



MEETING: PLANNING COMMITTEE
DATE: 8th February 2012
TIME: 6.30 pm
VENUE: Town Hall, Southport

Member

Councillor
Cllr Paul Tweed (Chair)
Cllr John Kelly (Vice-Chair)
Cllr Marion Atkinson
Cllr Tony Crabtree
Cllr Linda Cluskey
Cllr John Dodd
Cllr Sean Dorgan
Cllr Mrs Maureen Fearn J.P.
(Spokesperson)
Cllr Barry Griffiths (Spokesperson)
Cllr Ms Carol Gustafson O.B.E.
Cllr Richard Hands
Cllr James Mahon
Cllr Diane Roberts
Cllr David Sumner
Cllr Andrew Tonkiss

Substitute

Councillor
Cllr Owen Brady
Cllr Robert Brennan
Cllr Catie Page
Cllr Mrs Pat Ball
Cllr Ms Doreen Kerrigan
Cllr Anthony Hill
Cllr Denise Dutton
Cllr Lord Ronnie Fearn of
Southport, O.B.E.
Cllr Terry Jones
Cllr Miss Veronica Webster
Cllr Haydn Preece
Cllr Gordon Friel
Cllr Kevin Cluskey
Cllr Geoff Howe
Cllr John Gibson

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

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

AGENDA

1. Apologies for Absence

2. Declarations of Interest

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

3. Minutes of Previous Meeting

(Pages 5 - 10)

Minutes of the meeting held on 11 January 2012

4. Petitioned Applications

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

A Application No.S/2011/1348 - Site of Parkside Century Social Club, 495 Hawthorne Road, Bootle (Pages 11 - 24)

B Application No.S/2011/1511 - 88 Waddicar Lane, Melling (Pages 25 - 32)

C Application No.S/2011/1368 - Land East of Damfield Lane, Maghull (Pages 33 - 54)

D Application No.S/2011/1347 - Access Gateway, Damfield Lane, Maghull (Pages 55 - 60)

5. Applications for Planning Permission - Approvals

A Application No.S/2011/1419 - Land Adjacent to 2 Moorhey Road, Maghull (Pages 61 - 70)

B Application No.S/2011/1433 - Oil Salvage Limited Lyster Road, Bootle (Pages 71 - 80)

C Application No.S/2011/1553 - Land to Rear 72-74 Lilac Avenue, Ainsdale (Pages 81 - 90)

D Application No.S/2011/1557 - Land to Rear 52-56 Lilac Avenue, Ainsdale (Pages 91 - 100)

E Application No.S/2011/1558 - Land Adjacent 10 Heather Close, Ainsdale (Pages 101 - 108)

F Application No.S/2011/1343 - Ribble Buildings Lord Street, Southport (Pages 109 - 118)

G Application No.S/2011/1521 - Garden to Rear 54 Elson Road, Formby (Pages 119 - 128)

H Application No.S/2011/1572 - Land Adjacent 52 Freshfield Road, Formby (Pages 129 - 136)

I Application No.S/2011/1476 - Southport Snooker Club 31-33 Princes Street, Southport (Pages 137 - 146)

J Application No.S/2011/1479 - 141 - 143 Shakespeare Street, Southport (Pages 147 - 152)

6. Applications Inspected by the Visiting Panel - 6 February 2012

(Pages 153 - 164)

- 7. West Lancashire Local Plan 'Preferred Options'** (Pages 165 - 170)
Report of the Head of Planning Service
- 8. Liverpool Waters Planning Application - Neighbouring Authority Consultation** (Pages 171 - 180)
Report of the Head of Planning Services
- 9. Future Housing Requirements - The Scope for Affordable Rent in Sefton** (Pages 181 - 192)
Report of the Director of Built Environment and Head of Planning Service
- 10. Planning Services - Fees and Charges 2012/13** (Pages 193 - 206)
Report of the Director of Built Environment
- 11. Town and Country Planning Act 1990 - Appeals** (Pages 207 - 230)
Report of the Head of Planning Services

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

PLANNING COMMITTEE

MEETING HELD AT THE TOWN HALL, BOOTLE ON 11 JANUARY 2012

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

Councillors Atkinson, Crabtree, L. Cluskey, Dodd,
Dorgan, M. Fearn, Griffiths, Gustafson, Hands,
Roberts, Sumner and Tonkiss.

117. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mahon and Friel (substitute Member).

118. DECLARATIONS OF INTEREST

No declarations of interest were received.

119. MINUTES OF THE MEETING HELD ON 14 DECEMBER 2011

RESOLVED:

That the Minutes of the meeting held on 14 December 2011 be confirmed as a correct record.

120. APPLICATION NO. S/2011/1464 - 12 ENDBUTT LANE, CROSBY

The Committee considered the report of the Head of Planning Services recommending that the above application for the change of use from Retail (A1) to Tea Room (A3) together with the installation of a extraction flue to the rear of the premises be granted subject to the conditions and for the reasons stated or referred to in the report.

RESOLVED:

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

121. APPLICATION NO. S/2011/1447 - THE GRAPES 22 GREEN LANE, THORNTON

Further to Minute No. 106 of 14 December 2011, the Committee considered the report of the Head of Planning Service, which recommended that the above application for advertisement consent for the display of one internally and externally illuminated fascia sign, one

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internally illuminated welcome sign to the existing entrances and one non illuminated board sign to the front, one internally illuminated fascia sign to each side, one internally illuminated free standing totem sign to a maximum height of 4.5m, one non illuminated car park sign to a maximum height of 1.5m be granted subject to the conditions and for the reasons stated or referred to within the report and Late Representations.

RESOLVED:

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

122. APPLICATIONS INSPECTED BY THE VISITING PANEL - 9 JANUARY 2012

The Committee considered the report of the Head of Planning Services which advised that the undermentioned sites had been inspected by the Visiting Panel on 9 January 2012.

Application No.	Site
INVS/2011/0820	Land adjacent to Southport Hospital Site, Town Lane, Southport
S/2011/1492	Farnborough Road Junior School, Farnborough Road, Southport
S/2011/1368	Land east of Damfield Lane, Maghull
S/2011/1464	12 Endbutt Lane, Crosby

Members discussed the visit in respect of application No. S/2011/1492 particularly referring to issue regarding the boundary of the site and requested that the Head of Planning services discuss this with the applicant and neighbours with a view to some compromise being reached prior to the report being submitted to the Committee.

RESOLVED:

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

123. LIVERPOOL CITY REGION ECOLOGICAL FRAMEWORK - APPROVAL

The Committee considered the report of the Head of Planning Services seeking approval of the Liverpool City Region Ecological Framework which formed part of the evidence for the Core Strategy and other development plan documents, and would help members make decisions on planning applications, corporate and other activities.

RESOLVED: That

- (1) the Liverpool City Region Ecological Framework, which forms part of the evidence for the Core Strategy and other development plan documents be approved;
- (2) the Head of Planning Services be requested to liaise with the other City Region authorities and key partners to agree a common approach to monitoring; and
- (3) a copy of the report be forwarded to the Cabinet Members for Environment and Leisure, Culture & Tourism for information.

124. LOCAL DEVELOPMENT FRAMEWORK FOR SEFTON - THE COMMUNITY INFRASTRUCTURE LEVY

The Committee considered the report of the Head of Planning Services giving details of the Community Infrastructure Levy and its relation to Planning Obligations and informing members of comments made to a recent consultation on draft Community Infrastructure Levy regulations.

RESOLVED: That

- (1) the upcoming implementation of the Community Infrastructure Levy as an alternative to Planning Obligations be noted;
- (2) a further report be submitted to this Committee, following agreement of a preferred option of the Core Strategy, on how the Community Infrastructure Levy could be implemented in Sefton; and
- (3) the Officer's response to the Department of Communities and Local Government to the recent consultation on the draft Community Infrastructure Levy regulations be noted.

125. LOCAL DEVELOPMENT SCHEME FOR SEFTON

The Committee considered the report of the Head of Planning Services explaining the purpose and proposed content of Sefton's draft Local Development Scheme (LDS) for 2012 and seeking approval for the submission of the document to the Department for Communities and Local Government. The Report was also to be considered by the Cabinet at its meeting to be held on 19 January 2012.

RESOLVED:

That, subject to approval by the Cabinet, the draft Local Development Scheme be approved for submission to the Department for Communities and Local Government.

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126. PROPOSED APPOINTMENT OF SPECIALIST CONSULTANTS TO PROVIDE ECONOMIC VIABILITY ADVICE ON AFFORDABLE HOUSING PROPOSALS

The Committee considered the report of the Head of Planning Services advising Members of the need to appoint specialist consultants to provide economic viability advice to the Council on affordable housing proposals and related viability matters submitted through the planning application process.

Members discussed the issue in detail and enquired as to whether provision could be made for the advice to be provided “in-house”. It was reported that as the existing contract was due to expire in March 2012 this would not be possible in the time available but could be investigated for the future.

RESOLVED: That

- (1) the report be accepted;
- (2) the Head of Planning Services be authorised, through the competitive tender process, to select specialist consultants to provide economic viability advice to the Council on affordable housing and related viability matters, the contract to be for a period of two years with a possible further year’s extension;
- (3) the results of the competitive tender process at (2) above be submitted to a future meeting of this committee for approval; and
- (4) the Head of Planning Services be requested to investigate the possible provision of economic viability advice to the Council on affordable housing and related viability matters “in-house”.

127. SECTION 106 MONITORING

The Committee considered the report of the Head of Planning Services advising Members of progress on the preparation and implementation of Agreements under S106 of the Town and Country Planning Act 1990 and seeking approval to update the existing process to provide greater clarity, transparency and efficiency in decision making.

The updated process was intended to take account of the already defined Area committee priorities and enable S106 agreements to be drafted to meet the aspirations of members and their local communities within the parameters of the legal process and adopted planning policies. It would also take into account existing strategies and Asset Plans to inform decision making – with the aim of reducing time taken to make such decisions and provide more clarity for all involved in the process.

The proposed new process would provide for the following:-

- (i) annual consultation with Area Committees to identify/refresh spending priorities;
- (ii) consultation with partners, for example, Street Scene / Neighbourhoods/highways when Planning Applications were received;
- (iii) negotiation of Planning application including S106 Agreement by the Case officer, taking into account Adopted Planning Policy, Greenspace Asset Management Strategy, Area Committee Priorities etc;
- (iv) the planning application report submitted to the Planning Committee to include S106 allocation to specify a priority project(s) or other priority as identified; and
- (vi) twice yearly update report to Planning Committee and Area Committees on S106 spend/progress.

In order to allow for more flexibility, the new process also suggested the removal of the need to accumulate £50,000 before green space 106 monies could be identified for spend. This would allow smaller schemes to be progressed without the need to wait until that total had been reached.

Arising from the discussion a member referred to monies generated from section 106 agreements which remained unspent and enquired as to the interest accrued on such and how it was utilised.

RESOLVED: That

- (1) the report be noted;
- (2) the proposed changes to the process for consultation and allocation of S106 monies be approved;
- (3) the proposal remove the need to accumulate £50,000 before green space 106 monies are identified for spend be approved; and
- (4) a further report be submitted to this Committee regarding the interest accrued on monies generated from section 106 agreements which remained unspent and how this interest is utilised.

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Report to: [Planning Committee](#) **Date of Meeting:** [08 February 2012](#)

Subject: [S/2011/1348](#)
[Site of Parkside Century Social Club 495 Hawthorne Road, Bootle](#)

Proposal: [Change of Use of land from former \(now demolished\) social club to the layout of a hard standing area for bus parking for a minimum period of 15 years, including the erection of lighting columns and landscaping](#)

Applicant: [Arriva North West Limited](#) **Agent:** [Maydean Design \(Architecture\) Ltd](#)

Report of: [Head of Planning Services](#) **Wards Affected:** [\(Derby Ward\)](#)

Is this a Key Decision? [No](#) **Is it included in the Forward Plan?** [No](#)

Exempt/Confidential [No](#)

Summary

This is a change of use application to extend part of the existing Arriva bus depot at 499 Hawthorne Road onto the adjacent site at the corner of Hawthorne Road and Linacre Lane.

The issues to consider include the principle of the proposal, impacts on residential amenity, highway safety, and visual amenity, as well as pollution and contaminated land issues.

Recommendation(s)

Approval

Reasons for the Recommendation:

The proposal is acceptable in principle and will not have a detrimental impact on residential amenity, highway safety, visual amenity and other amenity considerations including noise, light and air pollution.

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

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

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

Email: planning.department@sefton.gov.uk

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Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

S/2011/1348

The Site

The application site comprises a 0.525 ha area of vacant land situated on the corner of Hawthorne Road and Linacre Lane. The site was previously occupied by a social club which has been demolished.

This side of Hawthorne Road contains a variety of commercial uses with part of the Arriva bus depot located immediately to the north and west of the site. There are residential properties, including recently constructed dwellings, on the opposite side of Hawthorne Road.

Proposal

Change of Use of land from former (now demolished) social club to the layout of a hard standing area for bus parking for a minimum period of 15 years, including the erection of lighting columns and landscaping

History

S/2011/0924 - Advert consent for the display of 4 non-illuminated hoarding signs facing Hawthorne Road and Linacre Lane. Refused 02/09/11

S/2007/1051 - Advert consent for the display of 1 no. non-illuminated hoarding sign affixed to the fencing at the junction of Linacre Lane and Hawthorne Road. Approved 04/01/08

S/07479 - Erection of an entrance porch at the rear of the social club premises. Approved 22/12/77

S/2005/0004 (Site 4 Parkside Social Club, Arriva Depot and 501-509 Hawthorne Road) - Outline application for residential development, public open space and all associated works. Approved 07/04/05

Consultations

EA – no comments

Head of Environment – no objection in principle; the proposed luminaries should be cowled/orientated to prevent light glare and overspill at any residential dwelling; the proposed acoustic fence should be constructed in accordance with the drawings and maintained thereafter; satisfied that the depot emissions have been calculated correctly; no air quality objection if applicant comes forward with low emissions proposals to prevent unnecessary idling of vehicle engines; attach standard contaminated land conditions and informative to any approval.

Lighting Engineer – from the information provided I can't see any issues that would arise from the lighting installation as there will be very little spill light and the use of cut off lanterns should mean there will be no glare; it is important that the lighting is installed correctly at the correct angle of tilt.

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HMRI – concern expressed about impact on local residents from vehicles exiting the site from the existing social club access; no issues from HMR perspective in the short term

Highways DC - This area of land is situated by the junction of Hawthorne Road and Linacre lane and is proposed to be used in connection with the adjacent existing bus depot. The proposal is not seeking any increase in the number of vehicles as this proposal is a relocation for the parking of vehicles from another bus depot (the Liverline site) situated further north along Hawthorne Road.

The surrounding highway network (especially Hawthorne Road) experiences a high level of vehicular traffic, which is intensified by the current servicing of buses between the two existing bus depots on Hawthorne Road.

The proposal to encompass the bus depot into a larger singular bus depot, will in fact reduce the impact the existing two bus depots have on the highway network in terms of the trip generation created by buses travelling from one depot to the other.

Servicing

The existing servicing arrangements also result in buses forming a queue along Hawthorne Road, waiting to access the existing southern site for refuelling and wash operations. This is due to buses being unable to manoeuvre from within the site, to enter the fuel and wash building due to the positioning of the existing fuel pump within the building.

As part of the planning application, the applicant proposes to relocate the fuel pump to enable the turning of all vehicles to take place within the confines of the site. This will eradicate the existing queuing problem and will allow motorists travelling north along Hawthorne Road an unobstructed route along this section of carriageway.

Due to the location of the existing fuel pump, currently drivers enter the site for refuelling via the vehicular access directly adjacent to the service area. To ensure that drivers do not use this vehicular access when returning to the site in the evening, the applicant has agreed to close this particular vehicular access in the form of a locked gate between the hours of 6pm to 9pm.

Parking

The parking layout of the site is illustrated on drawing number 1220/P/001-B and has been designed using the approach of trying to balance the philosophy of a typical bus depot environment, while minimising the conflict of movement between all vehicle types and personnel.

The proposal does enable the movements and parking arrangements of the entire site to be rationalised and improved. By combining both sites this has enabled the applicant to introduce a new parking layout that significantly reduces the amount of vehicular movements within the site.

The applicant proposes to undertake a one way system within the site which will reduce the level of potential confusion and conflict between pedestrians and vehicles. As the proposed depot is situated on a higher level to the existing depot, the applicant has proposed satisfactory improvements to minimise these potential conflicts.

The introduction of a set of stairs and walkway from the staff parking area either side of the existing ramp is a significant improvement. The introduction of a zebra style crossing, situated between the new walkways across the bottom of the ramp and a dedicated walkway from the fuel and wash building, directly to the entrance of the main workshop are also a vast improvement.

Cycle parking

Arriva have a large proportion of employees who either travel to the depot on foot or cycle. Currently there are no cycle parking facilities on site, however the applicant is proposing to install a covered cycle bay, which is to be repositioned within the site, with clear open sides and roof in order to provide security and protection from the weather.

Deliveries

An identified route with signage has been provided for delivery vehicles entering and exiting the site. These vehicles also have a dedicated space in which to park, located directly outside where deliveries are collected. The vast majority of delivery vehicles arrive 8 am to 4 pm, when the depot is relatively quiet as all the buses are on the highway network. There is no concern from a highway safety perspective regarding how the depot is currently serviced and there is no need for any alterations to this particular operation.

Access

According to the proposed site layout, the applicant is proposing to retain the existing accesses, including the existing vehicular access on Hawthorne Road which leads into the proposed development. As drawing 1220/P/004 (REVA) illustrates, alterations will be required to the existing vehicular access closest to the junction of Hawthorne Road/Linacre Lane. These modifications will include the widening and alterations to the kerb radii and, introduction of dropped kerbs and tactile paving and the removal of an existing post and sign. The applicant has also proposed to install two no entry signs at each side of the vehicular access which would be required in relation to highways safety. The proposed Palisade fencing will also allow sufficient visibility for drivers approaching to exit the site, as well as the 45° splay.

Drawing 1220/P/001-B illustrates how parking is provided in the existing bus depot and the proposed section of the site. It is proposed that all vehicles will depart from their respective areas instead of originally proposing that all vehicles would leave from the proposed new vehicular access. To minimise any possible conflict between buses entering the highway network and the junction of Hawthorne Road/Linacre Lane, the applicant intends to manage the depot in a fashion that the majority of buses which require to turn right towards the junction will leave via the vehicular accesses furthest from the junction.

Conclusion

In conclusion in view of the above there are no objections to this application on the grounds of highway safety subject to the following conditions being attached to any approval notice:

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“No part of the development shall be brought into use until the existing vehicular access to development has been re-opened and re-constructed. These works shall be in accordance with details, which have been approved in writing by the Local Planning Authority.”

“No part of the development shall be brought into use until visibility splays of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 0.9 metres above the footway level of Hawthorne Road at the re-opened access to the proposed development site. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.”

“No vehicles shall be allowed to access or egress from the most northerly vehicular access from the adjacent bus depot (denoted by the blue boundary line on drawing no. 1220/P/003) between the hours of 6pm to 9pm. Within these hours the applicant will ensure the vehicular access will be gated and locked.”

“No part of the development shall be brought into use until areas for all vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.”

“No part of the development shall be brought into use until space and facilities for cycle parking have been provided in accordance with the approved plan and these facilities shall be retained thereafter for that specific use.”

“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 for further information.”

Neighbour Representations

Last date for replies: 21/11/11 (neighbours)
25/11/11 (site notice)
1/12/11 (press notice)

A petition signed by 25 local residents has been submitted against the proposals and is endorsed by Cllr Robinson.

