White House Ince Lane, Thornton

S/2010/0847 - 2139472

Retention of the existing front boundary railings and modified gates

Appeal Type: Written
Lodged Date: 03/11/2010
Decision: ALLOWED&DISM
Decision Date: 08/02/2011

47-53 South Road, Waterloo

S/2010/1169 - 2145114

Sub-division to create a smaller retail unit with the remaining area to be changed into a Class A4 use to form a public house (including serving meals) [re-submission of S/2010/0045 withdrawn 23/03/2010]

Appeal Type: Public
Lodged Date: 02/02/2011
Decision: PENDING
Decision Date: 03/02/2011

Enforcement Appeals Decisions

The White House Ince Lane, Thornton

2130966 - ENFS/2010/00040

Listed building

Appeal Type: Written
Lodged Date: 21/10/2010
Decision: PARTUPHELD
Decision Date: 08/02/2011

New Enforcement Appeals

273 Hawthorne Road, Bootle

2146093 - CLB/ENFO395

Conservation Area

Appeal Type: Written
Lodged Date: 08/02/2011
Decision: PENDING
Decision Date: 09/02/2011

Appeal Decision

Site visit made on 11 January 2011

by Simon Berkeley BA MA MRTPI

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

Decision date: 7 February 2011

Appeal Ref: APP/M4320/A/10/2138594

Plot 3, Liverpool Road, Lydiate, Merseyside L31 2LX

- 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 & Mrs D Wooton against the decision of Sefton Metropolitan Borough Council.
 - The application reference S/2010/0907, dated 13 May 2010, was refused by notice dated 18 August 2010.
 - The development proposed is the erection of a detached dormer bungalow.
-

Decision

1. I allow the appeal and grant planning permission for the erection of a detached dormer bungalow at Plot 3, Liverpool Road, Lydiate, Merseyside L31 2LX, in accordance with the terms of the application, reference S/2010/0907, dated 13 May 2010, subject to the nine conditions set out in the schedule below.

Procedural matters

2. There is a proposal for a house on Plot 2, near to this appeal site, which is also the subject of an appeal, reference APP/M4320/A/10/2138593. This is considered in a separate decision letter.
3. An amendment was made to the scheme during the Council's consideration of the application. The Council determined the proposal on the basis of the revised drawing, number 1905/1a, and I have dealt with the appeal accordingly. Notwithstanding the postcode given on the application form, I understand the correct postcode to be L31 2LX. Consequently, I have used that postcode in the heading and my formal decision.

Main issues

4. The main issues are the effect of the proposed dwelling on neighbours' living conditions in terms of visual impact and on the character and appearance of the surrounding area.

Reasons

5. The appeal site forms part of a wider parcel of undeveloped land off Liverpool Road. Outline planning permission was granted in March 2009 for three detached dormer bungalows on this wider area.

Effect on neighbours' living conditions in terms of visual impact

6. The proposed dwelling would face towards the side boundary enclosing the rear garden of 97b Liverpool Road, and that of number 97a beyond. However, it would be set back within its plot, and the access to the wider parcel would divide the two properties. As a consequence, the main part of its front elevation would not be exceptionally close to the boundary of number 97b. The distance between the new dwelling and the built form of that neighbouring bungalow, including its rear conservatory, would be significantly greater.
7. The dwelling would be around 7 metres high at its ridge, and the front facing gable would be of a corresponding height. However, the eaves of the main portion of the front elevation would be considerably lower. As a result, the building's bulk would be quite limited.
8. Overall, in my view, the scale of the proposed dwelling would not be excessive. Because of this and the intervening distance involved, it would not be unduly intrusive from number 97b, particularly from within the property and the garden area closest to the bungalow. Whilst the proposed front gable would be closer to that garden, it would not be substantially so, and this relationship would be limited to the far end of the garden, away from the bungalow and its most intimate outdoor areas. In my opinion, notwithstanding the contrasting materials proposed, it would not be a visually oppressive feature, and would be acceptable. As the dwelling would be even further from number 97a, I consider that it would not have an overbearing visual effect there.
9. I therefore conclude that the proposed dwelling would not materially harm neighbours' living conditions in terms of visual impact. As such, it would not conflict with the aims of Policies DQ1 and CS3 of the Sefton Unitary Development Plan (UDP). The former seeks to protect the amenity of those adjacent to the site, whilst the latter does not allow development that would cause significant harm to amenity.