Individual letters of objection have also been received from 524, 526 and 530 Hawthorne Road. Grounds of objection include:

- Proposals will exacerbate existing pollution problems associated with the bus garage including noise, lighting and parking difficulties
- Staff parking their cars on Hawthorne Road cause problems for local residents – residents would prefer a residents’ parking scheme
- Noise late in the evening from staff congregating at the entrance to smoke

Policy

The application site is situated in an area allocated as a Housing Allocation Site and is within the Hawthorne Road / Canal Corridor Site on the Council's Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CS1	Development and Regeneration
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
EP1	Managing Environmental Risk
EP2	Pollution
EP3	Development of Contaminated Land
EP6	Noise and Vibration
EP7	Light Nuisance
H3	Housing Land Supply
H9	Hawthorne Road / Canal Corridor Sites
UP1	Development in Urban Priority Areas

Comments

The main issues to consider include the principle of the proposal, its impact on residential amenity and highway safety, visual impact as well as contaminated land and pollution issues.

Principle

The site is allocated for housing purposes within the adopted Sefton UDP and is part of the Hawthorne Road/Canal Corridor site. It is also part of a larger site for which outline planning permission was granted in 2005 for residential development as part of the Housing Market Renewal Initiative (HMRI). This permission has lapsed and it is unlikely that the site will be developed for housing in the short term.

However, it is considered that the site should be retained for housing purposes in the longer term and that a permanent permission for an alternative use should not be permitted. The applicant has requested that the change of use of the former social club site to a bus parking area be for a minimum period of 15 years.

In principle, the proposed change of use for a temporary 15 year period is considered acceptable bearing in mind that it will ensure the retention of a fairly significant employer in the local area. Arriva currently operate from two sites on Hawthorne Road and the lease on one of these sites (509 Hawthorne Road) is due to expire and will not be renewed. The company wishes to expand its other existing site at 499 Hawthorne Road into the adjacent vacant social club site thereby operating from a single site. The Design and Access Statement advises that rejection of the current planning application would result in the redundancies of up to 100 Arriva staff.

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Residential Amenity

There are residential properties directly opposite the site in Hawthorne Road and local residents have expressed concern about noise and pollution issues.

In respect of light pollution, the Council's Lighting Engineer is satisfied that the proposed lighting installation will not have a detrimental impact in terms of spill light and glare. Furthermore, the Head of Environment has recommended that the luminaries should be cowled/orientated to prevent light glare and overspill at any residential dwelling.

A 2.4m high acoustic fence is proposed along the Hawthorne Road and Linacre Lane perimeters of the site. This will replace the existing fencing which is in a poor condition but will be set back with planting in front. The existing sections of wall between the fencing will be retained. The Head of Environment recommends that this acoustic fence should be provided in accordance with the submitted details and maintained thereafter.

All vehicles are to enter the proposed larger bus depot site from the existing Arriva access at 499 Hawthorne Road. Vehicles will exit the site using this access point as well as the access at 495 Hawthorne Road, the application site. Changes will be made to the existing site to prevent the queuing of buses on Hawthorne Road which will be an improvement from an amenity point of view.

Overall, it is considered that the enlarged bus depot will not have a significant detrimental impact on residential amenity provided conditions are imposed to control the above improvements.

Highway Safety

Highways Development Control have provided detailed comments (see above) on highway safety considerations and have concluded that the proposal will not have a detrimental impact on the highway network and provides the opportunity to rationalise and improve the movements and parking arrangements on the entire site. Provision for pedestrians and cycle parking within the site has also been improved as part of the proposals.

Modifications are proposed to the former social club access in the form of alterations to the kerb radii, introduction of dropped kerbs and tactile paving, the removal of an existing post and sign, and the provision of 'no entry' signs.

Conditions are recommended to ensure the acceptability of the proposals from a highway safety point of view.

Visual Impact

The application site is presently vacant and has a neglected appearance. It is considered that the proposed boundary treatment with new planting in front will have an acceptable visual appearance.

Contaminated Land

A phase 1 Desk Top Study for contaminated land has been submitted as part of the application. The Head of Environment has recommended that the standard contaminated land conditions and informative are attached to any approval.

Pollution

An Air Quality Assessment has been provided by the applicant. The Head of Environment raises no objections on air quality grounds provided the applicant submits an appropriate low emissions proposal to prevent the unnecessary idling of vehicle engines. The applicant has now submitted a statement concerning emissions standards and controls of vehicles at the bus depot. These are company policy at the depot and include no vehicles being allowed to 'tick over' unless they are being prepared for duty. The Head of Environment is satisfied with these arrangements.

Conditions

1. T-5 Temporary Use (Time Limit)
2. X1 Compliance
3. L-4 Landscape Implementation
4. H-6 Vehicle parking and manoeuvring
5. H-7 Cycle parking
6. No vehicle shall access or egress from the most northerly vehicular access from the adjacent bus depot as indicated by a blue line on the drawing number 1220/P/003 between the hours of 1800 and 2100 and this vehicular access shall remain gated and locked during these hours.
7. The proposed luminaries shall be cowled/orientated to prevent light glare and overspill at any residential dwelling.
8. The acoustic fence shall be constructed in accordance with the details shown on drawing no. 1200/P/001rev D and 1220/P/002 before commencement of the use hereby approved and maintained as such thereafter.
9. Con-1 Site Characterisation
10. Con- 2 Submission of Remediation Strategy
11. Con-3 Implementation of Approved Remediation Strategy
12. Con-4 Verification Report
13. Con-5 Reporting of Unexpected Contamination

Reasons

1. RT-5
2. RX1
3. RL-4
4. RH-6
5. RH-7
6. RH-1
7. In order to protect the residential amenities of nearby occupants and to accord with Sefton UDP policies CS3 and EP7.
8. In order to protect the residential amenities of nearby occupants and to accord with Sefton UDP policies CS3 and EP6.
9. RCON-1
10. RCON-2
11. RCON-3

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- 12. RCON-4
- 13. RCON-5

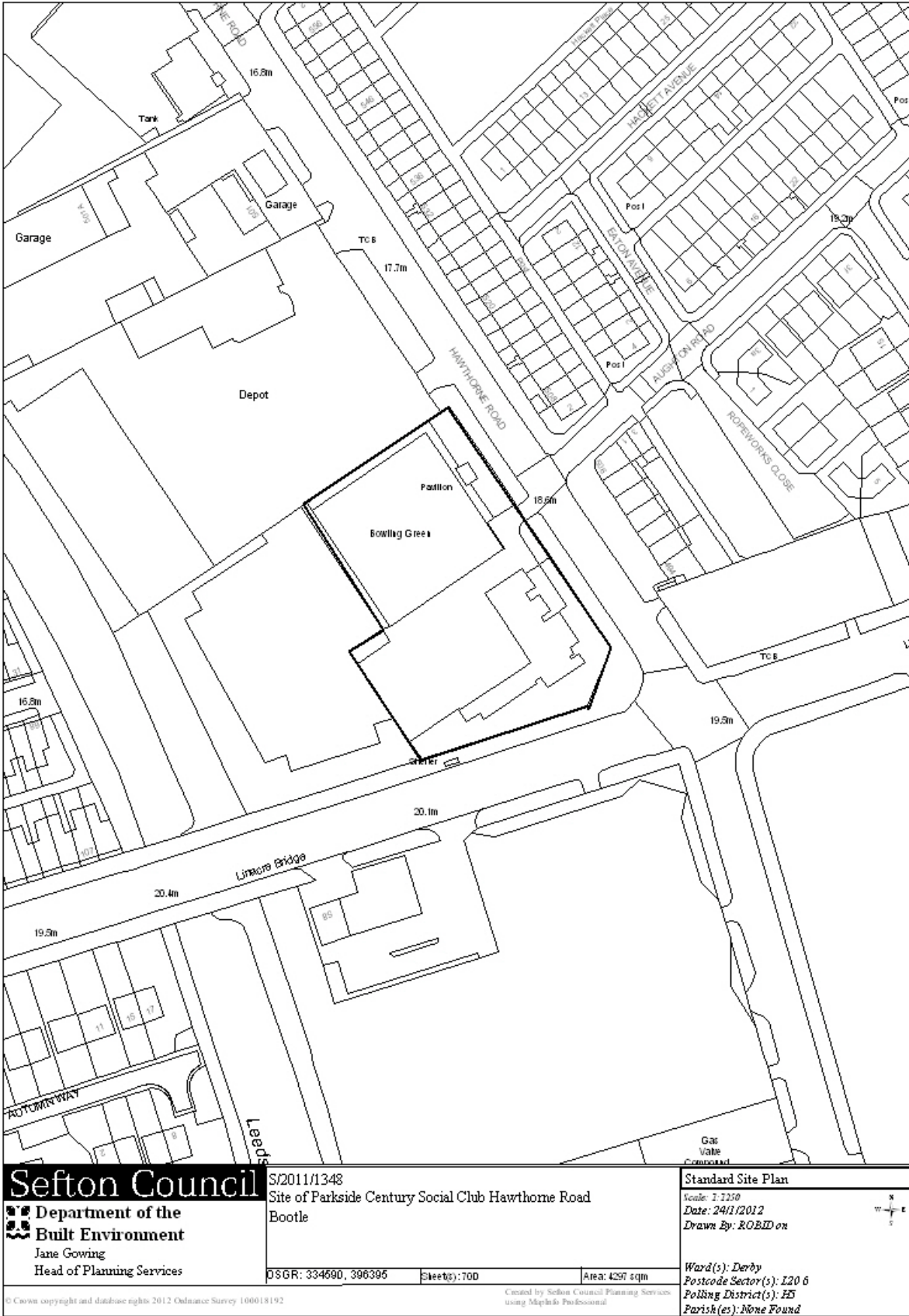
Notes

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@sefton.gov.uk for further information.
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 Con-5 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.

Drawing Numbers

1220/P/001D, 002A, 003, 004B, 8081-E01 P1

Existing site plan



Sefton Council

Department of the
Built Environment
Jane Gowing
Head of Planning Services

S/2011/1348
Site of Parkside Century Social Club Hawthorne Road
Bootle

OSGR: 334690, 396395 Sheets: 700 Area: 4297 sqm

Created by Sefton Council Planning Services
using MapInfo Professional

Standard Site Plan

Scale: 1:2250
Date: 24/1/2012
Drawn By: ROBIDON

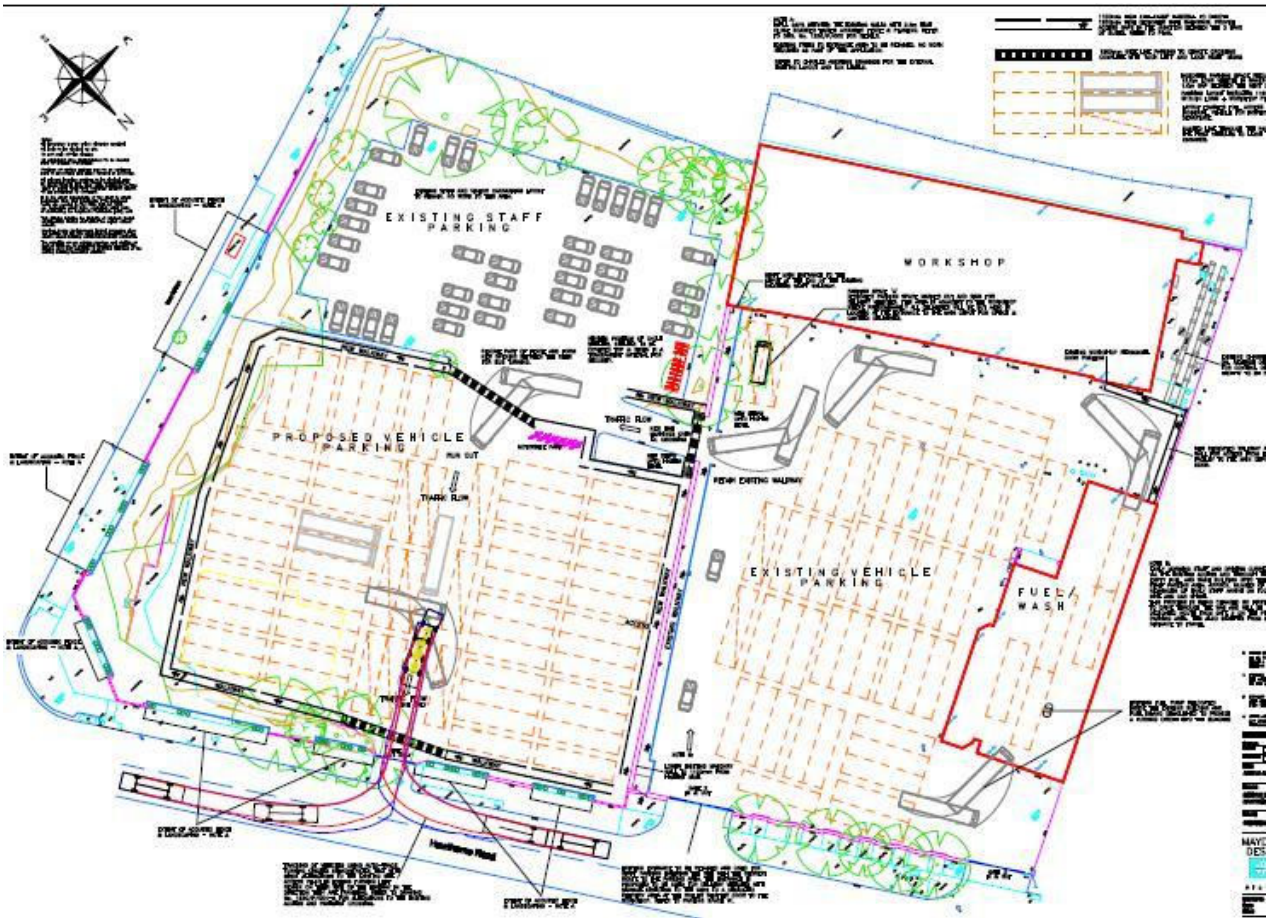


Ward(s): Derby
Postcode Sector(s): L20 6
Polling District(s): E5
Parish(es): None Found

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Agenda Item 4a

Proposed site plan



S/2011/1348

Donna Hoy 518 Hawthorne Rd
Boothle Wally

M. M. Gossell 516 Hawthorne Rd

P. Mooney 512 Hawthorne Boothle

M. Newman 534 Hawthorne M. Newman

M. Higgins 526 Hawthorne Rd. M. Higgins

A. Dempsey 524 Hawthorne Rd A. Dempsey

C. McCallister 522 Hawthorne Rd C. McCallister

E. Hunter 522 Hawthorne Rd E. Hunter

L. Newman 534 Hawthorne Rd L. Newman

W. Taylor 532 Hawthorne Rd

Nicole 538 Hawthorne Rd Nicole

P. H. 538 4A6

Petition Endorsed By Cllr Robinson Derby Ward



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Report to: [Planning Committee](#) **Date of Meeting:** [08 February 2012](#)

Subject: [S/2011/1511](#)
 [88 Waddicar Lane, Melling](#)

Proposal: [Change of use from Tanning Salon \(A1\) to Hot Food Take Away \(A5\) together with the installation of a new shop front and a ventilation flue to the rear](#)

Applicant: [Mr Martin Lee](#) **Agent:** [TL Architects](#)

Report of: Head of Planning Services **Wards Affected:** [\(Molyneux Ward\)](#)

Is this a Key Decision? [No](#) **Is it included in the Forward Plan?** [No](#)

Exempt/Confidential [No](#)

Summary

The proposal is to use the ground floor as a hot food take away, install a new shop front to the front elevation and ventilation flue to the rear. The main issues to assess are the impact of the proposed use on the residential amenity of nearby properties in terms of noise, smell, disturbance and impact on highway safety

Recommendation(s)

Refusal

Reason for the Recommendation:

The use of the ground floor shop unit as a hot food takeaway (Use Class A5) would be detrimental to the amenity of residential properties in very close proximity to the site and is therefore contrary to policies MD6 and H10 of Sefton's adopted UDP.

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

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

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

Email: planning.department@sefton.gov.uk

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

Agenda Item 4b

S/2011/1511

The Site

A vacant retail unit – former tanning salon - at the north end of a parade of 4 shops with flats over situated on the east side of Waddicar Lane. Other units in the block are occupied by a chemist adjoining the site and a doctors' surgery occupying a double unit. The parade is serviced by a small private service road to the front with two access points from Waddicar Lane

Proposal

Change of use from Tanning Salon (A1) to Hot Food Take Away (A5) together with the installation of a new shop front and a ventilation flue to the rear

History

S/1999/0784 - Change of use of the premises to a hot food takeaway - Refused 13/12/1999

Consultations

Highways Development Control - No objections in principle as there are no highway safety implications.

There is an existing 'Zebra' crossing on Waddicar Lane outside the premises. The associated zig-zag markings will prevent parking from taking place on this section of the carriageway; however adequate off street parking is generally available in front of the four units

Some minor alterations to the footway directly adjacent to the main entrance of the unit are proposed in order to achieve level access into the premises, however, this area is not part of the adopted public highway and as such there is no requirement for the works to the footway to be carried out by a Council approved contractor

Built Environment Director - No objection in principle but the subsequent issues should be addressed;

The above residential flat should be restricted to person(s) associated with the operation of the ground floor use

It is indicated that carbon filters will be employed to control odour from the kitchen extraction system but the size/residence time of carbon filter has not been identified. However it is noted that the flue vents 1m above ridge height and therefore would be acceptable in terms of odour control

The noise level for the extraction fan has been indicated to be 65Dba @ 3m. Although silencers have been indicated it is not known which one is proposed, further it is not known if an induction fan is required. The use of commercial gas appliances will requires 95% replacement air. In view of these matters I recommend standard 'plant and machinery' condition is attached.

Further recommend the hours of operation for this development are restricted and standard 'hours' condition is attached

Neighbour Representations

Last date for replies: 2 January 2012

A petition of objection with 119 signatures and sponsored by Councillor Carr has been received together with

11 letters of objection received from:

80, 82a, 86a, 94, 96, 104, 123, 127, 137 Waddicar Lane

5, 9 Farrell Close and Melling Parish Council

- detrimental to residential amenity of neighbouring residents due to late night opening, noise, odours, excess rubbish and possible attraction of congregating youths
- limited parking to front of shop units - proposed use would increase vehicular traffic considerably at an already congested location
- increased risk at zebra crossing at this point which recently been cause of concerns raised with Parish Council due to failure by motorists to stop for waiting pedestrians and illegal parking
- already one takeaway on Waddicar Lane and others not too far away
- previous application in 1999 for similar proposal was rejected situation has not changed
- understand the need for development of small business that creates jobs for local people but fail to see how this application supports these aims
- would not enhance Melling
- only one parking space within site, area outside already well subscribed by patients of Doctor's surgery and are already parking issues in Woodland Road and Rock View opposite – require assurance that additional traffic generated could be accommodated without resulting in further traffic problems or road safety issues and existing TRO's will be enforced
- Travel plan submitted is incorrect - buses started do not operate via Waddicar Lane and there is no bus service after 18.30 or on Sundays/Bank Holidays, Distances and times to walk to Kirby where there are other fast food outlets that offer delivery service.
- impact on health of schoolchildren
- ventilation flue unsightly - will produce fumes that will disperse over Farrell Close at rear and particularly to rear of 88 Waddicar Lane

Policy

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

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
EP2	Pollution
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
MD6	Food and Drink Uses

Agenda Item 4b

Comments

The proposal is to change the use of the vacant A1 premises to a hot food takeaway – A5, the opening hours are proposed 16.00 – 22.30 from Monday to Sunday, a new shop front is proposed to the front elevation and a kitchen ventilation flue to the rear elevation which projects 1m above the ridgeline

The issues to assess are the effect of the proposed use on the residential amenity of nearby properties in terms of noise, smell and disturbance and impact on highway safety.

Policy H10 states non – residential development will be permitted in Primarily Residential Areas provided it can be demonstrated that the proposal:

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

Policy MD6 allow for Food and Drink Uses in or adjacent to Primarily Residential Areas providing

- (a) they would not cause significant harm to residential amenity
- (b) the residential use of the upper floors is limited to person(s) employed in the proposed food and drink use

There are residential flats over the adjoining chemist and doctors' surgery to the south and a vehicular access to a residential property immediately to the north with further residential properties fronting Waddicar Lane to the north, to the rear in Farrell Close and across Waddicar Lane in Woodlands Road/Liddell Avenue

Given the restricted parking outside this block of shops these properties are already affected by traffic comings and goings related to the existing parade during the day and early evening.

Although the Highways Development Control comment that parking on Waddicar Lane will be prevented by zig zag markings associated with the zebra crossing opposite the site and the existing service road is available for parking it is considered the noise of customers and vehicles arriving and leaving the premises, car doors banging and engines starting would cause considerable and unacceptable disturbance to the amenity of residents living close by especially the occupants of the flats above the site and adjoining residential premises.

The proposed opening hours from 16.00 would partly coincide with the existing opening of the doctors' surgery and chemist which would add to the existing disturbance currently endured. Remaining open until 22.30 7 days a week would significantly increase the amount of noise and general disturbance to neighbours during the evenings when occupants of properties located in a primarily residential area would expect relative peace and quiet.

It is noted that reference was made by an Inspector in an appeal for a site at 66 Harington Road, Formby in 1997 to the viability of a hot food takeaway business and stated that it would be unreasonable to apply a condition to close at 2030 (as was proposed) *'since it would be likely to make it impossible to run the business successfully.'*

Given such premises by their nature tend to draw heavily on late night trade; it is a relevant material consideration that the applicant's proposal is to close at 22.30 and there may be considerable pressure in the future for its later variation in the event that the business proves not to be viable with the time limits applied for.

It is not uncommon to see subsequent applications for later hours, often of retrospective nature, and whilst accepting such applications must be judged on their own merits, any condition imposed would nevertheless be subject to appeal in itself on the grounds that it might nullify the benefit of permission being granted for the use; additionally, an alternative user may have an alternative preference for later trade.

Very few hot food takeaways are open during daytime hours only as the majority of business for this type of use is evening trade and it is felt that conditions that potentially nullify the advantages associated with a planning permission would fail to meet with the requirements of Circular 11/95 - Use of Conditions in Planning Permission.

Furthermore, another Inspector dismissed an appeal at 77/79 Liverpool Road, Formby, also within a parade of shops. The Inspector stated that the *'use of the shop for the purpose proposed would be detrimental to the amenity of the residential properties at 83, 87, 91, 95 and 99 Liverpool Road by reason of noise and disturbance from vehicles arriving and leaving, banging of car doors, conversations and car radios during the evenings, which would significantly reduce the quality of the living conditions of the residents.*

Given similarity of the location of the above appeals in small parades of shops these decisions are clearly material planning considerations and are given significant weight in the assessment of this application. As such the application is considered to fail policy MD6 in terms of having a detrimental impact on residential amenity.

The proposed ventilation flue to the rear elevation appears in principle to comply with the requirements of the Director of Built Environment; however the location of the flue in close proximity to the flat above the adjoining property, less than 6m from the rear joint boundary with 11 Farrell Close and some 13m from the rear elevation of that property creates an unsightly visual appearance to the detriment of residential amenity.

The proposed use of the first floor flat as staff accommodation in conjunction with the proposed use in principle complies with policy and the new shop front is not a significantly visually different to the existing shop front.

However for the reasons above it is considered the proposal would create a significant and unacceptable impact on residential amenity of neighbouring properties and the residential character of the area which fails to comply with policy.

Recommend planning permission is refused

Reason

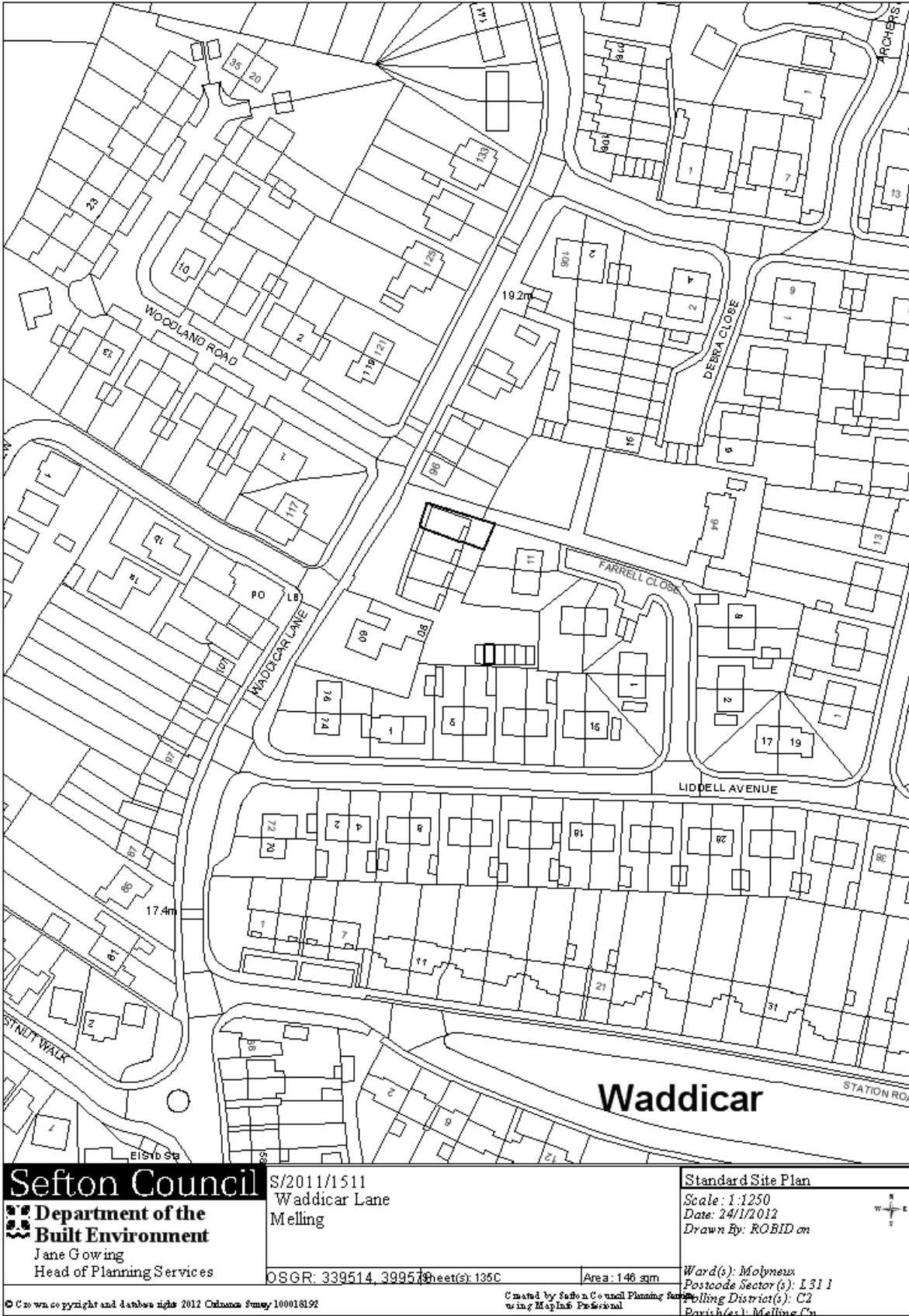
1. The use of the ground floor shop unit as a hot food takeaway (Use Class A5) would be detrimental to the amenity of residential properties in very close proximity to the site and is therefore contrary to policies MD6 and H10 of Sefton's adopted UDP.

Agenda Item 4b

Drawing Numbers

01, 02, 03, 04, 05, 06, 07, 08, 10, 11, 12, fan/air filter/attenuator details

Existing site plan



Agenda Item 4b

SUN BED SHOP ✓

We the undersigned most strongly opposed the change of use at 88 Waddicar Lane, Melling. Being next to Doctors Surgery and Chemist shop, with a small service road in front, this could lead to the area becoming very congested with traffic, also many environment problems that need to be addressed.

NAME	ADDRESS
L. GREENALL	1 CHESTNUT WALK, MELLING, LIVERPOOL L31 1LL.
M. COWEN	166 TITHEBARN LANE, MELLING L31 1BQ.
C.V. COWEN	" " " "
CREYNWODS	4 FARRELL CLOSE, MELLING L31 1BU.
M PRINCE	4 FARRELL CLOSE, MELLING L31 1BU.
C RAY	8 CYPRESS CLOSE, MELLING L31 1LA.
R COOKIES	HAIR CO L31 1DU.
C. NEILL	8 DAPPLE HEATH AVE
P. HALLS	PEA WADDICAR LANE L31 1DU.
S. HAYES	88 WADDICAR LANE L31 1DT
A McCLELLAN	" " "
W. D.	36 WADDICAR LANE " "
S. PRITCHARD	18 HAYES DRIVE MELLING
M REX	62 SATINWOOD CRESENT. L31 1JZ.
J. Freeman	8 WILLSFORD AVE.
D SOO	2 LEASONS GROVE MELLING.
C COOK	14 WOODLAND RD, MELLING. L31 1EB.
P. M. Nally	12 BRYTREE COVE MELLING
C KELLY	8 BUCKTREE DRIVE MELLING L31 1DE.
P KELLY	" " " "
M KELLY	" " " "
S PRITCHARD	46 HAYES DR L31 1BQ

22

(119)

Report to:	Planning Committee	Date of Meeting:	08 February 2012
Subject:	S/2011/1368 Land east of Damfield Lane, Maghull		
Proposal:	Extra Care Development comprising a four storey 90 bedroom extra care housing facility with basement parking, a two storey 44 bedroom dementia / respite facility, 15 independent living lodges, landscaping, parking, access and enhancement of existing greenspace		
Applicant:	Mr Stuart Grundy	Agent:	WYG Group
Report of:	Head of Planning Services	Wards Affected:	(Sudell Ward)
Is this a Key Decision?	No	Is it included in the Forward Plan?	No
Exempt/Confidential	No		

Summary

This application is for the erection of an extra care development comprising lodges, extra care apartments and a dementia care home. The main issue concerns the principle of development on greenspace in the context of the type of development and general housing need. The report examines this issue in some detail. Other planning considerations -design, highways issues, ecology, flood risk and other details are addressed in the report along with the responses from the local community. On balance the application is recommended for approval.

Recommendation(s)

That the application be delegated to the Head of Planning for approval subject to the conditions below following completion of a S106 Agreement in respect of

- provision of 30% affordable housing on site
- provision of public open space on the site in accordance with the approved plans and maintenance of this area as land available for public access maintained in perpetuity by the developer
- payment of a sum of £10,500 as a contribution to the Damfield Lane traffic calming scheme

Reasons for the Recommendation:

The proposed development comprises a type of accommodation which is needed and difficult to locate in sefton and would contribute towards meeting the Borough's recognised housing needs. Whilst not complying with Greenspace policy this is because there is no need for greenspace in the area. It is considered that the benefits of the proposal outweigh the loss of greenspace in this case. All other planning matters

Agenda Item 4c

have been considered to conclude that the proposal is an acceptable form of development which otherwise meets the requirements of UDP policies.

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

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

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

Email: planning.department@sefton.gov.uk

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

The Site

This site is located to the east of Damfield Lane, between that road and Whinney Brook. It has formerly been in private agricultural use but has been unused for some while now. It is designated greenspace. The site adjoins Damfield Lane Conservation Area and the stone wall along the frontage and the adjoining Chapel House to the north west are within the Conservation Area. 3 storey apartments are located to the northeast in Chilton Court and houses in Chilton Close adjoin the site to the north. Another area of greenspace lies on the opposite side of Damfield Lane.

Proposal

Extra Care Development comprising a four storey 90 bedroom extra care housing facility with basement parking, a two storey 44 bedroom dementia / respite facility, 15 independent living lodges, landscaping, parking, access and enhancement of existing greenspace (as amended 3/01/2012).

History

None relevant.

Consultations

Highways Development Control –

1. Trip Generation and Impact on the Highway Network - Development proposals of this nature generate relatively low levels of vehicular traffic which can easily be accommodated on the existing highway network, even during the busy periods at school start and finish times.
2. Vehicular and Pedestrian Access - The existing vehicular access on Damfield Lane which currently serves Chapel House will be the only point of vehicular access to the development. The access will be widened to 6.0m to accommodate the additional vehicular traffic that will be generated by this development and enable two vehicles to easily pass one another, such that drivers wishing to enter the site do not have to wait on the carriageway of Damfield Lane whilst another exits from the site. Adequate visibility for drivers leaving the site can be achieved in either direction and there are existing waiting restrictions either side of the access to any prevent parking from taking place that would interfere with vehicles turning into and out of the site.

Notwithstanding the content of the Transport Assessment, that was submitted alongside this application, some further improvement of the vehicular access to the site will be required. Sefton Council's Route Action Programme of Investigations 2010/11 identified Damfield Lane and Hall Lane as a priority for investigation. Having investigated the accident record a route action scheme is proposed to reduce both accidents and speed. The proposals include a series of traffic calming features including speed cushions, speed plateau, mini roundabout and associated traffic signs and carriageway markings.

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To ensure the continuity of the route action scheme and ensure safe vehicular access to the site, the developer will be required to construct a 'kerb-to-kerb' speed table/plateau at the main vehicular access to the developments site off Damfield Lane. They will also be required to make a contribution of £10,500.00 towards the approved Damfield Lane/Hall Lane Local Safety Scheme. This has been calculated on the basis of 50% of the cost of the works to Damfield Lane only (not including the speed table/plateau).

There are three separate points of pedestrian access onto the footway of Damfield Lane and a network of pedestrian routes throughout the site that afford safe and direct pedestrian access.

The layout of the access roads, footways and shared surface areas within the development site is generally acceptable. It is understood that all of the carriageways and footways within the site will remain private.

3. Parking - A total of 75 car parking spaces for staff and visitors to the extra car accommodation will be provided, including 13 spaces for use by disabled persons and 9 spaces with electric vehicle charging points. In addition, each extra care lodge will have an individual parking bay. Whilst the overall number of parking spaces (90) across the whole site slightly exceeds the standards as set out in the Supplementary Planning Document 'Ensuring Choice of Travel' the layout of the development and its location are such that the proposed level of parking provision is acceptable.

A total of 30 cycle parking spaces will be provided across the site. 'Sheffield' cycle stands will be introduced within the undercroft parking area with others located close to the main building and staff entrance. Three motorcycle parking spaces will also be provided.

4. Accessibility - The site is in a fairly accessible location, being just under a kilometre from Maghull town centre. Maghull Rail Station is approximately 800m away on foot and is served by the Merseyrail Northern Line providing connections between Ormskirk-Liverpool City Centre and the regional rail network providing connections to Manchester, Wigan and beyond.

Damfield Lane is a bus route, with the services mainly providing access to Maghull, Maghull Station and Lydiate. There are four bus stops on this section of Damfield Lane, two of which are near Northway and two near to Hall Lane. These are not ideally placed to serve the proposed development as they are approximately 200m away from the main pedestrian entrances to the site. In addition, none of the existing bus stops are fully accessible, DDA compliant, accord with the current specifications or have shelters.

Notwithstanding the above, a modest package of improvements for users of public transport will be required in order to enhance the level of accessibility. The works will consist of significant improvements to the two existing bus stops at the Northway end of Damfield Lane.

The submitted Transport Assessment included an Interim Travel Plan designed to encourage sustainable travel choices. Whilst the document is generally acceptable, an

appropriate condition will be used to secure the further development and subsequent implementation of a Travel Plan.

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

Environment Agency - We have no objection in principle to the proposed development, but would make the following comments;

We have reviewed the following report with regards to flood risk only;

- Flood Risk Assessment, WYG Engineering, Ref A0656111, October 2011.

The submitted Flood Risk Assessment (FRA) states that an allowance for 20% adjustment for climate change has been incorporated when considering surface water run-off. It should therefore be noted that Planning Policy Statement 25 (PPS25) and section 3.88 of PPS25 Practice Guide requires a 30% adjustment for climate change. This should be finalised in the detailed drainage design along with the methods of attenuation, detailed calculations for storage volumes and areas for exceedence event storage.

Considering the above comment we would therefore recommend a condition be applied to any decision notice.

Built Environment - no objections subject to piling condition. No remediation conditions required in this case.

MEAS – Ecology

1. The applicant has submitted an Extended Phase 1 Habitat Survey in accordance with UDP policy NC1 (*Extracare Development, Damfield Land, Maghull, Sefton, Merseyside, Extended Phase 1 Habitat Survey, WYG Environment, June 2011*). I have reviewed the report and advise that the survey has been undertaken by suitably qualified, experienced ecologists. The survey has been undertaken using appropriate methods at a suitable time of year in accordance with current best practice and is acceptable. The survey data and report will be forwarded to Merseyside BioBank.
2. The report states that no evidence of bat use or presence was found. I advise that no further work is required in respect of bats and the Council does not need to undertake an assessment of the proposals against the three tests set out in the Habitats Regulations 2010. Please note if any changes to the proposal will result in the loss of mature trees, then bat surveys will be required **prior to determination**.
3. A number of ecological issues were considered in reaching the report's conclusions including: proximity and impact to the Local Wildlife Site; loss of a significant area of semi-improved grassland; protected species; retention of mature woodland belts present. The proposal has retained the most significant habitat areas on site and put forward measures to enhance the biodiversity interest of the remaining areas. In my view the proposal accords with UDP Policy NC3, provided the following matters are dealt with by suitably worded planning conditions attached to any grant of planning permission.

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4. In section 7, a number of recommendations are made to ensure that the existing biodiversity on site is retained during construction and throughout the lifetime of the development. The following matters can be secured through appropriate planning conditions (or S106 obligation):
 - Woodland ground flora to be protected during any works to trees – method statement to include timing of works and how areas with bluebells will be protected from damage
 - Method statement detailing with how Himalayan balsam and rhododendron will be prevented from spread within the site and along that part of Whinny Brook Local Wildlife Site
 - Detailed landscape and habitat creation scheme within the proposed greenspace area, together with a minimum 25 management plan with 5 yearly joint reviews with the Council.
 - No tree felling/scrub clearance/hedgerow removal/vegetation management or ground clearance should take place during the period 1 March to 31 August inclusive to protect breeding birds.
 - Should it be necessary to undertake works during the bird breeding season then all trees, scrub and hedgerows should be first checked by a qualified ecologist to ensure no breeding birds are present.
 - Location plan and design details of at least 4 bat boxes on mature trees, together with a range of bird boxes on the built elements for house martins, swallows, and house sparrows. UDP policy NC3 applies and paragraph 14 of PPS9 is relevant.

Flood risk and Drainage

5. The flood risk assessment (FRA) complies with the general requirements of Planning Policy Statement 25 (PPS25) and forms an acceptable basis on which the risk of flooding can be assessed. A range of mitigation measures and recommendations have been put forward which are welcome, including proposals to reduce surface water run-off. While most of the site is located in flood zone 1, there is a small area towards the south-east, adjacent to Whinny Brook, which is classified as flood zone 2 and 3. The applicant has adopted a sequential approach to the design of the scheme where the more vulnerable uses are located in areas with the lowest risk of flooding (flood zone 1). We fully support the approach.
6. The FRA report states that the drainage strategy for the site will be finalised at detailed design stage. The drainage strategy should clearly set out how the recommendation and proposed mitigation measures within the FRA have been taken into account at detailed design stage. This should also include firm proposals for the type of SUDS to be incorporated within the scheme. The Council should secure the preparation and submission of a finalised drainage scheme by a suitably worded planning condition.