Effect on the character and appearance of the surrounding area

10. On my site visit I saw that homes in this neighbourhood include detached and semi-detached houses and bungalows in an assortment of design styles. Their sizes and that of their plots also differ considerably. The three storey development at the junction of Oakhill Cottage Lane and the rather large commercial buildings adjacent to the appeal site add to the variety here. As a result, I consider the area to be of a somewhat mixed appearance.
11. Because of its position to the rear of the quite large commercial buildings, views of the proposed dwelling from Liverpool Road would be confined largely to glimpses over some distance down the wider site access. Its visibility from the street would be significantly restricted. Although noticeable from some vantage points, its presence would not be widely felt. Given this, and in the context of these surroundings, I consider that it would not look out of place, or result in the site appearing overdeveloped. Indeed, the design incorporates materials evident within the area, which would help the building to blend in.
12. I conclude that the proposed dwelling would not harm the character and appearance of the surrounding area. It would not, therefore, be discordant with the objectives of UDP Policies DQ1 and CS3 which on this point. These do not permit developments unless the proposal responds positively to the character and form of its surroundings, and makes a positive contribution in terms of scale, form, massing and style, among other things.

Other matters

13. Local residents have raised other concerns, and I have taken account of all the evidence. However, both of the proposed front dormer windows would be 10.5 metres from the garden of number 97b. To my mind, they would be sufficiently distant so as to avoid any significant loss of privacy there. That they would meet the recommended minimum distances set out in the Council's Supplementary Planning Guidance: *New Housing Development* adds to my view on this point. Whilst the front window in the facing gable would not meet those guidelines, the annotation on the application plans clearly show that it would be fitted with obscured glazing and would have no opening lights. This would eliminate the potential for overlooking from it. Because of its presence in this closer position, it is possible that the occupiers of the rear gardens it would face towards could experience some perception of being overlooked. However, that the window is fitted with obscured glazing would be apparent, and the effect would not be so severe as to justify dismissing the appeal.
14. If built, the dwelling previously allowed here by the Council would be likely to give rise to traffic along the access driveway. Although the dwelling now sought would be larger, it is not inevitable that the number of vehicular movements would be greater. As I see it, any difference involved would not be particularly significant either in terms of the impact on highway safety or any noise and disturbance caused to neighbouring occupiers.
15. I recognise the differences between this scheme and that previously allowed by the Council. Nevertheless, this application seeks full planning permission, and is not fettered by the restrictions of the outline permission. Though a larger dwelling is now sought, closer to numbers 97a and 97b, I have considered the scheme on its merits and have found it to be acceptable. Whether it is regarded as a dormer bungalow or a house does not alter this. The effects of construction work would be little different to those that would occur in the event of the existing outline permission being implemented. In any case, these would be temporary effects, and do not amount to a strong reason for resisting the scheme.

Conditions

16. I have considered the conditions suggested by the Council in the light of advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. To ensure a satisfactory appearance, samples of the dwelling's external materials should be subject to the Council's approval, and the proposed landscaping should be carried out before the dwelling is occupied, and properly maintained. To this end, and to make sure that neighbours' living conditions are safeguarded, a condition removing permitted development rights to extend the dwelling or erect outbuildings is also needed. To prevent overlooking to number 97b, the first floor front gable window should be fitted with obscured glazing as proposed, fixed shut, and retained as such.
17. Conditions requiring the provision of a vehicle and pedestrian access, and the laying out of vehicle parking and manoeuvring areas before the dwelling is occupied are required, in the interests of safety. To control the effects of any piling or compaction works necessary as part of the dwelling's construction, the Council should approve details of such works beforehand. In addition, for the avoidance of doubt and in the interests of proper planning, it is necessary that the development shall be carried out in accordance with the approved plans, other than as set out in this decision and conditions. I shall impose appropriate conditions accordingly.

18. However, given the relationship of the proposed dwelling with others nearby, it is not necessary to remove permitted development rights to insert new windows. Consequently, I shall not include such a condition.

Conclusion

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Simon Berkeley,

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) The approved hard and soft landscaping scheme shall be carried out in accordance with a timetable that shall first have been approved in writing by the local planning authority. Any trees or plants which within a period of 5 years after planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions, garages or other outbuildings shall be erected.
- 5) Before the dwelling is first occupied a means of vehicular and pedestrian access shall have been constructed in accordance with details first approved in writing by the local planning authority.
- 6) Before the dwelling is first occupied all areas for vehicle parking, turning and manoeuvring shall have been laid out, surfaced, demarcated and drained in accordance with the approved plan. These areas shall be retained for their intended use thereafter.
- 7) During the construction of the dwelling, any piling works and/or ground compaction shall be undertaken in accordance with details first approved in writing by the local planning authority. Such details shall include the hours and duration of piling and/or ground compaction works, and measures to suppress dust.
- 8) The first floor window in the front gable element of the dwelling shall be fitted with obscured glazing and fixed shut at all times.
- 9) The development hereby permitted shall be carried out in accordance with the following approved plans: 1905/loc/a; 1905/1a; 2and3/drivesect; and M/124/LRL/LAND/01.

Appeal Decision

Site visit made on 11 January 2011

by **Simon Berkeley BA MA MRTPI**

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

Decision date: 7 February 2011

Appeal Ref: APP/M4320/A/10/2138593

Plot 2, Liverpool Road, Lydiate, Merseyside L31 2LX

- 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 A McCullough against the decision of Sefton Metropolitan Borough Council.
 - The application reference S/2010/0908, dated 13 May 2010, was refused by notice dated 18 August 2010.
 - The development proposed is the erection of a detached dormer bungalow and double garage.
-

Decision

1. I allow the appeal and grant planning permission for the erection of a detached dormer bungalow and double garage at Plot 2, Liverpool Road, Lydiate, Merseyside L31 2LX, in accordance with the terms of the application, reference S/2010/0908, dated 13 May 2010, subject to the nine conditions set out in the schedule below.

Procedural matters

2. There is a proposal for a house on Plot 3, near to this appeal site, which is also the subject of an appeal, reference APP/M4320/A/10/2138594. This is considered in a separate decision letter.
3. Notwithstanding the two different postcodes given on the application and appeal forms, I understand the correct postcode to be L31 2LX. Consequently, I have used that postcode in the heading and my formal decision.

Main issues

4. The main issues are the effect of the proposed dwelling on neighbours' living conditions in terms of visual impact and on the character and appearance of the surrounding area.

Reasons

5. The appeal site forms part of a wider parcel of undeveloped land off Liverpool Road. Outline planning permission was granted in March 2009 for three detached dormer bungalows on this wider area.

Effect on neighbours' living conditions in terms of visual impact

6. Plot 2 is immediately adjacent to the fence line demarking the rear boundary of 97a and 97b Liverpool Road, and the side boundary to the rear of 95b Liverpool Road. The proposed dwelling would be roughly 'L' shaped, such that the closest part of it

to number 97b would be a blank gable end. Views of the property from number 97a would be of that gable and the south-western section of the rear elevation.

7. The main parties do not dispute that the proposed property's roof ridge would be 6.5 metres in height. However, the eaves would be substantially lower. As a result, although quite wide and spanning the rear boundary of number 97b, the overall mass of the gable would not be excessive. Though longer, the position of the eaves and roof gradient would similarly limit the bulk of the property from the rear.
8. From the Council's measurements, the dwelling would be set back from the fencing by approximately 3.4 metres. In addition, both of these properties have rear gardens of some length. Consequently, notwithstanding their rear additions, the proposed dwelling would not be especially close to them.
9. Overall, because of the intervening distance and the limited scale of its closest and most visible elements, the proposed dwelling would not be unduly intrusive from the adjacent properties concerned, including from their most intimate outdoor areas closest to them. That the height of the intervening fencing would hide much of it from their ground floor rooms and garden adds to this. To my mind, whilst its introduction would bring about a change from the current situation, including in terms of the aspect from numbers 97a and 97b, the relationship would not be dissimilar to that commonly found in conventional housing layouts, and would not be visually overbearing.
10. Moreover, the dwelling would be considerably further from the boundary with number 95b, and would not be near to that home. Indeed, the Council's officer report indicates that the separation distance would be over 13 metres. Consequently, notwithstanding the comments about the finished floor levels at number 95b, I consider that the proposed dwelling would not have an unacceptable visual effect at that property.
11. I therefore conclude that the proposed dwelling would not materially harm neighbours' living conditions in terms of visual impact. As such, it would not conflict with the aims of Policies DQ1 and CS3 of the Sefton Unitary Development Plan (UDP). The former seeks to protect the amenity of those adjacent to the site, whilst the latter does not allow development that would cause significant harm to amenity.