Renewable Energy – comments made encouraging use of renewable energy.

Capita Team Leader Drainage - I checked on line on the drainage proposals submitted by the developer in particular the FRA, and would make the following comments:

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1 - Sefton's Surface Water Management Plan (SWMP) identifies the site to fall within one of the 22 Critical Drainage Areas- areas of significant flood risk in the Borough.

2 - The SWMP identifies the pathway of Whinny Brook as forming a clear Local Flood Risk Zone that extends from the headwaters of the catchment down to where it meets Dovers Brook.

3 - South of Chapel House up to Whinny Brook, the Environment Agency's Flood Maps for Areas Susceptible to Ground Water Flooding show the site to lie in areas with more than 75% likelihood of flooding from ground water,

4 - North and North East of Chapel House, the Environment Agency's Flood Maps for Areas Susceptible to Ground Water Flooding show the site to lie in areas with less than 25% likelihood of flooding from ground water,

5 - On Section 3.31 of the FRA, I would add that the 1994 Canal breach in Maghull occurred when the culvert carrying Maghull Brook collapsed under the canal. This resulted in significant inundation of properties in Maghull with the affected area extending from Southport Road South, Green Bank Avenue up to Bells Lane in Lydiate. It is not clear whether the brook then contributed to this flooding or whether the inundation was due entirely due to the water within the canal.

6 - The areas of much concern for local flooding immediate to the site are:

- Where Whinny Brook crosses Damfield Lane, there have been two major incidents of flooding reported in 2011 alone due to blockages and incapacity of the culverts carrying the brook under the road.
- Section of Hall Lane between Northway (A59) and the Leeds and Liverpool Canal, it frequently floods in this location affecting the highway and properties following heavy rainfall.
- The junction of Damfield Lane and the A59, the junction frequently floods in heavy rainfall.

7 - The developer has to clearly indicate how he will address the issues in 6 above and the general flooding concerns of residents.

8 - I note Section 4.18 of FRA that, suitability and detailed design and specification of infiltration techniques (SUDS) will be subject to further detailed assessment including intrusive investigations and permeability testing. Notwithstanding the provisions of the Environmental Permitting (England and Wales) Regulations 2010 (Regulation 38(1)), the Council encourages the use of SUDS where the opportunity arises.

9 - At the detailed design stage, the developer will have to submit calculations and details that show and support that:

- There is no flooding on any part of the site for a 1 in 30 year rainfall event,
- The proposal does not cause flooding to buildings, infrastructure (e.g. pumping stations) or neighbouring sites during a 1 in 100 year event.

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- Climate change is considered ie 1 in 100 year event plus 30%
- Show how flows that result from rainfall exceeding the above specifications are managed including any flood conveyance routes that minimise the risks to people and property both on and off the site.

The drainage principles outlined in the developer's FRA are acceptable and on that basis the scheme is capable of being developed without causing flooding on or off site, although some details would need to be addressed including point 6 raised above

Merseytravel - standard response; wish to ensure that traffic will not impede bus services, travel plan required, enhancement of bus stops, dial a ride.

Fire and Rescue - access should comply with Building Regulation requirements; water supplies should be risk assessed and hydrants provided where needed.

United Utilities - no objections to submitted drainage details.

English Heritage – no objections.

Police ALO – I have looked at crime statistics and conclude that this is a low to medium crime risk area. I am in support of this application. The Design and Access Statement indicates consideration of an acceptable level of access control both in and around the development.

Neighbour Representations

A petition of 226 signatures objecting on ground of traffic chaos, flooding and environmental issues has been submitted by occupiers of 12 Chapel House endorsed by Councillor Mainey. This is also accompanied by questionnaire results from a survey in the locality.

Letters of objection received from 4,5 and 17 Chilton Close; 1 and 8 the Meadows, 37, 63 Hall Lane; 19, 118, 128 Damfield Lane; 98 Northway; 1,3,5 Brooklands Drive; 8 Fernbank; 1,3,4,8 11,12 Chapel House; 7 and 22 Chilton Court.

Objections are as follows :

- traffic – area gridlocked at times; accidents; inadequate on site parking

- scale and design-size of development and buildings disproportionate; too high; excessive scale close to historic buildings; overbearing impact; out of character;

- greenspace and environment-negative impact on greenspace; contrary to greenspace study; pheasants, owls , squirrels, jays, redstarts and general impact on ecology

- impact on Conservation area; retention of frontage walls important; alteration of gates undesirable

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- anti-social behaviour; attract unwanted gangs, security issues with anti-social behaviour already present in the area; cycleway from Chilton Close
- inadequate services (doctors etc) in the area
- concerns about flooding, pollution of Whinney Brook; sewage capacity; water supply
- facility not needed; apartments not needed
- impact on Chapel House -sharing entry/exit; damage to woodlands and ecology; loss of trees;
- loss of privacy to Chilton Close
- devaluation of property
- concern about protracted development period and development being abandoned half built
- consultation process and conclusions not representative
- some detailed queries about the application form

Letter of support from 7 Holliers and support in principle but concerns in detail from 2 and 7 The Meadows, 27 Chilton Close;

In response to the revised application, additional responses have been received from 37, 41 Hall Lane, 98 Northway, 3, 4 and 12 Chapel House, 118 Damfield Lane on the following grounds

- significant concern about the flood risk issues, based on some uncertainties in the 2009 Sefton's own assessment; the applicants admission that overgrown conditions had prevented full inspection of Whinney Brook and lack of full detail and assessment of the development's flood risk implications. It is suggested that the submitted FRA is totally inadequate and that the impact on the wider community has not been fully considered - sewage and surface water flooding are major issues in Maghull.
- issues of traffic and pollution
- scale of development
- loss of greenspace – the Greenspace study concluded that the site has high benefits and that residential development would be inappropriate
- gates are 40 feet into Chapel house land – they should be at the boundary.

A long and detailed assessment of the proposal in relation to Greenspace policy, flood risk, the SHLAA, Draft Greenspace study, sewers / drainage, parking provision, traffic, need for development, pollution, excessive density, inadequate NHS service provision, security, phasing, no track record of applicant; ecology.

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Policy

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

AD1	Location of Development
AD2	Ensuring Choice of Travel
CS2	Restraint on development and protection of environmental assets
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
DQ5	Sustainable Drainage Systems
EP8	Flood Risk
G1	Protection of Urban Greenspace
G2	Improving Public Access to Urban Greenspace
G3	Urban Greenspace Systems
H10	Development in Primarily Residential Areas
H12	Residential Density
H2	Requirement for Affordable, Special Needs Housing
HC1	Development in Conservation Areas
HC2	Demolition in Conservation Areas
NC2	Protection of Species
NC3	Habitat Protection, Creation and Management

Comments

This proposal is for the development of an extra care development for older people. It would comprise a variety of types of accommodation from single storey lodges for the more independent residents to extra care apartments and a dementia care facility. All residents will sign up to some degree of care and this can vary to suit their changing needs. With an ageing population in Sefton there is a clearly recognised need for more accommodation for older people.

The application site is however a designated greenspace and the balance between the different planning issues will need to be carefully assessed. The main issues can be summarised as follows

Principle of development

- housing need
- loss of greenspace

Access (vehicle and pedestrian) and traffic

Design, layout and materials

Impact on residential amenity for existing neighbours and future residents

Impact in relation to the Damfield Lane Conservation Area

Environmental issues –ecology and trees

- drainage
- noise/air quality/lighting

Local community response

Principle of development

The principle of this development involves balancing the need for housing, especially for older people, against the harm to the greenspace.

Housing need - Sefton currently faces a very challenging housing land supply when measured against the current five year requirement as set out in Regional Spatial Strategy. A decision on the preferred Option for the Core Strategy has yet to be made by the Council. The present proposals give a potential housing supply of 105 units. This could therefore positively contribute to our five year housing supply position and to making a contribution to meeting longer term housing needs.

In addition, Sefton has an ageing population (currently one of the oldest in the North West) and this ageing trend is set to increase both locally and nationally. There is therefore an increasing need for specialist accommodation of a range of types for the elderly to better meet their needs and to assist in freeing up family homes for better use. In this regard, Sefton's Older People's Housing Strategy (dated 2005 but still broadly applicable) identified a clear need for specialist elderly person's accommodation including a clear need for additional extra care provision. A key recommendation of this study was to develop at least 300 additional units of extra care housing as a matter of priority. Whilst there have been some modest contributions to this from there remains a significant shortfall in such provision and such schemes are proving very difficult to deliver in Sefton (which is part of a wider national problem) and, accordingly, this site provides one among a very limited number of opportunities to deliver a genuine high quality mixed tenure (see below) extra care scheme for the Borough.

In addition this scheme provides a rare opportunity to deliver genuine mixed tenure (including 30% affordable housing) whereby 31 of the 90 extra care apartments will be offered as affordable units (comprising a combination social rented and intermediate units) in full compliance with Council Policy.

In short, the transparent need for more housing especially more specialist older persons housing in Sefton makes this type of proposal valuable in housing needs terms.

The applicant has undertaken a search for sites within the built up area but the scale of the proposals (for viability reasons) makes the type of development hard to locate. No suitable sites were identified except for a site at Kew which is also being proposed by the same developer.

Moreover the site is very accessible in terms of proximity to public transport networks including rail and local facilities (see below) and therefore performs well against UDP policy AD1.

Loss of greenspace

The application site is designated greenspace in the Adopted UDP and this designation must carry significant weight.

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UDP Policy G1 'Protection of Urban Greenspace' sets out the presumption and principles for the protection of urban greenspace, and also sets out a number of exceptions where development on urban greenspace may be allowed. The proposal does not comply with any of the exceptions listed unless it can meet G1(e) in the context of Policy G2 below.

Policy G2 – Improving Public Access to Urban Greenspace - deals in more detail with one of the exceptions in policy G1 (G1e) - where development may be allowed where previously none accessible greenspace is made publicly accessible.

- "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.
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 the surroundings.
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."

In this case a substantial amount of the site would be provided as public greenspace with some significant benefits in terms of attractive public open space and ecological benefit. The existing condition of the site contributes little to the local area and the previous use (agriculture) is inappropriate and impractical in this urban location.

However, in terms of section 3 of policy G2, there is no 'local need' for recreation open space or nature space. This site is not in a deficiency area in terms of Sefton's green space accessibility targets, as the whole of the site is within 15 to 20 minutes walk (1 km) of 2 parks, one with children's play, & within 15 to 20 minutes walk (1 km) of the canal and other accessible nature spaces. Also it lies within 1km of pitches. While Sefton East Parishes Area Committee area generally is below target for access to larger parks and accessible nature spaces), this site and local area (locality) has good accessibility to public green space, accessible nature space, and a considerable amount and range of greenspace

On the plus side, the proposal retains most existing trees, and includes substantial landscaping. The proposals are designed to provide an attractive managed greenspace which would benefit the ecology of the area and respect and enhance the SLBI on the site. Overall this would retain the character of the site and not result in any unacceptable impact. In more detail the positive elements would be

- public access to a site previously not lawfully available for public access
- enhancement and creation of wildlife habitats
- visual improvement of the site with significant new tree planting and creation of attractive managed areas of greenspace

Therefore, whilst the proposal fails the policy tests for development on greenspace, this is only because there is already a sufficient supply of greenspace in the locality. In all

other respects the proposals meet Policy G2. In weighing the merits of this application this might be considered to carry little weight when balanced against the very significant benefits offered by this scheme.

This is a difficult balance to consider and the general importance of retaining valuable greenspaces cannot be overestimated. However there is a bigger picture and in this case there is a particular set of circumstances which can justify development on this particular greenspace. These are

- the greenspace itself is of limited value at the present time and for the future. Its benefits are largely visual and ecological and as a contribution to openness. Whilst previously an agricultural gap in an urban area, this use has been discontinued and is not practical for the future given the size and location of the site away from other agricultural land.
- the proposal will provide a specific type of accommodation for which there is a demonstrated need and few sites which can accommodate it
- the proposal would improve the visual and ecological benefit of the site, retaining the openness along Whinney Brook and provide significant public access.

It must be made clear however that this is a particularly unusual and specific set of considerations which justify this conclusion and it should not be interpreted as a loosening of greenspace policy in general terms.

Access(vehicle and pedestrian) and traffic

Traffic and access have been major areas of concern for local residents. This is particularly the case in respect of the traffic problems currently experienced in Damfield Lane at peak hours and at school times.

Highways Development Control have examined the Transport statement submitted by the applicant in the context of the council's knowledge of local conditions. They raise no objections but seek some amendments and a contribution to the proposed traffic calming scheme to Damfield Lane.

On site arrangements for access and parking are acceptable.

The proposals now exclude the provision of pedestrian access passing through the site because of third party land ownership. The scheme originally proposed a through route which would have assisted pedestrian and cycle route to school but this pedestrian/cycle access has now been amended to provide a circular route within the site. The omission of this route through is regrettable in that it is clearly used by school pupils on the school journey, but the legal difficulties prevent this from being achieved and the provision of this route was a source of concern to nearby residents.

Design, layout and materials

The proposals comprise a number of built elements. The overall site layout has been designed to provide an area of public greenspace which can take advantage of the position next to Whinney Brook and enhance the ecology of the area. The small scale lodges would be located on the Damfield Lane frontage and would be 1-2 storeys in

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height. They would be grouped in small clusters constructed around a shared private courtyard and with those lodges overlooking the open space having garden areas raised above that space. Materials would be timber with slate/tile hanging and a slate roof. The view of these units from Damfield Lane would be largely screened by existing mature trees which would be retained. Private gardens would be located in areas enclosed by within the clusters and the external areas would be open in character with relatively low fencing. Visually this part of the development is considered attractive and would meet the Council's requirements in the 'New housing Development' SPG.

The proposed extra care apartments would be in a block which varies in height up to 4 storeys. The proposed building would sit in the centre of the site as a pavilion surrounded by green areas and comprising 5 wings. These wings reduce in height away from the centre and only the central area is 4 storeys in height. The form of the building and the variation in height will assist in reducing the visual impact of this scale of building, but there is no doubt that that a building comprising 90 apartments and associated facilities will be very large in relation to nearby property. Materials would be render (more than one colour), timber panelling and some use of grey cladding on the upper floors. The proposed building has a flat roof and its overall height would be less than the maximum height of Chilton Court (but that building has a pitched roof).

This aftercare building is of substantial scale. In footprint it is considerably larger than nearby buildings, but the height of adjoining buildings is not exceeded. There is no doubt that a building of this scale will make a substantial statement. However it is well designed with materials appropriate to the area and well detailed. The design as a series of wings reducing in height does a lot to reduce the visual impact of the proposals and to ensure that only a small part of the development is generally viewed at once. Again this will help to reduce the apparent scale of the proposal. There is no established consistent pattern of development in this area and overall it is considered that the design of this element of the proposals is acceptable.

The proposed dementia care building would back on to houses in Chilton Close. It would be 2 storeys in height with a pitched roof and is designed to read as a number of houses with an area of lower zinc roof between. The materials would be render, timber, zinc cladding with a slate roof. The design of this part of the proposal is appropriate in context.

Residential amenity for existing neighbours and future residents

There are a number of different potential impacts on local residents and these will be discussed in turn.

Chapel House

Perhaps most affected are the residents of Chapel house. The proposed main access to the new development would share their existing access to Damfield Lane. Several residents of Chapel House have raised real concern about the impact of this on their access; about loss of privacy due to use of the adjacent woodland and general opposition to the proposal. There will be no overlooking of Chapel house whose boundary with the development is well planted with planting to be further strengthened. The residents were initially concerned that the bin store was close to their boundary but it has been explained that there was some lack of clarity on the plan and that this area will actually be substation and grounds maintenance store.

In terms of access the applicant has amended his plans on hearing the concerns of Chapel House residents about the access. A gated access on an electronic pad system is now proposed to ensure that no-one mistakenly enters the car park to Chapel House whilst searching for the proposed development.

The area of woodland between Chapel House and Damfield Lane was initially proposed to be opened up for public use. The applicant had to acquire this area in order to achieve the access to the site. He has now amended the plans to fence this area off and leave it much as present as a managed woodland.

With these amendments, the impact on residents of Chapel House is considered acceptable.

Chilton Close

These residents back on to the proposed dementia care home. They have reasonable sized rear gardens and there is an existing planted buffer within the applicant's ownership along the full boundary. The applicant has stated that this buffer will be kept and maintained and it offers a good screen. Distances between windows in houses in Chilton Close and the proposed home are 27-30 metres and meet SPG standards. The height and orientation are such that no undue overbearing impact will occur and significant existing planting will separate the two developments.

Chilton Court

These existing 3 storey apartments look out over the application site. The nearest part of the proposal is the stairwell to the dementia care development and the nearest bedrooms would be some 15m from the garden and 30m from the building at Chilton Court and not directly overlooking. The extra care apartments are similarly distant and do not directly overlook. There are some roof terraces on the extra care apartments which could afford some distant overlooking but boundary treatment/planting can be designed to minimise this. The applicant has included a bamboo/green screen where there is most possibility of some overlooking.

The main impact on Chilton court had been the proximity of a more formalised link through the land to the side of their apartment block. This aspect of the scheme has now been deleted.

Future residents

The scheme is designed so that all units have reasonable outlook and are not significantly overlooked. There have been some minor amendments made to the lodge layout to eliminate potential overlooking between lodges.

Designing out crime

The principles have been discussed with the Police ALO who supports the proposal.

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Impact in relation to the Damfield Lane Conservation Area

The Conservation Area Designation report specifically mentions the sandstone frontage wall as creating a strong visual and physical boundary wall. It goes on to say the stone boundary wall that moves South along Damfield Lane up to Whinney Brook forms an essential element of the setting of the Conservation Area, enough so to include this stretch of wall within the designated Area.

The alterations to this wall are subject of a separate application for Conservation Area consent for works to the entrance gateway and wall. That application is for part demolition of the existing wall only and is elsewhere on this agenda. The pedestrian access through the wall has been amended to reduce its width. It still complies with codes of practice for disabled access but would be visually less intrusive.

This entrance drive of Chapel House was characterised by strong visual and physical boundaries those being heavily enclosed by trees and shrubbery, however over time it has seen some degradation and would need to be reinforced. Landscaping and trees on the eastern side of the entrance road can visually separate the development from Chapel House.

Overall the proposals are considered acceptable in the context of Damfield Lane Conservation Area.

Environmental issues

Ecology

MEAS are satisfied that the ecological work is sound and that the proposal has retained the most significant habitat areas on site and put forward measures to enhance the biodiversity interest of the remaining areas. This accords with UDP Policy NC3, subject to conditions concerning details

Trees

The proposals retain the mature trees on the site boundaries, especially the mature trees on the Damfield Lane frontage. Significant new planting is proposed.

Flood risk and Drainage

MEAS the EA and Capita (Drainage) are satisfied with the Flood Risk Assessment, although conditions are required. The Council's surface water drainage team confirm that the scheme is capable of being developed without causing flooding on or off site, although some details would need to be addressed. The applicant is currently discussing these details with the council and an update will be reported at the meeting

Environmental Protection

Air quality

The applicant is including electric car charging points and a number of electric pool cars for hire by residents. This is to be welcomed.

Planning requirements

S106

The proposal creates a new area of managed public greenspace which is in excess of the area required to serve the proposed development. Given that this is the case the proposals on site can be considered sufficient to account both for the needs of the proposed development and compensation for the loss of some greenspace to development.

In terms of trees, the proposals for new tree planting include more trees than the calculated needs for the development under Policy DQ2.

Departure Application

The application is a departure as the land is designated greenspace. Whilst the proposal strictly fails the tests for development on greenspace this is only because there is no need for greenspace in the area. On balance when considered against all other considerations, approval of this application would not fundamentally impact on the delivery of Sefton UDP Policies and the proposal does not need to be referred to the Secretary of State.

Local community response

There has been significant local opposition. The applicant carried out pre-consultation and has tried to take views into account. In response to this application a petition and objections have been received. A public meeting was held, organised by a ward councillor and the applicant has sought to amend his proposals in the light of these comments, particularly in relation to impact on the residents of Chapel House.

In response to specific objections

- traffic – *views of Highways development control conclude that with the proposed traffic calming the impact of this development would be acceptable*
- scale and design - *more information and 3D images have been requested.*
- greenspace and environment - *positive proposals have been put forward for mitigation/enhancement of ecological value. No harm to species identified.*
- impact on Conservation area; *proposals amended to reduce impact on wall*
- anti-social behaviour-*through route no longer proposed; views of Police ALO awaited*
- inadequate services (doctors etc) in the area - *no evidence of inadequacy*
- concerns about flooding – *no objections from EA and MEAS and the Council's surface water management team*
- facility not needed; apartments not needed-*there is strong evidence of housing need and need for accommodation for older people*

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- impact on Chapel House - sharing entry/exit; damage to woodlands and ecology; loss of trees – *plans amended to take on board these concerns and minimise impact*
- loss of privacy to Chilton Close - *plans comply with SPG guidance on distance*
- devaluation of property – *not a planning matter*
- concern about protracted development period and development being abandoned half built – *proposals will be subject to Construction Management Plan. Whilst completion cannot be guaranteed the applicant has been working in detail to achieve a high quality scheme and is confident that it is viable.*
- consultation process and conclusions not representative – *further consultation has been carried out at application stage and developer is trying to engage with the community to resolve issues where possible.*

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. M-2 Materials (sample)
4. M-6 Piling
5. M-8 Employment Charter
6. L-1 Protection of trees
7. L-3 No felling
8. L-4 Landscape Implementation
9. L-5 Landscape Management Plan
10. NC-3 Biodiversity enhancement
11. H-1 Remove existing vehicular/pedestrian access
12. H-2 New vehicular/pedestrian access
13. H-5 Off-site Highway Improvements
14. H-6 Vehicle parking and manoeuvring
15. H-7 Cycle parking
16. H-8 Travel Plan submitted
17. (a) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
(b) The approved scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
18. H-8 Travel Plan submitted
19. H-10 Mud on carriageway
20. H-11 Construction Management Plan
21. The proposed gate to Chapel House shall be erected in accordance with details to be agreed in writing with the Local Planning Authority before the gate is erected.
22. In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken in accordance and where remediation is necessary a remediation scheme must be prepared which is subject to the approval

in writing of the Local Planning Authority.

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

23. The boundary wall to Damfield Lane shall be reconstructed in stone to match the existing and shall be pointed and constructed to visually match the existing.

Reasons

1. RT-1
2. RX1
3. RM-2
4. RM-6
5. RM-8
6. RL-1
7. RL-3
8. RL-4
9. RL-5
10. RNC-3
11. RH-1
12. RH-2
13. RH-5
14. RH-6
15. RH-7
16. RH-8
17. To prevent the increased risk of flooding, improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.
18. RH-8
19. RH-10
20. RH-11
21. To protect the amenity of occupiers of Chapel House and accord with UDP policies CS3 and DQ1
22. RCON-5
23. In the interests of visual amenity and to comply with UDP policies DQ1 and HC1.

Notes

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

Drawing Numbers

To be advised.

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Existing site plan



Proposed site plan



Agenda Item 4c

APPLICATION NO: S/2011/1347
S/2011/1368

TO SEFTON COUNCIL.

PROPOSED DEVELOPMENT OF DAMFIELD LANE SITE.

We the undersigned object to this development for the following reasons:

TRAFFIC CHAOS!!! Extra traffic may cause delays along Damfield Lane and create further delays along Northway, Hall Lane, Old Hall Road, Melling Lane and Station Road...main commuter routes to Maghull Station.

FLOODING!!! Overloading existing sewage and drainage systems may create an occurrence of the flooding to roads and gardens experienced in recent years.

ENVIRONMENT!!! Continual depletion of open spaces may lead to the the area's fragile wildlife.

Initial	Surname	Address	Postcode
L	Daly	58 Grosvenor road	L31 5NN
M	Carver	5 Claremont ave	L31 8AD
M	Pennington	43 Hall Lane	L31 3DY
G	Stuart	114 Northway	L31 5NF
G	Stuart	114 Northway	L31 5NF
D	Wood	116A Northway	L31 5NF
J	Miller	118A Northway	L31 5NF
A	C. Williams	126 Northway	L31 5NF
J	C. Stanley	147 Northway	L31 5NF
J	M. Chubb	130 Northway	L31 5NF
M	M. Hester	140 Northway	L31 5NF
J	C. G. T.	144 NORTHWAY	L31 5NF
J	GOWER	152 NORTHWAY	L31 5NF
R	GOWER	13 COPPILL RD	L31 2LH
E	TOMLINSON	162 NORTHWAY	L31 5NQ
J	TOMLINSON	" "	" "
E	Clark	168 "	L31 5NQ
N	Clark	168 "	" "
T	French	170 "	L31-5NQ
S	French	170 "	" "
M	Willcock	182 Northway	L31 5NF
P	Muro	4 SANKY RD.	L31 5NR
M	Muro	" "	" "
S	Muro	" "	" "
A	Muro	" "	" "
J	Racey	18 Sanky	

(25)

Agenda Item 4d

Report to: [Planning Committee](#) **Date of Meeting:** [08 February 2012](#)

Subject: [S/2011/1347](#)
[Access Gateway Damfield Lane, Maghull](#)

Proposal: [Conservation Area Consent for works to the entrance gateway associated with the proposed development of the adjacent land](#)

Applicant: [Mr Stuart Grundy](#) **Agent:** [WYG Group](#)

Report of: [Head of Planning Services](#) **Wards Affected:** [\(Sudell Ward\)](#)

Is this a Key Decision? [No](#) **Is it included in the Forward Plan?** [No](#)

Exempt/Confidential [No](#)

Summary

This application accompanies the larger planning application for the site at Damfield Lane. This application seeks Conservation Area Consent which is solely for the demolition of part of the frontage wall to enable reconstruction to accommodate the development.

Recommendation(s)

Approval

Reasons for the Recommendation:

The demolition of part of the existing boundary wall to enable reconstruction in a slightly revised location is considered acceptable in the context of Damfield Lane Conservation Area.

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

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

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

Email: planning.department@sefton.gov.uk

Agenda Item 4d

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

The Site

This application concerns the frontage to Damfield Lane adjoining Chapel House.

Proposal

Conservation Area Consent for works to the entrance gateway associated with the proposed development of the adjacent land

History

None relevant

Consultations

English Heritage – no comment

Neighbour Representations

A petition of objection joint with S/2011/1368 has been submitted but makes no specific reference to the demolition and numerous individual objections have been submitted as follows. 7 The Meadows, 1, 11 and 12 Chapel House, 118 and 128 Damfield Lane, 5 and 17 Chilton Close, 7 Chilton Court. Objections are about the use of the access and change within the conservation Area. Some of these objections are joint with S/2011/1368 and concern the principle and detail of development on the larger site.

Policy

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

HC1 Development in Conservation Areas

Comments

This application accompanies the planning application for an extra care village to be located off Damfield Lane Maghull.

This particular application is simply for the partial demolition of the boundary wall which will be reconstructed as part of the wider proposal. The proposals respect the existing character of the wall in the rebuilding and propose to reuse materials and the gaps in the wall have been revised and minimised to retain this frontage feature. However, it is the demolition of part of the existing wall which is the sole focus of this application and this is considered acceptable.

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Conditions

1. T-4 Listed Building Consent / Conservation Area Consent (Time Limit)
2. X1 Compliance

Reasons

1. RT-4
2. RX1

Existing site plan



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Agenda Item 5a

Report to: Planning Committee **Date of Meeting:** 08 February 2012

Subject: **S/2011/1419**
Land adjacent to 2 Moorhey Road, Maghull

Proposal: Erection of a detached two storey dwellinghouse on land adjacent to 2 Moorhey Road (re-submission of S/2011/0990 withdrawn 16 Sept 2011)

Applicant: . Kube Development **Agent:** Gary Morris Limited

Report of: Head of Planning Services **Wards Affected:** (Molyneux Ward)

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Summary

This is a full application for the erection of a new dwelling on land adjacent 2 Moorhey Road. The issues to consider include the principle of the development, its scale, design and visual impact, impacts on residential amenity and highway safety, as well as flood risk and landscaping considerations.

Recommendation(s)

Approval

Reasons for the Recommendation:

The proposal is acceptable in principle and in terms of its scale, design and visual impact and it will not have a detrimental impact on residential amenity, highway safety and issues of flood risk.

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

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

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

Email: planning.department@sefton.gov.uk

Agenda Item 5a

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

S/2011/1419

The Site

The L-shaped site comprises an area of vacant land situated at the southern end of Moorhey Road, adjacent number 2, and close to its junction with Northway. The site wraps around an existing pumping station and Melling Brook runs along the rear of the site. The A59 (Dunnings Bridge Road) lies adjacent the site.

The area is generally residential in character although there are several commercial businesses close by in Northway.

Proposal

Erection of a detached two storey dwellinghouse on land adjacent to 2 Moorhey Road (re-submission of S/2011/0990 withdrawn 16 Sept 2011)

History

S/2011/0990 - Erection of a detached dwellinghouse - Withdrawn 15/09/11

Consultations

Highways DC – no objections in principle; some minor works will be necessary to construct a new footway crossing to tie-in with the location of the proposed vehicular accesses; add standard conditions and informatives H-2, H-6, I-1 and I-2 to any approval.

MEAS – advise that the information provided within the flood risk assessment (FRA) is acceptable in view of the scale, nature and location of the development; FRA includes measures to reduce the risk of flooding eg raising floor levels, porous paving and rainwater harvesting, and these should be secured by condition.

HSE – the site does not fall within the consultation distance of any hazardous installations.

Environment Agency (initial comments) – object for the following reasons :

1. The proposed development will restrict our ability to access Melling Brook and Old Alt Brook with heavy machinery to undertake essential maintenance or emergency flood alleviation work(s) for the area.
2. There is no evidence to suggest the sequential test has been satisfactorily undertaken in compliance with Planning Policy Statement 25: Development and Flood Risk (PPS25).

The application site is currently our only access point to the watercourses in the area; Melling Brook/Old Alt Brook have been designated “main river” and the Environment Agency’s consent is required for any works within 8m of the bank top of a “main river” – unlikely that our consent would be granted; lack of access could lead to an increased number of flooding incidents and/or an increased severity of flooding; plans show insufficient access for heavy machinery to the watercourses; also note a proposed fence within 8m of the top of Melling Brook bank; EA consent required for the proposed fence,

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tree planting and general development works within 8m of the top of the bank of Melling Brook – it is possible that consent will not be granted; alternative means of access suggested by the applicant are appropriate for hand work only, not machinery access and consider it unlikely that the highways department would allow access from the A59; Local Authority needs to carry out the Sequential Test to demonstrate that there are no reasonably available alternative sites in areas with a lower probability of flooding and EA should be re-consulted with the results; EA has a right of entry by virtue of S172 of the Water Resources Act 1991 and a right to carry out maintenance and improvement works by virtue of S165 of the same Act; if the Council is minded to approve the application we would draw your attention to para 26 of PPS25 and allow us to make further representations.

Environment Agency (follow up comments) – we note your consideration of the flood risk sequential test and advise that your Council should be completely satisfied that there are no reasonably available sites at lower flood risk for this development; still object to the problem with access through to Melling brook and Old Alt Brook; our consent is required for any proposed works or structures in, on, over or within 8m of the top of the bank of Melling Brook designated a 'main' river and it is unlikely that our consent will be granted.

Head of Environment – recommend a higher standard of acoustic/thermal glazing is considered to mitigate traffic noise to habitable rooms with line of sight to the A59. To mitigate the low frequency noise associated with traffic a minimum specification should be 6/12/4. However, the applicant should consider a higher standard of an acoustic/thermal glazing for bedroom. Details of proposed habitable room acoustically treated passive/mechanical ventilation should be submitted for approval prior to commencement of the development. Recommend that a close boarded fence with a minimum height of 2m relative to the road deck level is provided to the garden elevation to the A59 to give protection to the amenity area from traffic noise. Also impose standard condition M-6 (piling scheme).

Neighbour Representations

Last date for replies: 5/12/11

A petition containing 21 signatures of local residents has been received in opposition to the proposals.

In addition, individual objection letters have been received from 2, 3 and 14 Moorhey Road and from 2 Northway. The grounds of objection include:

- Possible disturbance to the foundations of the adjacent dwelling
- Loss of light / overbearing impact
- Proposal will make existing parking problems worse
- New house will be adversely affected by noise and vibration for the adjacent dual carriageway
- How will the street's drainage pipe be accessed by United Utilities?
- How will the Environment Agency access the brook?
- Disruption during construction works
- Metal container on the site does not enhance the area
- Loss of privacy
- Poor design and unsuitable location adjacent a pumping station

Policy

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

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ5	Sustainable Drainage Systems
EP6	Noise and Vibration
EP8	Flood Risk
H10	Development in Primarily Residential Areas

Comments

The main issues to consider include the principle of the development, its scale, design and visual impact, impacts on residential amenity and highway safety, as well as flood risk and landscaping considerations.

Principle

The site lies within an area designated as residential in the adopted Sefton UDP. The principle of developing the site for a single dwelling is therefore considered acceptable.

Scale, Design and Visual Impact

The proposal relates to a detached two storey 4 bedroom house within an area of 2 storey semis. The scale of the new dwelling is broadly in keeping with surrounding dwellings and its position on the plot is generally in line with adjacent buildings. In addition, its height is similar to adjacent houses. The new house has a gable pitched roof and, although the adjacent properties have hipped roofs, there are other dwelling styles in the vicinity including the houses opposite the site on Northway which have gable pitched roofs.

The scale and design of the new dwelling are considered acceptable and it will not have a detrimental visual impact in the street scene.

Residential Amenity

The proposed dwelling will be sited approximately 1.7m from the attached garage to the side of 2 Moorhey Road. There is a small side window towards the rear of this building and a landing window at first floor level in the side elevation of the main house. It is not considered that the proposal will result in any significant issues regarding loss of light as these are not main habitable room windows.

Similarly, the proposal will not have any detrimental impacts in terms of overshadowing due to the position of the new building in relation to the adjacent dwelling.

The Head of Environment recommends that the standard piling condition is imposed on any approval to minimise the impacts on local residents during construction. Additional

Agenda Item 5a

conditions are recommended in order to minimise impacts on the new dwelling from traffic noise on the adjacent A59. These include the provision of a high standard of acoustic/thermal glazing, acoustically treated passive/mechanical ventilation and a close boarded fence to the garden elevation to the A59. These measures can be controlled by condition.

Highway Safety

Highways Development Control have raised no objections to the proposal on highway safety grounds. Standard conditions have been recommended to control construction of the new access and formation of the car parking area.

Flood Risk

The Environment Agency initially raised an objection to the proposal on 2 grounds. The Council would address their concern regarding the sequential test as follows:

In Sefton, the Sequential Test should be considered alongside the wider availability of housing land. Sefton's most recent Strategic Housing Land Availability Assessment (SHLAA) assessed how much land is potentially available for housing development in the Borough. This study found that against current housing targets, Sefton has just less than a 9-year supply of housing land (from 1st April 2010). Importantly, Sefton's emerging Core Strategy needs to identify a 15-year supply of housing land from the date of adoption in order to be judged as 'sound'. Similarly, PPS3 requires that local authorities maintain a rolling 5 year supply of 'suitable, available, and deliverable' sites.

At present Sefton's annual housing target is set by the Regional Spatial Strategy for the North West, at 500 dwellings per annum. Set against this target, Sefton does not have enough urban land to meet its medium to long-term housing requirements. Therefore, even if every sequentially preferable urban site (in Flood Zone 1) were developed for housing, Sefton would still face an overall shortage of land.

In the context of this shortage of development land, the proposal is considered to meet the Sequential Test.

The Environment Agency has since removed its objection concerning the flood risk sequential test.

MEAS are satisfied that the information provided within the applicant's submitted flood risk assessment (FRA) is acceptable and includes measures to reduce the risk of flooding which can be secured by condition.

The Environment Agency is also concerned that the proposal will restrict their access to watercourses in the area. This issue is not considered to be a planning consideration which can affect the decision on this application and the Environment Agency should pursue this matter with the applicant and / or with surrounding landowners. The Environment agency has been advised of the situation and given the opportunity to provide further comment. They have since raised no further comments in this respect.

Landscaping

UDP Policy DQ3 requires the provision of 3 new trees per dwelling. The submitted plans show that 8 new trees will be planted on the site and the details of these can be required by condition.

Other Issues

Local residents have raised additional concerns regarding possible damage to property, disruption during construction works and possible lack of access to the drainage system. These are not considered to be planning considerations which can affect the decision made on this application.

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. M-2 Materials (sample)
4. M-6 Piling
5. Landscaping (scheme)
6. L-4 Landscape Implementation
7. H-2 New vehicular/pedestrian access
8. H-6 Vehicle parking and manoeuvring
9. P-2 Acoustic glazing
10. P-2 Acoustic glazing
11. A close boarded fence with a height of 2m above the road deck level of the adjacent A59 shall be erected along the west boundary of the site adjacent to Dunnings Bridge Road before the development is occupied and shall be retained as such thereafter.
12. a) A detailed scheme to reduce the risk of flooding both to and from the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.
b) The scheme approved under (a) above shall be implemented in full and retained as such for the duration of the development.

Reasons

1. RT-1
2. RX1
3. RM-2
4. RM-6
5. RL-3
6. RL-4
7. RH-2
8. RH-6
9. RP-2
10. RP-2
11. RP-2
12. To reduce the risk of flooding and to comply with Sefton UDP Policy EP8.