Effect on the character and appearance of the surrounding area

12. On my site visit I saw that homes in this neighbourhood include detached and semi-detached houses and bungalows in an assortment of design styles. Their sizes and that of their plots also differ considerably. The three storey development at the junction of Oakhill Cottage Lane and the rather large commercial buildings adjacent to the appeal site add to the variety here. As a result, I consider the area to be of a somewhat mixed appearance.
13. Because of its position, views of the proposed dwelling from Liverpool Road would be confined largely to glimpses over some distance down the wider site access. Its visibility from the street would be significantly restricted. Although noticeable from some vantage points, its presence would not be widely felt. Given this, and in the context of these surroundings, I consider that it would not look out of place, or result in the site appearing overdeveloped. Indeed, the design incorporates materials evident within the area, which would help the building to blend in.
14. I conclude that the proposed dwelling would not harm the character and appearance of the surrounding area. It would not, therefore, be discordant with the objectives of UDP Policies DQ1 and CS3 on this point. These do not permit development unless

the proposal responds positively to the character and form of its surroundings, and makes a positive contribution in terms of scale, form, massing and style, among other things.

Other matters

15. Local residents have raised other concerns, and I have taken account of all the evidence. However, the front dormer windows in the southeast section would face away from both neighbours. Those in the front elevation, in the northeast portion of the dwelling, would be rather distant from number 97b. Any views of that home from them would not be in close quarters. Whilst it may be possible to see some parts of numbers 97a and 97b from the rear dormer windows, the angle would be rather oblique. The distance between the proposed dormer windows and the areas where the neighbouring occupiers might reasonably expect to have the greatest levels of privacy would be significant, including in respect of number 95b. Considering all these factors, I am satisfied that any reduction in privacy would not be so significant that material harm would be caused.
16. I recognise the differences between this scheme and that previously allowed by the Council. Nevertheless, this application seeks full planning permission, and is not fettered by the restrictions of the outline permission. Though a larger dwelling is now sought, closer to numbers 97a and 97b, I have considered the scheme on its merits and have found it to be acceptable. Whether it is regarded as a dormer bungalow or a house does not alter this. The effects of construction work would be little different to those that would occur in the event of the existing outline permission being implemented. In any case, these would be temporary impacts, and do not amount to a strong reason for resisting the scheme.

Conditions

17. I have considered the conditions suggested by the Council in the light of advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. To ensure a satisfactory appearance, samples of the dwelling's external materials should be subject to the Council's approval, and the proposed landscaping should be carried out before the dwelling is occupied, and properly maintained. To prevent overlooking to neighbouring homes, it is necessary to remove permitted development rights to insert windows, although this need apply only to the two gable elevations. A condition removing permitted development rights to extend the dwelling or erect outbuildings is also needed, to make sure that neighbours' living conditions are safeguarded. Conditions requiring the provision of a vehicle and pedestrian access, and the laying out of vehicle parking and manoeuvring areas before the dwelling is occupied are required, in the interests of safety. To control the effects of any piling or compaction works necessary as part of the dwelling's construction, the Council should approve details of such works beforehand. In addition, for the avoidance of doubt and in the interests of proper planning, it is necessary that the development shall be carried out in accordance with the approved plans, other than as set out in this decision and conditions. I shall impose appropriate conditions accordingly.

Conclusion

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Simon Berkeley, INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) The approved hard and soft landscaping scheme shall be carried out in accordance with a timetable that shall first have been approved in writing by the local planning authority. Any trees or plants which within a period of 5 years after planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions, garages or other outbuildings shall be erected, other than the garage expressly authorised by this permission.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or dormer windows shall be constructed on the north-eastern gable elevation facing Plot 1 or the south-eastern gable elevation facing 97b Liverpool Road.
- 6) Before the dwelling is first occupied a means of vehicular and pedestrian access shall have been constructed in accordance with details first approved in writing by the local planning authority.
- 7) Before the dwelling is first occupied all areas for vehicle parking, turning and manoeuvring shall have been laid out, surfaced, demarcated and drained in accordance with the approved plan. These areas shall be retained for their intended use thereafter.
- 8) During the construction of the dwelling, any piling works and/or ground compaction shall be undertaken in accordance with details first approved in writing by the local planning authority. Such details shall include the hours and duration of piling and/or ground compaction works, and measures to suppress dust.
- 9) The development hereby permitted shall be carried out in accordance with the following approved plans: 1906/loc/a; 1906/1; 2and3/drivesect; and M/124/LRL/LAND/01.