Agenda Item 5a

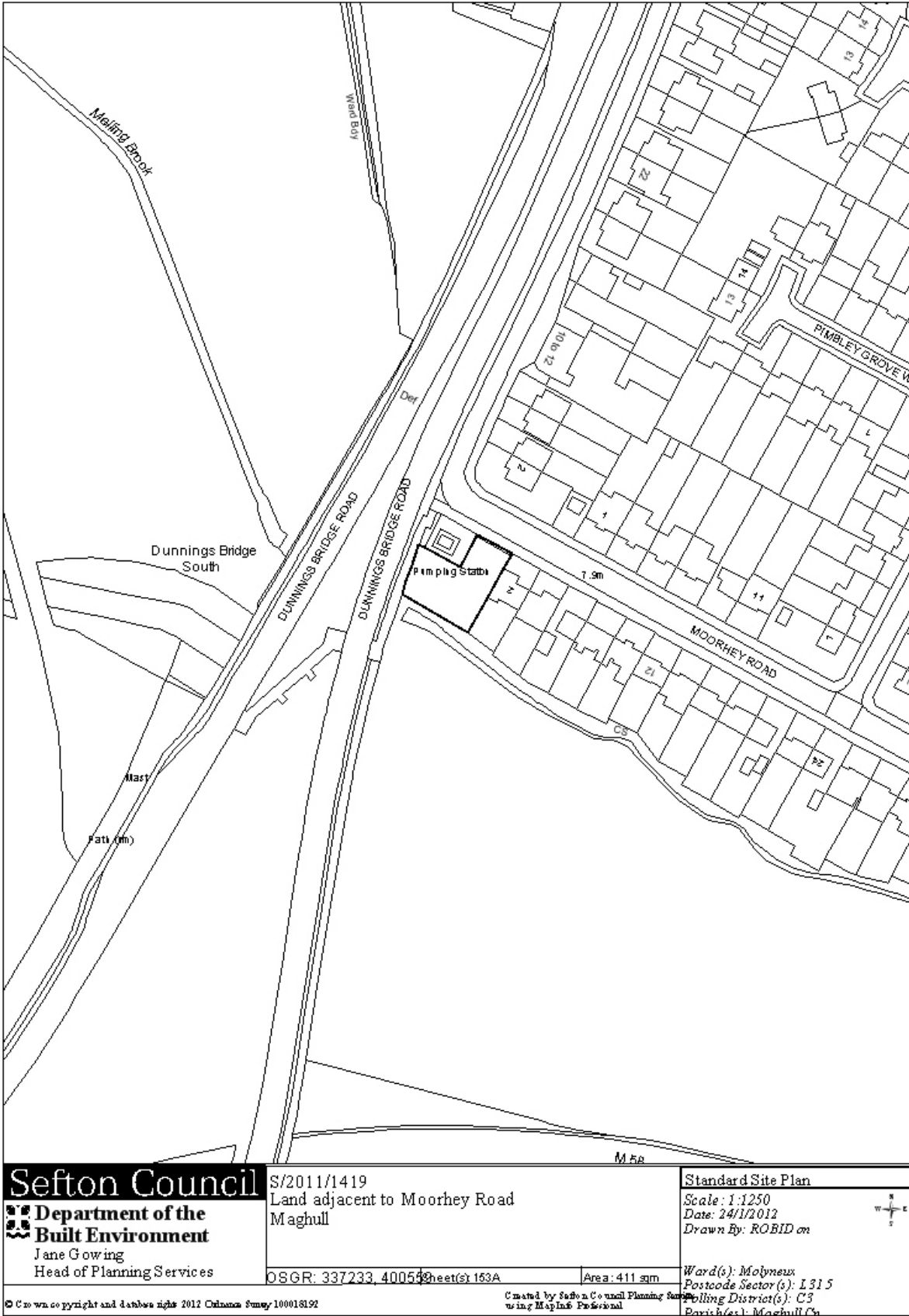
Notes

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.
2. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@sefton.gov.uk for further information.
3. The applicant is advised that the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of Melling Brook designated a 'main river'.

Drawing Numbers

Location plan, MR001, MR002, MR003, MR004B

Existing site plan



Sefton Council
 Department of the
 Built Environment
 Jane Gowling
 Head of Planning Services

S/2011/1419
 Land adjacent to Moorhey Road
 Maghull

Standard Site Plan
 Scale: 1:250
 Date: 24/1/2012
 Drawn By: RO BID on

OSGR: 337233, 400548 Sheet(s) 153A

Area: 411 sqm

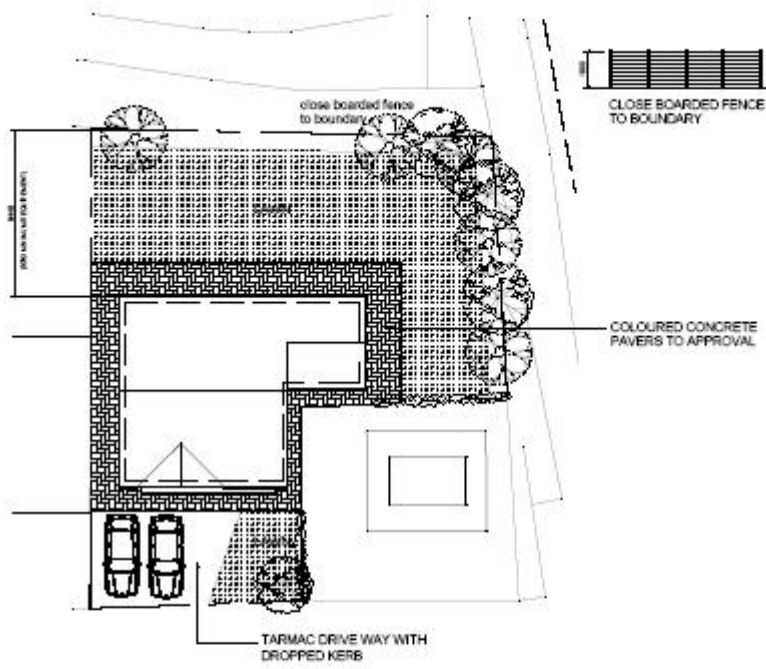
Ward(s): Moyness
 Postcode Sector(s): L31 5
 Polling District(s): C3
 Parishes: Maghull Co

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Created by Sefton Council Planning Services using MapInfo Professional

Agenda Item 5a

Proposed site plan



Report to: Planning Committee **Date of Meeting:** 08 February 2012

Subject: S/2011/1433
Oil Salvage Limited Lyster Road, Bootle

Proposal: Erection of a single storey vehicle repair building, 2 oil storage tanks with associated concrete bund walling and an oil supply gantry crossing Lyster Road from the adjacent site. (Alternative to S/2011/1025 withdrawn 10/11/11)

Applicant: Mr Vincent Vernon **Agent:** Oil Salvage Limited

Report of: Head of Planning Services **Wards Affected:** (Linacre Ward)

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Summary

This is a major application for a new building, oil storage tanks and a gantry across Lyster Road for Oil Salvage Ltd. The main issues include the principle of the proposals, visual impact, impacts on the adjacent Listed Building and on highway safety, and issues relating to pollution, contaminated land, renewable energy and tree provision.

Recommendation(s)

Approval

Reasons for the Recommendation:

The proposal is acceptable in principle and will not have a detrimental impact on the visual amenity of the area, the setting of the adjacent Listed Building, on highway safety considerations and on pollution and contamination issues.

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

Contact Officer: Mrs S Tyldesley Telephone 0151 934 3569

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

Email: planning.department@sefton.gov.uk

Agenda Item 5b

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

S/2011/1433

The Site

Oil Salvage is an oil processing / oil refining business situated on both sides of Lyster Road. The application site is located on the south side of Lyster Road and is bounded by Rimrose Road to the east, Arctic Road to the west and a Grade II listed warehouse building to the south.

This side of Rimrose Road contains various industrial and commercial uses including dock related activities.

Proposal

Erection of a single storey vehicle repair building, 2 oil storage tanks with associated concrete bund walling and an oil supply gantry crossing Lyster Road from the adjacent site. (Alternative to S/2011/1025 withdrawn 10/11/11)

History

S/2011/1025 - Erection of a single storey vehicle repair building, 2 oil storage tanks with associated concrete bund walling and an oil supply gantry crossing Lyster Road from the adjacent site. Withdrawn

S/2009/0019 - Variation of condition 5 on planning approval S/2008/0044 to plant 13 trees adjacent to the application site. Approved 05/03/09

S/2008/0044 - (adjacent site) Erection of 3 steel framed clad buildings. Approved 27/02/08

Consultations

Highways DC – no objections; existing vehicular access arrangements to the site and the proposed internal layout are acceptable; amended drawings required so that the vertical clearance between the crown level of the carriageway of Lyster Road and the underside of the oil supply gantry is a minimum of 5.70m; applicant will need to apply for a licence under s178 of the Highways Act 1980 to lawfully erect the oil supply gantry.

EA – no objection in principle; the site is permitted to accept waste oil however the installation of tanks and pipeline/gantry will require a variation to the permit.

Sustainable Energy Officer – the revised renewable energy proposals satisfy Policy DQ2.

Head of Environment – no objection in principle; add standard conditions and informatives M-6, Con-1 to Con-5, I-15; Processed Fuel Oil (PFO) shall only be used as a fuel in the proposed oil burners as specified in the application; the oil burners shall not be used until either a H1 chimney height calculation has been submitted for approval or all necessary parameters have been submitted to carry out the calculation and the emissions from the burners shall not exceed the approved data.

Agenda Item 5b

Neighbour Representations

Last date for replies: 11/12/11 (neighbours)
9/12/11 (site notice)
22/12/11 (press notice)

None received

Policy

The application site is situated in an area allocated as Port and Maritime Zone / Coastal Planning Zone on the Council's Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ2	Renewable Energy in Development
DQ3	Trees and Development
EDT8	Business and Industrial Development Outside Primarily Industrial Areas
EDT9	The Port and Maritime Zone
EP1	Managing Environmental Risk
EP2	Pollution
EP3	Development of Contaminated Land
HC4	Development Affecting the Setting of a Listed Building

Comments

The main issues to consider include the principle of the proposal, its scale, design and visual impact, the impact on the setting of the adjacent listed building, the effect on highway safety and issues relating to pollution, contaminated land, renewable energy and trees.

Principle

The site comprises an existing oil processing business located within the Port and Maritime Zone as defined in the adopted Sefton UDP. The proposal for a new vehicle repair building, 2 oil storage tanks and an oil supply gantry are acceptable in principle as they are required in association with the existing business operating from the site. The proposals will not conflict with UDP Policies EDT8 and EDT9.

Scale, Design and Visual Impact

The proposed building measures 21.6m by 48.2m and will extend along the Lyster Road elevation of the site alongside an existing office building. Its maximum height is 10.1m and it is to be constructed in grey profiled metal sheeting with a blue trim to match other Oil Salvage buildings. The 2 oil tanks each have a diameter of 14m and a height of 14m and will be positioned along the Arctic Road elevation of the site. A 2m high concrete bund wall will be built around the tanks. The oil supply gantry will extend across Lyster Road between the 2 Oil Salvage sites close to its junction with Arctic Road at a height of 5.7m above the carriageway.

The scale, design and visual impact of the building, the oil tanks and the gantry are considered acceptable within the context of this industrial location close to the docks.

Listed Building

The site is adjacent to a Grade II listed warehouse situated on the corner of Strand Road and Rimrose Road. Given the nature of the area and the relative size of the proposal it is not considered that the proposed development would be detrimental to the setting of the adjacent listed building.

Highway Safety

Highways Development Control raise no objections to the proposal as there are no highway safety implications. An amended plan has been received showing the height of the gantry raised from 5m to 5.7m above the crown level of the carriageway of Lyster Road in accordance with the Design Manual for Roads and Bridges.

Pollution

The Head of Environment has raised no objections in principle to this development. However, several conditions are recommended in order to protect amenity and to control emissions from the proposed oil burners.

Contaminated Land

The Head of Environment has recommended that the standard contaminated land conditions should be imposed in order to address this issue.

Renewable Energy

UDP Policy DQ2 requires that all non-housing schemes of 1,000 sq m or more provide at least 10% of their predicted energy usage from on-site renewable sources. The current proposal involves a total provision of 1,351 sq m floorspace and the applicant proposes to install 2 oil burners which produce energy from 100% waste derived fuel. The Council's Sustainable Energy Officer is satisfied that this will meet the terms of Policy DQ2.

Trees

Policy DQ3 requires the provision of 1 new tree per 50 sq m gross floorspace for new non-residential buildings. Thus, 20 new trees will be required for the 1,043 sq m new floorspace proposed for the new building. The submitted drawings show that 20 new trees will be planted along the Rimrose Road and Lyster Road frontages of the site and this satisfies Policy DQ3.

Agenda Item 5b

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. M-2 Materials (sample)
4. Landscaping (scheme)
5. L-4 Landscape Implementation
6. S-2 Renewable Energy
7. M-6 Piling
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. Only Processed Fuel Oil (PFO) shall be used as a fuel in the proposed oil burners.
14. (a) The proposed oil burners shall not be used until either:
 - (i) a H1 chimney height calculation is submitted to and approved in writing by the Local Planning Authority; or
 - (ii) The necessary parameters needed to carry out the H1 chimney height calculation have been submitted to and approved in writing by the Local Planning Authority
- (b) The emission limits from the proposed oil burners shall not exceed those specified in (a) above.

Reasons

1. RT-1
2. RX1
3. RM-2
4. RL-3
5. RL-4
6. RS-2
7. RM-6
8. RCON-1
9. RCON-2
10. RCON-3
11. RCON-4
12. RCON-5
13. In the interests of amenity and to comply with Sefton UDP Policies CS3 and EP2.
14. In the interests of amenity and to comply with Sefton UDP Policies CS3 and EP6.

Notes

1. The applicant will need to apply for a licence under s178 of the Highways Act 1980 to erect the oil supply gantry and is advised to contact the Highways Development Control team on 0151 934 4175 in this regard.
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 8 to 12 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on

Agenda Item 5b

that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition 12 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.

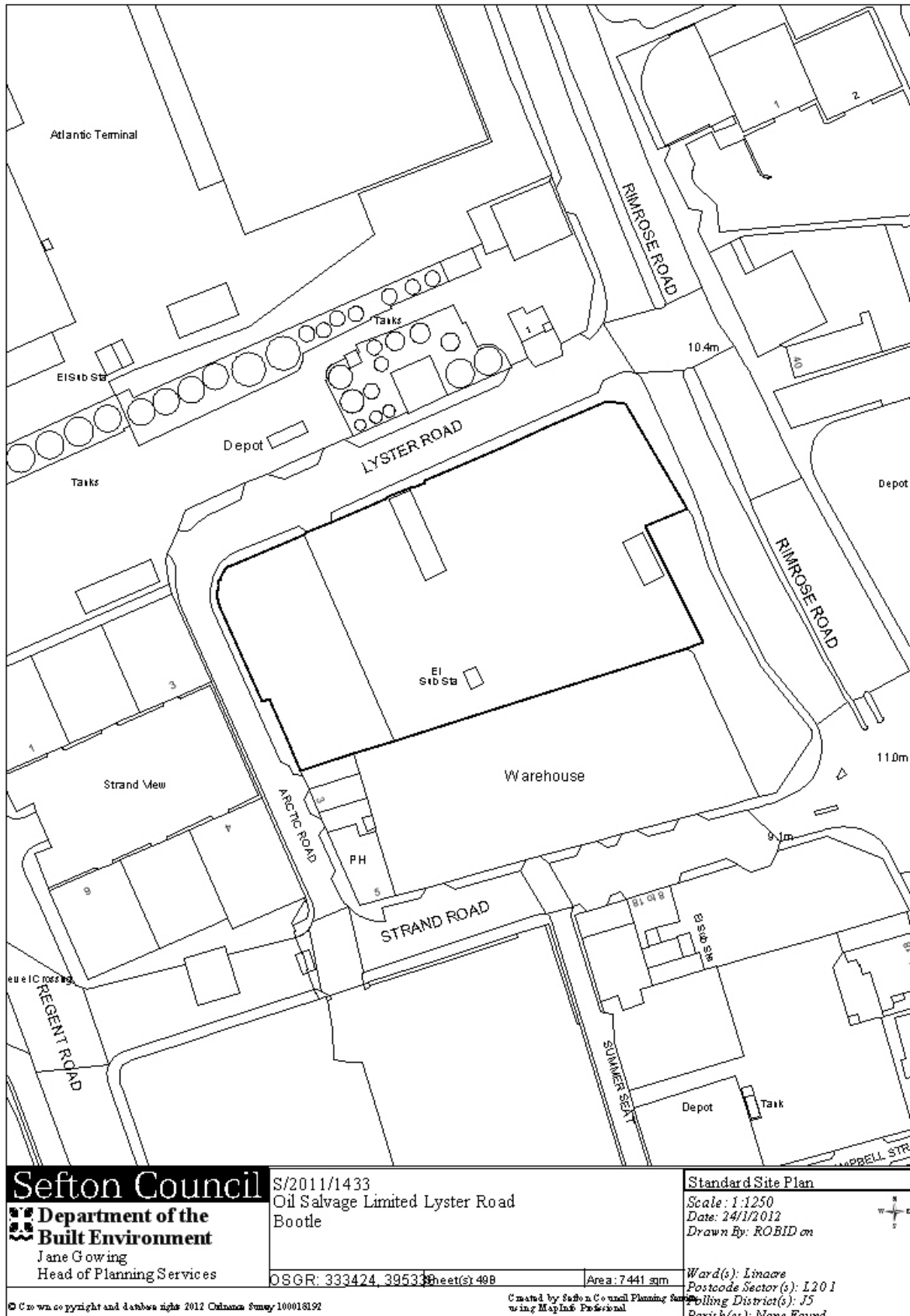
3. The applicant is advised that if the calculations submitted under condition 14 show that the chimneys need to be higher than shown on the approved plans then a revised planning application will be required.

Drawing Numbers

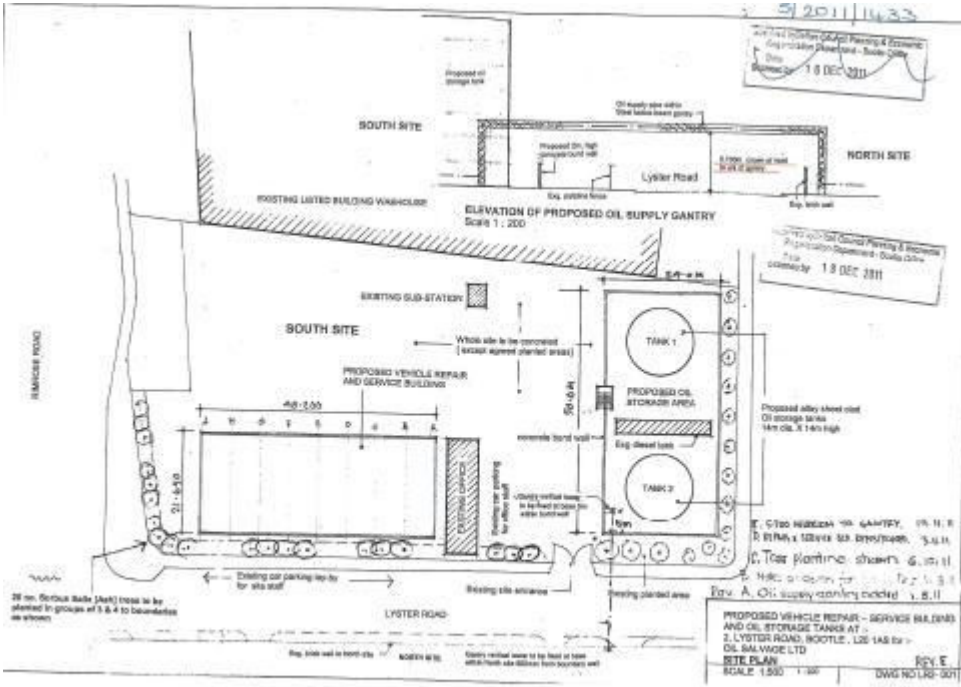
Location Plan, LR2-001 rec 12/1/12, LR2-001E, 002, 003A, 004A, SK101, SK104

Agenda Item 5b

Existing site plan



Proposed site plan



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Report to: [Planning Committee](#) **Date of Meeting:** [08 February 2012](#)

Subject: [S/2011/1553](#)
[Land to the Rear 70 - 74 Lilac Avenue, Ainsdale](#)

Proposal: [Erection of two pairs of semi detached dwellings following demolition of the existing garages](#)

Applicant: [Mr M Howard](#) **Agent:** [Owen Ellis Architects](#)

Report of: [Head of Planning Services](#) **Wards Affected:** [\(Ainsdale Ward\)](#)

Is this a Key Decision? [No](#) **Is it included in the Forward Plan?** [No](#)

Exempt/Confidential [No](#)

Summary

The application is seeking consent for the erection of two pairs of semi-detached dwellings following demolition of the existing garages.

The main issues for consideration in the assessment of this application are the design and impact on the surrounding area, impact on residential amenity and compliance with tree planting requirements.

Recommendation(s)

Approval

Reasons for the Recommendation:

The proposed dwellings are appropriate in style, height, scale and massing and make a positive contribution to their surroundings. The dwelling will not result in a significant loss of residential amenity of neighbouring properties by virtue of overshadowing or overlooking and complies with the Council's adopted policies CS3, H10, DQ1 and DQ3.

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

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

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

Email: planning.department@sefton.gov.uk

Agenda Item 5c

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

The Site

The site comprises an existing garage court of 12 lock up garages, access road from Lilac Avenue and a partial garden area. The site lies to the rear of properties fronting Lilac Avenue, Woodvale Road and Cherry Road and is within a residential area.

A similar proposal by One Vision Housing for the erection of 4 dwellings is also being assessed at this Planning Committee on land rear of 52-56 Lilac Avenue, which is in very close proximity to this site.

Proposal

Erection of two pairs of semi detached dwellings following demolition of the existing garages

History

None

Consultations

Highways Development Control – There are no objections to the principle of erecting 4 houses following demolition of the existing garages as there are no highway safety implications. All vehicular and pedestrian access will be via a shared surface accessway. Each house will have at least one off-street parking space which is an acceptable level of car parking provision. The proposed site boundary encompasses an area that is part of the existing public highway and as such will need to be ‘Stopped-up’. The existing vehicular access to the garages is inappropriate to provide access onto a shared surface and as such it will need to be reconstructed as footway, consistent in width and alignment with the existing footway either side of the site and will incorporate a domestic type vehicle crossing in order to facilitate vehicular access to the shared surface.

Built Environment Director – Head of Environment – No objection in principle to this proposal subject to the standard condition for piling (M6).

Neighbour Representations

Last date for replies: 16th January 2012

Received: Letters of objection received from 59; 61; 67 Cherry Road; 70; 72; 74 Lilac Avenue; 53 and 55 Woodvale Road raising the following concerns:

- Would prevent residents having vehicular access to their property through the only route possible. More infirm residents concerned they will become cut off from the community if cannot access their property as they have done for many years.
- Loss of garage currently rented. What alternative arrangements will be offered?
- Will cause problems for people unloading cars and accessing their dwellings.
- Work may unsettle foundations of nearby properties.
- Area already congested and loss of this parking area will cause further problems

Agenda Item 5c

- and danger for people crossing roads.
- Dwellings on the 'square' on Cherry Road have no parking and this would further reduce provision. Need garage for overnight keeping of vehicle for insurance purposes.
 - Understand affordable housing is required but not at the detriment of existing neighbours.
 - Would cause loss of privacy, daylight and security. Rear of residents land is secluded and inaccessible and this would not be the case if plans get consent. Would become vulnerable resident.
 - Would cause direct overlooking into neighbour's kitchen, dining room, bathroom, bedroom and garden.
 - Restrict access for emergency vehicles and impact on house values.
 - Legal right of way would be lost – how do we intend to negotiate this same right of way? Should not be removed.
 - Proposal is built on land in other ownership and deny right of access. Certificate A is signed which is incorrect.
 - Proposed dwellings are very close to existing dwellings and therefore cause overlooking.
 - Timing of the application (seeking views over Christmas period) has limited available time people have in seeking advice on the matter.

Policy

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

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
H10	Development in Primarily Residential Areas
EP6	Noise and Vibration
SPG	New Housing Development

Comments

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

Principle

The site lies within a residential area where new residential development is acceptable in principle subject to other policy constraints

Design and impact on surrounding area

Policy DQ1 requires new development to relate positively to the character and form of the surroundings and make a positive contribution to their surroundings through the quality of their design in terms of scale, form, massing, style, detailing and use of materials.

In this case, the proposed dwellings are on a backland site. However, the form of development in the surrounding area is unusual in that there are some u-shaped areas of housing around a central grassed area which are set back from the road frontage. There are also traditional streets with dwellings fronting onto roads. The backland development proposed here is therefore considered appropriate to the mixed form of development in this locality and meets policy DQ1 in this respect.

The dwellings proposed are two-storey, semi-detached and are of similar proportions to existing dwellings in the surrounding area. The scale, height and massing of the dwellings is therefore considered acceptable in this location. Whilst the maximum ridge height of the proposed dwellings is approximately 0.4m higher than that of 57 Cherry Road adjacent for example, this is not considered to be sufficient to cause harm to amenity or the visual quality of the surrounding area

The materials proposed are a mix of brick and render which is appropriate in this locality. The overall design concept is considered acceptable with projecting front gables to the outermost dwellings and slightly recessed innermost dwellings. This layout creates an interesting design which is appropriate to its location. The simple window style proposed and proportions are also appropriate and the overall scheme is considered to comply with policy DQ1.

Impact on residential amenity

This is assessed in terms of the amenity of potential occupants and also the impact of the proposal on the amenity of existing neighbours.

The proposed dwellings provide a good standard of accommodation and each habitable room has a good outlook. The private amenity space for each dwelling is in line with the 70sq m recommended as a minimum in SPG New Housing Development. The level of amenity for potential occupants is therefore acceptable.

In terms of the impact of the proposals on the amenity of existing neighbours, the following points are relevant. SPG New Housing Development sets out minimum interface distances which are considered acceptable between existing and proposed dwellings without detriment to the surrounding properties. The proposed site layout submitted demonstrates that these minimum distances can be achieved with 10.5m from the proposed first floor habitable room windows to surrounding gardens, 12 metres from a habitable room window to a gable and 21 metres between habitable room windows of existing and proposed dwellings.

The two storey dwellings will be 12 metres from the rear of dwellings fronting Woodvale Road, some of which are bungalows. Whilst the dwellings are two-storey and at fairly close proximity, they are not considered to cause significant detrimental harm on the basis that the proposed eaves height is only 5 metres and the roof is hipped away from this point. This reduces the overall impact and bulk of the dwellings which is considered acceptable in this location.

A number of objections have been received relating to the impact of the dwellings on existing residents in terms of overlooking and a loss of privacy. As stated above, the layout complies with the recommendations in SPG and is therefore not considered to cause significant detrimental harm to amenity. Side windows proposed in the dwellings are to be obscurely glazed to prevent overlooking opportunities and as such the proposal complies with policy H10.

Agenda Item 5c

The issue of impact on residents from the proposed stopping up order is addressed below.

Access and stopping up of public highway

SPG New Housing Development requires access roads to backland development to be a minimum width of 4.1m and be a set distance away from windows in the gables of frontage properties. In this case, there are no habitable room windows on the side gables of the frontage dwellings and the access road is shown on the plans to be 5.2m wide. This is considered appropriate and given that the access serves a garage court for 12 garages, the residents are already accustomed to vehicle movements past their dwellings. The noise and disturbance associated with four dwellings is not considered to cause significant detrimental harm to amenity and the access complies with the guidance set out in SPG.

The proposal involves the closure of an existing part of the unadopted highway which provides pedestrian access through from the existing garage court to the front of dwellings set around the grassed area off Cherry Road. A number of objections have been received relating to this proposal due to the impact that this will have on residents as they will suffer a loss of an existing means of access to their properties. It is not the only means of access as the dwellings are accessible from Cherry Road but is an additional and seemingly well used pedestrian access.

One Vision Housing will need to apply for a Section 116 of the Highways Act 1980 'Stopping-up' order to close this access route. This is a procedure which is entirely separate from the planning application procedure and does not therefore form part of the assessment of this application. The application for the 'Stopping-up' order will be made by One Vision and advertised within the local press. Residents will have an opportunity to object and make representations to the Highway Authority regarding this matter at that time which will be assessed by a Magistrate before a decision is made. This stopping-up procedure cannot form part of the assessment of the planning merits of the case.

Objections received relating to land ownership have been considered but the agent has confirmed that all land within the red line boundary is within the ownership of One Vision Housing as stated on the application form Certificate A.

Trees and development

Policy DQ3 requires the provision of 3 new trees to be planted on site per new dwelling created. This proposal therefore requires 12 new trees to be planted which are shown on the plans and as such the scheme complies with policy DQ3.

Conclusion

The proposal to erect 4 dwellings is acceptable in this location in principle and the overall siting and design of the dwellings complies with policy and SPG requirements. The dwellings will not have a significant detrimental impact on the amenity of existing residents and provide a reasonable standard of accommodation for potential occupants. The stopping-up procedure is not a planning matter and the impact of this cannot be taken into consideration for this application. The application therefore complies with policy and is recommended for approval.

Conditions

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. M-6 Piling
4. L11 Trees - maintenance
5. H-1 Remove existing vehicular/pedestrian access
6. H-2 New vehicular/pedestrian access
7. H-5 Off-site Highway Improvements
8. H-6 Vehicle parking and manoeuvring
9. X1 Compliance

Reasons

1. RT-1
2. RM-2
3. RM-6
4. RL1
5. RH-1
6. RH-2
7. RH-5
8. RH-6
9. RX1

Notes

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.
2. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@sefton.gov.uk for further information.
3. The applicant is advised of the requirement for a "stopping up order" to the area shown yellow on the stopping up plan which forms part of the public highway. For further information please contact the Highways Development Control team on 0151 934 4175.
4. There are significant bands of peat deposits in Sefton and this development is in an area where these deposits may be substantial. Peat produces naturally occurring methane and carbon dioxide and if sufficient amounts of these gases are allowed to collect under or within a newly erected or extended building, there is a potential risk to the development and occupants.

Drawing Numbers

SK/L02/100; 101; 102; 105; 3774/ST/L/01

Agenda Item 5c

Existing site plan



Proposed site plan



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Report to: [Planning Committee](#) **Date of Meeting:** [08 February 2012](#)

Subject: [S/2011/1557](#)
[Land to rear 52-56 Lilac Avenue, Ainsdale](#)

Proposal: [Erection of two pairs of semi detached dwellings following demolition of the existing garages](#)

Applicant: [Mr Mark Howard](#) **Agent:** [Owen Ellis Architects](#)

Report of: [Head of Planning Services](#) **Wards Affected:** [\(Ainsdale Ward\)](#)

Is this a Key Decision? [No](#) **Is it included in the Forward Plan?** [No](#)

Exempt/Confidential [No](#)

Summary

The application is seeking consent for the erection of two pairs of semi-detached dwellings following demolition of the existing garages.

The main issues for consideration in the assessment of this application are the design and impact on the surrounding area, impact on residential amenity and compliance with the tree planting requirements.

Recommendation(s)

Approval

Reasons for the Recommendation:

The proposed dwellings are appropriate in style, height, scale and massing and make a positive contribution to their surroundings, The dwelling will not result in a significant loss of residential amenity of neighbouring properties by virtue of overshadowing or overlooking and complies with the Council's adopted policies CS3, H10, DQ1 and DQ3.

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

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

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

Email: planning.department@sefton.gov.uk

Agenda Item 5d

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

S/2011/1557

The Site

The site comprises an existing garage court of 8 lock up garages, access road from Lilac Avenue and a partial garden area. The site lies to the rear of properties fronting Lilac Avenue and Cherry Road and is within a residential area.

A similar proposal by One Vision Housing for the erection of 4 dwellings is also being assessed at this planning committee on land rear of 72-74 Lilac Avenue, which is in very close proximity to this site (Reference: S/2011/1553).

Proposal

Erection of two pairs of semi detached dwellings following demolition of the existing garages

History

None

Consultations

Highways Development Control – There are no objections to the principle of erecting 4 houses following demolition of the existing garages as there are no highway safety implications. All vehicular and pedestrian access will be via a shared surface accessway. Each house will have at least one off-street parking space which is an acceptable level of car parking provision. The proposed site boundary encompasses an area that is part of the existing public highway and as such will need to be ‘Stopped-up’. The existing vehicular access to the garages is inappropriate to provide access onto a shared surface and as such it will need to be reconstructed as footway, consistent in width and alignment with the existing footway either side of the site and will incorporate a domestic type vehicle crossing in order to facilitate vehicular access to the shared surface.

Built Environment Director – Head of Environment – No objection in principle to this proposal subject to the standard condition for piling (M6).

Neighbour Representations

Last date for replies: 16th January 2012

Received: Letters of objection received from 45 Cherry Road; 51; 67 Lilac Avenue; raising the following concerns:

- Concern over parking on Lilac Avenue during and after any building works.
- Area already congested and loss of this parking area will cause further problems and danger for people crossing roads and noise from traffic.
- Would cause loss of natural light to side and rear of properties.
- Restrict access for emergency vehicles

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Policy

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

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
H10	Development in Primarily Residential Areas
EP6	Noise and Vibration
SPG	New Housing Development

Comments

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

Principle

The site lies within a residential area where new residential development is acceptable in principle subject to other policy constraints

Design and impact on surrounding area

Policy DQ1 requires new development to relate positively to the character and form of the surroundings and make a positive contribution to their surroundings through the quality of their design in terms of scale, form, massing, style, detailing and use of materials.

In this case, the proposed dwellings are on a backland site. However, the form of development in the surrounding area is unusual in that there are some u-shaped areas of housing around a central grassed area which are set back from the road frontage. There are also traditional streets with dwellings fronting onto roads. The backland development proposed here is therefore considered appropriate to the mixed form of development in this locality and meets policy DQ1 in this respect.

The dwellings proposed are two-storey, semi-detached and are of similar proportions to existing dwellings in the surrounding area. The scale, height and massing of the dwellings is therefore considered acceptable in this location. Whilst the maximum ridge height of the proposed dwellings is approximately 0.4m higher than that of 47 Cherry Road adjacent for example, this is not considered to be sufficient to cause harm to amenity or the visual quality of the surrounding area.

The materials proposed are a mix of brick and render which is appropriate in this locality. The overall design concept is considered acceptable with projecting front gables to the outermost dwellings and slightly recessed innermost dwellings. This layout creates an interesting design which is appropriate to its location. The simple window style proposed and proportions are also appropriate and the overall scheme is considered to comply with policy DQ1.

Impact on residential amenity

This is assessed in terms of the amenity of potential occupants and also the impact of the proposal on the amenity of existing neighbours.

The proposed dwellings provide a good standard of accommodation and each habitable room has a good outlook. The private amenity space for each dwelling is in line with the 70sq m recommended as a minimum in SPG New Housing Development. The level of amenity for potential occupants is therefore acceptable.

In terms of the impact of the proposals on the amenity of existing neighbours, the following points are relevant. SPG New Housing Development sets out minimum interface distances which are considered acceptable between existing and proposed dwellings without detriment to the surrounding properties. The proposed site layout submitted demonstrates that these minimum distances can be achieved with 10.5m from the proposed first floor habitable room windows to surrounding gardens, 12 metres from a habitable room window to a gable and 21 metres between habitable room windows of existing and proposed dwellings.

Three of objections have been received relating to the impact of the dwellings on existing residents in terms of overlooking and a loss of privacy. As stated above, the layout complies with the recommendations in SPG and it is considered they will not cause significant detrimental harm to amenity. Side windows proposed in the dwellings are to be obscurely glazed to prevent overlooking opportunities and as such the proposal complies with policy H10.

The issue of impact on residents from the proposed stopping up order is addressed below.

Access and stopping up of public highway

SPG New Housing Development requires access roads to backland development to be a minimum width of 4.1m and be a set distance away from windows in the gables of frontage properties. In this case, there are no habitable room windows on the side gables of the frontage dwellings and the access road is shown on the plans to be 5.1m wide. This is considered appropriate and given that the access serves a garage court, the residents are already accustomed to vehicle movements past their dwellings. The noise and disturbance associated with four dwellings is not considered to cause significant detrimental harm to amenity and the access complies with the guidance set out in SPG.

The proposal involves the closure of an existing part of the unadopted highway which provides pedestrian access through from the existing garage court to the front of dwellings set around the grassed area off Cherry Road. A number of objections have been received relating to this proposal due to the impact that this will have on residents as they will suffer a loss of an existing means of access to their properties. It is not the only means of access as the dwellings are accessible from Cherry Road but is an additional and seemingly well used pedestrian access.

One Vision Housing will need to apply for a Section 116 of the Highway Act 1980 'Stopping-up' order to close this access route. This is a procedure which is entirely separate from the planning application procedure and does not therefore form part of the assessment of this application. The application for the 'Stopping-up' order will be made by One Vision and advertised within the local press. Residents will have an opportunity

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to object and make representations to the Highway Authority regarding this matter at that time which will be assessed by a Magistrate before a decision is made. This stopping-up procedure cannot form part of the assessment of the planning merits of the case.

Objections received relating to land ownership have been considered, but One Vision has confirmed that all land within the red line is within their ownership.

Trees and development

Policy DQ3 requires the provision of 3 new trees to be planted on site per new dwelling created. This proposal therefore requires 12 new trees to be planted which are shown on the plans and as such the scheme complies with policy DQ3.

Conclusion

The proposal to erect 4 dwellings is acceptable in this location in principle and the overall siting and design of the dwellings complies with policy and SPG requirements. The dwellings will not have a significant detrimental impact on the amenity of existing residents and provide a reasonable standard of accommodation for potential occupants. The stopping-up procedure is not a planning matter and the impact of this cannot be taken into consideration for this application. The application therefore complies with policy and is recommended for approval.

Conditions

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. M-6 Piling
4. L11 Trees - maintenance
5. H-1 Remove existing vehicular/pedestrian access
6. H-2 New vehicular/pedestrian access
7. H-5 Off-site Highway Improvements
8. H-6 Vehicle parking and manoeuvring
9. M8 Boundary Treatment
10. X1 Compliance

Reasons

1. RT-1
2. RM-2
3. RM-6
4. RL1
5. RH-1
6. RH-2
7. RH-5
8. RH-6
9. RM8
10. RX1

Notes

1. There are significant bands of peat deposits in Sefton and this development is in an area where these deposits may be substantial. Peat produces naturally occurring methane and carbon dioxide and if sufficient amounts of these gases are allowed to collect under or within a newly erected or extended building, there is a potential risk to the development and occupants.
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@sefton.gov.uk for further information.
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 is advised of the requirement for a "stopping up order" to land shown yellow on stopping up plan submitted which forms part of the public highway. For further information please contact the Highways Development Control team on 0151 934 4175.