Appeal Decision

Site visit made on 8 February 2011

by **S R G Baird BA(Hons) MRTPI**

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

Decision date: 24 February 2011

Appeal Ref: APP/M4320/H/10/2140820

The Crown Hotel, 304 Liverpool Road, Birkdale, Merseyside PR8 3BZ.

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mitchells & Butlers Retail Limited against the decision of Sefton Metropolitan Borough Council.
 - The application Ref S/2010/1195, dated 23 August 2010, was refused by notice dated 21 October 2010.
 - The advertisement proposed is a totem sign to the car park area.
-

Decision

1. The appeal is allowed and consent granted for a totem sign to the car park area from the date of this decision and is subject to the 5 standard conditions set out in the Regulations.

Reasons

2. Powers under the above Regulations may be exercised only in the interests of amenity and public safety, taking account of any material factors. The sign has been erected and replaces a rectangular tapering pillar some 1.5m higher than the current sign. Liverpool Road is a main route into Southport and is heavily trafficked. Notwithstanding the nature of the road, the Council has indicated that highway safety is not an issue. I have no reason to disagree and conclude that the sign does result in a distraction to drivers.
3. The impact on amenity is essentially a matter of subjective judgement. From the photographs supplied, it appears to me that the pillar this sign replaced was a substantial feature in the street scene. Whilst the Council considers it may have been a "novelty feature" it clearly had, through its height and width, a significant presence in the street. The size, shape, detail and finish of the sign on the front of the building is clean, sharp, distinctive and in scale with the mass of this building and adjoining buildings. The sign is not intrusive or incongruous in the context of The Crown Hotel, the wider residential area or this busy main road. As such the sign does not conflict with the objectives of Unitary Development Plan Policy MD7.
4. For the reasons given above and having regard to all other matters raised, I conclude that the advertisement is not detrimental to the interests of public safety or amenity.

George Baird

INSPECTOR



Appeal Decision

Site visit made on 7 February 2011

by **Jim Metcalf MRTPI**

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

Decision date: 18 February 2011

Appeal Ref: APP/M4320/D/11/2143663
58 Moor Drive, Crosby, Liverpool, L23 2UR

- 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 Edward Humphrey against the decision of Sefton Council.
 - The application Ref S/2010/0926, dated 15 June 2010, was refused by notice dated 15 October 2010.
 - The development proposed is 'part retention of single storey extension and proposed first floor extension at side'.
-

Decision

1. I allow the appeal and grant planning permission for a part single and part two storey side extension at 58 Moor Drive, Crosby, Liverpool, L23 2UR in accordance with the terms of the application, Ref S/2010/0926, dated 15 June 2010, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings received on 1st July 2010 and amended drawings received on 25th August 2010.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing house.

Procedural Matter

2. A single storey extension has been built at the side of the appeal property. This is complete and occupied. The first floor side extension would be above the front part of the extension that has been built. In effect the scheme amounts to a part single and part two storey side extension and I have therefore used this description in my formal decision. I have omitted the term 'part retention' as this is not a description of development.

Main issue

3. The single storey extension part of the development, already built, was subject of a separate planning application (ref S/2010/1644) submitted after the decision subject of this appeal. The appellant explains that planning permission was granted. Consequently, I regard the main issue as the effect of the first floor part of the extension on the living conditions of neighbours with regard to outlook.
-

Reasons

4. The proposed first floor would be above that part of the single storey extension where it sits alongside the main side wall of the house. At the front it would be set back about 0.8m from the main front wall and at the rear would line up with the main rear wall of the house. The eaves on the extension would be the same height as the house eaves.
5. There are windows in the side of the house next door, No 56 Moor Drive that face the side of the appeal property. These include a generous window in the hall and smaller windows on the landing and toilet upstairs. All these windows are obscure glazed. The space between the side wall of No 56 Moor Drive and the ground floor extension at No 58 Moor Drive has been roofed to form a covered patio type area.
6. Policies MD1 and DQ1 of the Sefton Unitary Development Plan (UDP) are designed, amongst other things to ensure that development does not cause significant harm to the amenities of neighbours. In more detail the Council's Supplementary Planning Guidance regarding 'House Extensions' (SPG) makes it clear that extensions should not overshadow windows in neighbouring habitable rooms. The SPG definition of habitable rooms does not include halls, landing or toilets. Thus, although the first floor extension would introduce an element of overshadowing at the side of No 56 Moor Drive this would not affect habitable rooms. Furthermore, I consider that the effect of the first floor part of the extension on the outlook from the windows in the side of No 56 Moor Drive would not be so overbearing as to justify withholding planning permission.
7. Because of its position at the side of No 58 Moor Drive the extension would not be unduly prominent when seen from the adjoining semi, No 60 Moor Drive. The Council have not raised any concern about the effect of the extension on the street scene along Moor Drive and I accept this approach. I have noted the concern of the resident at No 56 Moor Drive that the single storey extension and the boundary wall at the front have involved work on his side of the joint boundary. However, I am unable to arbitrate on this issue. I do note that the Council have granted planning permission for the work already carried out.
8. I conclude that the first floor part of the extension would not have a significant effect on the living conditions of neighbours with regard to outlook and would be compliant in this respect with the Council policies set down in SPG and in UDP Policies MD1 and DQ1.
9. The Council submit that conditions are needed to specify the approved plans and require the materials used to build the extension to match those of the existing house. I agree and have added two conditions accordingly. Because the work has commenced, in that the ground floor extension is built, a time limit condition for commencement is unnecessary.

Jim Metcalf

INSPECTOR



Appeal Decision

Site visit made on 8 February 2011

by **S R G Baird BA(Hons) MRTPI**

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

Decision date: 24 February 2011

Appeal Ref: APP/M4320/A/10/2137418

36 Litherland Park, Litherland, Liverpool L21 9HP

- 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 Mrs S Stockton against the decision of Sefton Metropolitan Borough Council.
 - The application Ref S/2010/0171, dated 4 February 2010, was refused by notice dated 8 April 2010
 - The development proposed is the removal of an existing entrance porch, basement access and tree, alterations to the elevations and the erection of a part 2½-storey/2-storey side extension and a 2-storey rear extension, alterations and renovation work to convert the existing property currently separated into 7 bedsits to provide 5 apartments including the construction of a new basement access and rear parking area and including all associated works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The implications for neighbours' living conditions with particular reference to noise and disturbance, outlook, daylight and sunlight and the effect on the character and appearance of the area.

Reasons

Noise and Disturbance

3. Whilst the existing layout provides for car parking adjacent to No. 37, it does not extend much beyond its main rear elevation. The proposed layout would relocate the parking spaces to the rear of the garden with vehicular access directly adjacent to the 1.5m high fence that forms the boundary with No. 37. Whilst Supplementary Planning Guidance – New Housing Development refers to car parking behind dwellings it does so on the basis that it should not cause undue disturbance to neighbours. The same objective of protecting adjoining residents from noise and disturbance is found in Unitary Development Plan (UDP) Policy MD2. Here, given the position of the drive and the parking spaces deep within the garden, the comings and goings of vehicles and the associated opening and closing of car doors and revving of engines would unacceptably affect the use and enjoyment of the rear garden and rear habitable rooms of No. 37 making them significantly less pleasant place to use and live in.

Daylight, Sunlight and Outlook

4. Given the depth and width of the extension, there would be some reduction in the amount of daylight and sunlight received by Nos. 35 and 37. However, given the orientation of the houses and the open aspect to the rear, the reduction would not be material. In terms of outlook, the side extension would maintain a gap of some 4.6m to the side elevation of No. 37 and would not project behind its main rear elevation. In this context and given the side facing windows would be obscure glazed the extension would not unacceptably dominate or reduce the level of privacy enjoyed by No. 37.

Character and Appearance

5. Nos. 35 and 36 are a substantial pair of houses that have a considerable presence in the street scene. Despite some minor changes to the windows and the porch at No. 36 these houses retain a strong sense of unity. In designing this extension, the designer has gone to significant lengths to mimic several features of the existing house that contribute to the character and appearance of the street scene and to ensure that the extension would appear subordinate to the host building. However, specific elements of the design, particularly the size of the first floor windows in the front elevation of the extension and their relationship with the size and position of the original windows, the proportion of brickwork to window in the 2½-storey element and the massing of the 2-storey element result in an extension that would appear incongruous and obtrusive in the street scene.

Other Matters

6. The existing parking layout at No. 36 permits access to the rear garden and I accept that the existing 1.5m high fence is of little deterrent to those wishing to access the rear of No. 37. The proposed layout would make little difference to the existing situation. Moreover, if the residents are concerned about security and unauthorised access to their property it is for them to take such action, within the bounds of reasonableness, as they consider necessary, to secure their property
7. A S106 Unilateral Undertaking has been submitted to provide for tree planting in line with UDP Policy DQ3. Regulation 122 of the Community Infrastructure Levy Regulations 2010 sets out limitations on the circumstances where an obligation can be taken into account. Here, having regard to UDP Policy and SPD - Green Spaces Trees and Development 2008 the proposed contribution does not appear to be outside the limitations set by Regulation 122.

Conclusions

8. Notwithstanding the conclusions on daylight, sunlight, outlook and security, I consider the unacceptable harm to the character and appearance of the area and to neighbours' living conditions through noise and disturbance are compelling reasons why this appeal should be dismissed. Accordingly, this proposal would conflict with the objectives of UDP Policies CS3, H10 and MD2.

George Baird

INSPECTOR



Appeal Decisions

Site visit made on 1st February 2011

by Clive Whitehouse BA(Hons) MCD MRTPI

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

Decision date: 8 February 2011

Appeal A: APP/M4320/F/10/2139066

The White House, Ince Lane, Thornton L23 4UJ

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr John Fox against a listed building enforcement notice issued by Sefton Metropolitan Borough Council.
- The notice was issued on 8th October 2010.
- The contravention of listed building control alleged in the notice is the erection of front boundary railings and gates.
- The requirement of the notice is to remove the front boundary railings and gates.
- The period for compliance with the requirement is 3 months.
- The appeal is made on the grounds set out in section 39(1)(e), (h) and (j) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Summary of Decision: The enforcement notice is upheld with a variation, as set out in the formal decision, below.

Appeal B: APP/M4320/E/10/2139472

The White House, Ince Lane, Thornton L23 4UJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr John Fox against the decision of Sefton Metropolitan Borough Council.
- The application Ref S2010/0848, dated 17th June 2010, was refused by notice dated 23rd August 2010.
- The works proposed are to retain railings and modified gates.

Summary of Decision: The appeal succeeds in part and fails in part, as set out in the formal decision, below.

Appeal C: APP/M4320/A/10/2139136

The White House, Ince Lane, Thornton L23 4UJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr John Fox against the decision of Sefton Metropolitan Borough Council.
- The application Ref S/2010/0847, dated 17th June 2010, was refused by notice dated 23rd August 2010.
- The development proposed is to retain railings and modified gates.

Summary of Decision: The appeal succeeds in part and fails in part, as set out in the formal decision, below.

Background and Procedural Matters

1. The White House is a grade II listed building dating from the 1820s or 30s, which has recently been renovated as a single dwelling. It is surrounded by mature trees and is located off a busy road in a rural setting. The metal railings and double gates extend for about 65m across the road frontage.
2. The three appeals fall under different legislation, but all relate to the existing and proposed front boundary treatment. The enforcement appeal relates to the railings and the gates as they exist, whereas appeals B and C relate to a proposed modified gate design, but seek the retention of the existing metal railings.

Main Issue

3. I consider the main issue to be the effect of the railings and gates on the setting of the listed building.

The Gates

4. The existing double metal gates are of a plain and functional design and are seen from the main road against the driveway and part of the house. The appellant has conceded that the existing gates are not consistent with the setting and architectural quality of the listed building, and I agree. Negotiations between the parties have resulted in a revised and appropriately detailed gate design, which would be hung from new, stuccoed gate piers reflecting the stuccoed finish of the house.
5. Although the Council is satisfied with the design of the proposed gates, the applications under appeals B and C were refused for reasons relating solely to the existing railings.
6. I conclude on the main issue in respect of appeal A that the existing gates do not make a positive contribution to the setting of the listed building, and in respect of appeals B and C that the proposed gates would make a positive contribution. I will uphold the requirement of the enforcement notice to remove the existing gates, and I will grant planning permission and listed building consent for the proposed replacement gates.

The Railings

7. The railings are of a similar design to the existing gates, being about 2m high and composed of plain, black-painted hollow steel sections and cross pieces. It would appear that they replaced a hedge that formed part of the tree-belt across the site frontage. Whilst acknowledging that the railings are of a functional appearance, the appellant points out that from the road the house is largely hidden by trees and shrubs and that the railings are seen in that context. Shrubs have been planted at intervals within the fence-line to supplement the existing vegetation, and the appellant contends that those will quickly grow through the railings and diminish any visual impact.
8. The Council's opinion is that the railings would be more in keeping with a modern business park or industrial area, rather than as the boundary treatment for a Georgian villa in a rural location.
9. Turning to the mitigating effect of the boundary vegetation, the house could be discerned through the trees in February, but I accept that it would be almost completely hidden when the trees are in leaf. Even though the presence of

the house is only glimpsed from the road and there is little inter-visibility between the house and the railings, I consider that the road frontage is nonetheless a significant part of the setting of the listed building.

10. In their existing form, I consider that the railings do not make a positive contribution to the setting of the listed building. They were erected in 2009 and the boundary vegetation had not started to grow through them to a significant degree at the time of my visit, so it is likely to be some years before their visual impact would be mitigated.
11. The appellant contends that the railings have an important security function, given the isolated position of the house. On the face of it, security could be a significant material consideration in that location, but the argument is weakened somewhat by the fact that the other three boundaries of the property are not secured, allowing easy access from the surrounding fields. Planning permission has been granted for 2m high timber post and rail fences on those boundaries, but those would have little security value.
12. I have had regard to all other matters raised, including the support of the Parish Council for the appellant's actions, but I conclude on the main issue that the existing railings are harmful to the setting of the listed building. As such their retention would be contrary to saved Unitary Development Plan policy HC4 and policy HE10 of Planning Policy Statement 5: Planning for the Historic Environment.
13. The Council's reason for the refusal of planning permission (appeal C) includes reference to the visual amenity of the Green Belt, which national and local policies seek to preserve. I consider that the height and open design of the railings and their position bounding a wooded area is such that they do not have a materially adverse effect on the visual amenities of the Green Belt.
14. I will uphold the requirement of the enforcement notice to remove the railings and will refuse planning permission and listed building consent for the retention of the railings.

Appeal A on Ground (j)

15. It is contended on behalf of the appellant that the requirements of the enforcement notice exceed what is necessary to alleviate the effect of the works. It is suggested, for instance, that a reduction in the height of the railings might overcome the objections, but no specific proposal has been put forward for consideration. In that situation possible modifications are a matter for discussion between the parties, and I do not propose to vary the requirements.

Appeal a on Ground (h)

16. In the event of the requirements being upheld, the appellant seeks an extended period of 6 months for compliance, instead of 3 months. It is submitted that the railings should be allowed to remain until an amended scheme has been formally agreed. I accept that additional time should be allowed for that process. I consider that it is not necessary to remove the existing gates before the railings. I will vary the notice by extending the period for compliance to 6 months from the date of this decision.

Formal Decisions

Appeal A

17. I direct that the enforcement notice be varied by substituting 6 months for 3 months as the time for compliance in Schedule 2. Subject to that variation I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

18. I dismiss the appeal and refuse to grant listed building consent for the retention of the existing front boundary railings.

19. I allow the appeal insofar as it relates to the proposed modified gates, as shown on submitted drawing No. 454.02, and grant listed building consent for those works at The White House, Ince Lane, Thornton subject to the following conditions.

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The gates shall be painted black within 1 month of being installed and shall be maintained in that condition thereafter.

Appeal C

20. I dismiss the appeal insofar as it relates to the retention of the existing front boundary railings. I allow the appeal insofar as it relates to the proposed modified gates, as shown on submitted drawing No.454.02 and I grant planning permission for those proposed gates at The White House, Ince Lane, Thornton in accordance with the terms of the application, Ref S/2010/0847, dated 17th June 2010, subject to the same two conditions as set out under Appeal B, above.

C Whitehouse

INSPECTOR