Drawing Numbers

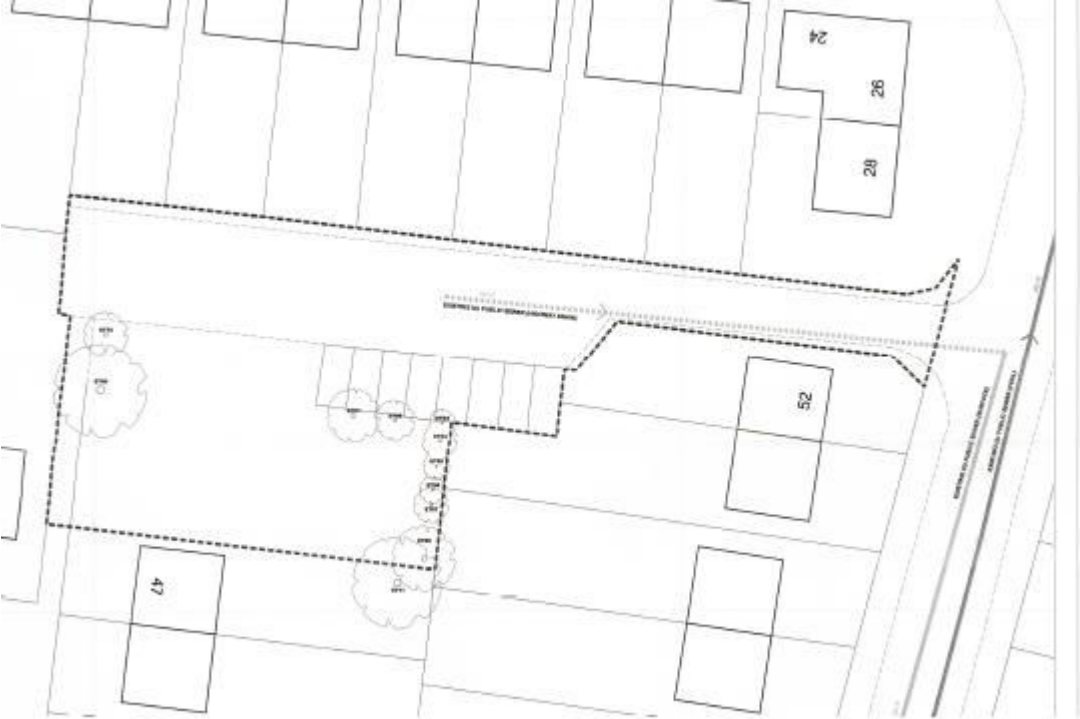
SK/L01/100; 101; 102; 105; 3774/ST/L/01

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Existing site plan



Proposed site plan



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Report to:	Planning Committee	Date of Meeting:	08 February 2012
Subject:	S/2011/1558 Land adjacent 10 Heather Close, Ainsdale		
Proposal:	Erection of a terrace of 3 two storey dwellings		
Applicant:	Mr Mark Howard	Agent:	Owen Ellis Architects
Report of:	Head of Planning Services	Wards Affected:	(Ainsdale Ward)
Is this a Key Decision?	No	Is it included in the Forward Plan?	No
Exempt/Confidential	No		

Summary

This application is seeking consent for the erection of a terrace of three, two-storey dwellings.

The main issues for consideration are the design and impact on its surroundings, impact on residential amenity and compliance with tree planting requirements.

Recommendation(s)

Approval

Reasons for the Recommendation:

The proposed dwellings are appropriate in style, height, scale and massing and make a positive contribution to their surroundings. The dwelling will not result in a significant loss of residential amenity of neighbouring properties by virtue of overshadowing or overlooking and complies with the Council's adopted policies CS3, H10, DQ1 and DQ3.

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

Contact Officer: Mrs S Tyldesley Telephone 0151 934 3569

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

Email: planning.department@sefton.gov.uk

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Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

The Site

The site comprises a vacant plot at the end of a residential street. School playing fields are situated to the east, with dwellings to the north, west and south.

Proposal

Erection of a terrace of 3 two storey dwellings.

History

None

Consultations

Built Environment Director – Head of Environment – No objection in principle to this proposal, subject to the standard condition relating to piling being added to any planning permission.

Highways Development Control – There are no objections to the principle of erecting 3 houses on this site as there are no highway safety implications. All houses will have direct frontage onto Heather Close, with each house having two parking spaces on a driveway, which is an acceptable level of car parking provision. The proposed site boundary encompasses an area that is part of the existing adopted public highway and as such will need to be 'Stopped-up'. A new pedestrian footway on the south side of Heather Close will need to be constructed; it will be consistent in width and alignment with the existing footway adjacent to the site and will incorporate vehicle crossing points in order to facilitate vehicular access to the driveways.

Neighbour Representations

Last date for replies: 29th January 2012

Received: Letters of objection received from 4; 8; 10; 11; 15 Heather Close raising the following concerns:

- Would cause extreme traffic , wagons being situated over breaking paths and roads
- Previous dwellings built on this land fell down because they were built on bog land and other dwellings are beginning to move / sink too.
- Would like written guarantee that if piling required would not affect neighbour's foundations.
- Will cause parking problems as road very narrow.
- Asked if parking bays could be formed on large pavement area at corner of Cherry Road and Heather Close.
- Will spoil views an increase traffic and noise. Also think is insufficient space to fit 15 people in such a small area.

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Policy

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

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

Comments

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

Principle

The site lies within a residential area where new residential development is acceptable in principle subject to other policy constraints.

Design and impact on surrounding area

Policy DQ1 requires new development to relate positively to the character and form of the surroundings and make a positive contribution to their surroundings through the quality of their design in terms of scale, form, massing, style, detailing and use of materials.

In this case, the proposed dwellings are at the end of an existing row of dwellings within a traditional street scene, and the dwellings would be a natural end to the street. The form of development is therefore acceptable in this locality and meets policy DQ1 in this respect.

The dwellings proposed are a terrace of three, which at two-storey are acceptable in this location. Whilst the ridge height of the proposed terrace was originally proposed to be 1m higher than the existing dwellings adjacent at Heather Close, amended plans are being submitted to show a reduced overall height. This will be more in keeping with existing dwellings. Due to the fact that the terrace is at the end of the street, visually it can afford to be a strong feature without detriment to its surroundings.

The materials proposed are a mix of brick and render which is appropriate in this locality. The overall design concept is considered acceptable with projecting front gables to the outermost dwellings and slightly recessed dwelling in the centre. The simple window style and proportions proposed are also appropriate and the overall scheme is considered to comply with policy DQ1.

Impact on residential amenity

This is assessed in terms of the amenity of potential occupants and also the impact of the proposal on the amenity of existing neighbours.

The proposed dwellings provide a good standard of accommodation and each habitable room has a good outlook. The private amenity space for each dwelling is in excess of the minimum 70 sq m recommended in SPG and the plots are longer and slightly narrower than those in the surrounding area. The layout is considered acceptable in this location and provides acceptable accommodation.

In terms of the potential impact on existing neighbours, the dwellings are a sufficient distance from the existing dwelling adjacent at 10 Heather Close to not be overbearing or have a significant detrimental impact on their amenity. The existing dwelling does not have habitable room windows on the side elevation and therefore no outlook problems arise. Similarly, whilst the proposed dwellings project beyond the rear elevation of the existing dwelling adjacent by 1.2 metres, this is some 4 metres away and as such will not have a significant detrimental impact on amenity of existing neighbours. The proposed dwellings satisfy the minimum interface distances to surrounding dwellings set out in SPG.

Objections have been received relating to the impact of the dwellings on parking congestion and whether the land is suitable for being developed. Highways Development Control has confirmed that there are no highway safety issues arising from this proposal.

The proposal is therefore considered to comply with policy H10 in that there is no significant impact on residential amenity as a result of the proposals.

Trees and development

Policy DQ3 requires the provision of 3 new trees to be planted on site per new dwelling created. This proposal therefore requires 9 new trees to be planted which are show on the site plan and the scheme therefore complies with policy DQ3.

Conclusion

The proposal to erect 3 dwellings is acceptable in this location in principle and the overall siting and design of the dwelling complies with policy and SPG requirements. The dwellings will not have a significant detrimental impact on the amenity of existing residents and provides a reasonable standard of accommodation for potential occupants. The application therefore complies with policy and is recommended for approval.

Conditions

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. M-6 Piling
4. L11 Trees - maintenance
5. H-1 Remove existing vehicular/pedestrian access
6. H-2 New vehicular/pedestrian access
7. H-5 Off-site Highway Improvements
8. H-6 Vehicle parking and manoeuvring
9. X1 Compliance

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Reasons

1. RT-1
2. RM-2
3. RM-6
4. RL1
5. RH-1
6. RH-2
7. RH-5
8. RH-6
9. RX1

Notes

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.
2. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@sefton.gov.uk for further information.
3. There are significant bands of peat deposits in Sefton and this development is in an area where these deposits may be substantial. Peat produces naturally occurring methane and carbon dioxide and if sufficient amounts of these gases are allowed to collect under or within a newly erected or extended building, there is a potential risk to the development and occupants.
4. The applicant is advised of the requirement for a "stopping up order" to Heather Close which forms part of the public highway. For further information please contact the Highways Development Control team on 0151 934 4175.

Drawing Numbers

SK/H/100; 101; 102; 105; 3774/ST/H/01

Existing site plan



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Proposed site plan



Agenda Item 5f

Report to: Planning Committee **Date of Meeting:** 08 February 2012

Subject: **S/2011/1343**
Ribble Buildings Lord Street, Southport

Proposal: Conversion of existing building and erection of a six storey extension to the rear to create a 101 bed hotel, including mixed use at ground floor comprising: restaurant, (Class A3) retail, (Class A1) and / or leisure (Class D1), layout of car parking area, cycle storage, landscaping and external refurbishment works after removal of existing canopies

Applicant: Ribble Property Investments LLP **Agent:** The Planning Studio Limited

Report of: Head of Planning Services **Wards Affected:** (Dukes Ward)

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Summary

Recommendation(s)

For Information Only

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

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

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

Email: planning.department@sefton.gov.uk

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

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FOR INFORMATION ONLY

S/2011/1343

The Site

The site lies at the south east end of Lord Street, with the main elevation of the existing building fronting Lord Street itself. It is a building of substance, brick with slate and stone features, with a central clock tower that helps make a significant contribution to the street scene and wider setting. The building is widely visible from a number of vantage points beyond Lord Street, including Kingsway and further east along the Promenade.

The adjacent bingo hall to the north east side is listed, and is a classic art deco example. Morrisons Supermarket and its car park are to the north west of the site, and there is established pedestrian access through the building from Lord Street. There are smaller retail units to the south west.

The site lies within the Lord Street Conservation Area. The building is currently vacant and has been for some considerable time, and though partially renovated in the 1990s, is in need of restoration and a development which assists in driving the buildings re-use.

Proposal

Conversion of existing building and erection of a six storey extension to the rear to create a 101 bed hotel, including mixed use at ground floor comprising: restaurant, (Class A3) retail, (Class A1) and / or leisure (Class D1), layout of car parking area, cycle storage, landscaping and external refurbishment works after removal of existing canopies

History

The site has been subject to many applications over time, the most significant are as follows:

89/0716/N – Two storey shopping development with central mall, restaurant, facilities and department store, roller rink at 3rd floor level, roof top and multi storey parking for 1,070 vehicles and associated goods/servicing arrangements – withdrawn 20 January 1993.

89/1231/N – Amendment to 89/0716 to provide revised mall arrangement and ancillary services suite behind retained façade to replace buildings – withdrawn 20 January 1993.

89/1232/N- Conservation Area Consent to demolish bus station except for tower and front façade – withdrawn 20 January 1993.

92/0336/N – Supermarket, petrol filling station, retail units and offices with car parking and restoration for future leisure use (now Morrisons) – approved 19 January 1993.

N/2002/0992 – Use of first and second floors as a night club – refused 12 December 2002.

N/2006/0675 - Conversion to a 96 bed hotel with cafe/bar, restaurant and retail unit on the ground floor, involving the erection of a six storey extension, and layout of 14 car parking spaces, to the rear of the premises – approved 27 September 2006.

N/2007/0048- Change of use of part of existing building to A1 retail on ground floor and office accommodation on first and second floors and construction of new access ramp to Lord Street elevation – approved 14 March 2007.

S/2010/1062 - Conversion of existing building and erection of a six storey extension to the rear to create a 92 bed hotel, including ground floor restaurant, layout of car parking area and external refurbishment works after removal of existing canopies – approved 1 October 2010.

Consultations

English Heritage – no objection to the proposals.

Highways Development Control – no objection following removal of pavement café from proposal, build out of site frontage. Servicing and delivery management plan required by condition.

Environmental Protection Director – no objections subject to conditions on piling, noise/odour controls, pavement café restriction. No remaining contamination based on previous work undertaken, and it is recommended that a piling risk assessment be undertaken.

Merseytravel – no objection subject to no impact on bus traffic from servicing arrangements, attachment of a Travel Plan, access for Merseylink vehicles and improvements to two nearest bus stops.

MEAS – comment that an acceptable bat survey is in place but that it would require reappraisal in event that work commences post August 2012.

Neighbour Representations

Last date for replies: 8 November 2011

Site Notice/Press Notice expiry: 23 November 2011.

Southport Civic Society – comment on loss of canopy, these are major features of Lord Street, suggest modification to allow retention, pavement cafes will block the pavement.

Policy

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

National Planning Policy

PPS4 Planning for Sustainable Economic Growth (2009)

PPS5 Planning and Heritage (2010)

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Local Plan Policies

AD2	Ensuring Choice of Travel
CS1	Development and Regeneration
CS3	Development Principles
DQ1	Design
DQ2	Renewable Energy in Development
DQ3	Trees and Development
DQ4	Public Greenspace and Development
EDT13	Southport Central Area - Development Principles
EDT18	Retention of Local Employment Opportunities
EP2	Pollution
EP3	Development of Contaminated Land
EP6	Noise and Vibration
HC1	Development in Conservation Areas
HC4	Development Affecting the Setting of a Listed Building
R2	Southport Town Centre
R8	Upper Floors in Defined Centres and Shopping Parades
UP1	Development in Urban Priority Areas

Comments

The application is presented to members for information purposes only at this stage.

The proposal is for a hotel partially within the Ribble Building as existing and accommodated within a six storey rear extension. A retail unit would be provided to the southern side of the existing building. Access to the hotel would be via the Lord Street frontage with access to the restaurant and bar off the public thoroughfare to the supermarket.

The detail of the scheme is explained throughout the report, however, there is a critical issue relating to Section 106 requirements, which is currently under discussion.

Viability of proposals

The previous proposals required that a sum of £204,960.30 be paid via Section 106 Agreement towards trees and greenspace under Policies DQ3 and DQ4 of the Sefton UDP. The calculation was derived from the requirements of the Supplementary Planning Document 'Green Space, Trees and Development', which require total calculation of hotel bed space and other commercial areas for all major developments.

The applicants have submitted financial appraisal information to the effect that this requirement would undermine the ability for the buildings to be brought into use. The most recently approved scheme is understood not to have progressed for this reason. There have been previous planning approvals and there is pressure for some form of development to bring this long standing building of considerable significance into use.

The submission has been appraised by the Council's retained consultants, Three Dragons. They consider that some specific costs relating to rebuild and conversion, would benefit from being quantified in specific fashion. Additionally, the regeneration

benefits of bringing this building back into use after a prolonged period of vacancy have to be weighed in the consideration.

The comments of Three Dragons are not inherently critical of the figures presented and members are invited to note that discussion relating to the issue of financial viability is still ongoing.

Planning application scheme

The proposals will involve the renovation of the existing buildings and introduce the new block to the rear which will take a contemporary form, projecting back to a point just beyond the rear elevation of the existing bingo hall. Limited car parking will be provided and accessed from Kingsway.

The principles are entirely the same as those granted previously, however, there would be a restaurant and retail/leisure unit fronting the walkway linking Lord Street to the supermarket behind, ensuring active frontages. There would also be new retail/leisure provision in the left half of the building fronting Lord Street. The pavement café originally proposed is now omitted (a point of objection raised by Southport Civic Society).

The scheme also proposes the removal of canopies and replacements to the Lord Street frontage. It is important to recognise that these do not represent part of the original building.

The previous application S/2006/0675 was partly implemented, due to some internal alteration to a staircase within the existing building, but is now in new ownership. The principle of development for this purpose is therefore not open to being challenged, however, the intended uses of the building as extended are consistent in any event with established policy requirements and there is no objection to the principle of the development.

The visual effects can be judged primarily on the basis of two factors; the implications from the existing building being brought back into use and the impact of the new six storey building, in particular having regard to its impact from a variety of positions both within and looking into the Conservation Area.

The existing building is, at present, boarded up on the Lord Street frontage. In addition, the clock is known not to be working, but it is also understood that the mechanism has been removed altogether. There is a canopy on the rear elevation, which dates back to 1993, which would be removed.

The proposals would revitalise the shop fronts, with the provision of new hardwood frames to the Lord Street elevations. A condition is attached requiring the reinstatement of the clock.

The removal of canopies will require a method statement for reinstating newly exposed brickwork on the rear of the building. This will represent a positive in respect of the Conservation Area's character and appearance.

The extension would represent an individual and contemporary insertion when compared against the existing. The rear elevation would be visible from the roundabout to the north looking across the supermarket car park from Kingsway, but this view would be set in the

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context of the adjacent bingo hall and is framed by the supermarket immediately to the west and north of the site.

There are also views from the Duke Street/Lord Street roundabout looking across the site. From this point, though the extension will be taller than the existing building, it will be set back and the visual focus will remain that of the central tower. Views looking west will be obscured by the existing bingo hall, and from directly front on, the top floor will be visible to varying degrees depending on how far back from the building one would elect to stand.

The applicants have employed a variety of materials in the new building, and it is proposed to match the brick of the existing buildings to form the primary base of the extension, with terracotta rain screen cladding of a finish consistent with the stonework of the existing building.

Windows will be of long rectangular profile and these will be set in reveals, which help provide a vertical emphasis reflecting the fenestrative arrangements of the bingo hall adjacent, but again of modern interpretation. There is some further discussion required however to reduce the blank massing of the rear elevation which in part results from varied requirements of this hotel operator. This will be reported by late representation.

The proposal seeks to provide a distinct breakage between old and new and the extent to which the existing rear elevation of the Ribble Buildings will be covered by built form is minimised by taking advantage of the site's depth to run the extension north-west/southeast.

The scheme will also critically maintain the pedestrian walkway through the Ribble Buildings which links Lord Street directly to the supermarket. The link will be primarily glazed and will assist significantly in providing the level of distinction desired whilst suitably easing the transition between old and new.

The principal views of the adjacent listed building are taken from Lord Street and Kingsway. The rear elevation has clearly been subject to alteration over time to varied standards and has a patchwork appearance. Additionally, the potential for appreciating the south western elevation is limited all the more so due to being obscured by the extension.

There will be no physical attachment of development to this building and it is overall considered that the effects on the setting will be minimal and therefore there is no unacceptable impact on the setting of the listed building.

The proposal enables the provision of an outdoor seated café and a restaurant and bar fronting the walkway. The plan will achieve a lively, active frontage, removing one of the two display windows previously proposed to enhance views into an area of activity.

The rear elevation comprises a ground floor window and door but discussion is being undertaken with a view to improve this further, with recognition that there will be a need to accommodate certain functional requirements of both uses.

The overlooking and surveillance of this walkway is critical and will reduce the prospect of crime and anti-social behaviour, whilst bringing a general feel of safety and

encouragement for its usage. External uplighting at evening times will further assist in this aspect, and closed circuit television.

A restrictive covenant is known to exist on the land and has been varied to prevent the supermarket vetoing the ground floor bar/restaurant use, and also to prevent them from cordoning off the pedestrian walkway. This is also critical in the sense that level access to the development is derived from this entrance.

The acceptability of the principle does not raise significant amenity issues. However, as most activity will be to the Lord Street frontage, it will enable a natural continuation of active ground floor retail use and the proposal is effective in designing out crime and reducing the opportunity for anti-social behaviour, the possibility of vandalism is not a material planning consideration and there are other measures available to deal with such issues.

A total of 13 parking spaces are to be provided. This is entirely consistent with wider aims to reduce car dependence and increase reliance on other forms of transport. All access would utilise the existing arrangement available from Kingsway.

There are requirements for cycle parking in the building, and Highways Development Control has also advised that a Travel Plan should be provided as part of the scheme. This could enable consideration of such measures of car sharing, rental of vehicles and the prospect of subsidised travel for employees. In addition, there are minor improvements required to upgrade access kerbs and upgrading of the footway adjacent to the bus stop to the south east side of the site.

All bin and bottle storage is designed into the building and there is easy access for refuse vehicles to use the service road to the front of the hotel.

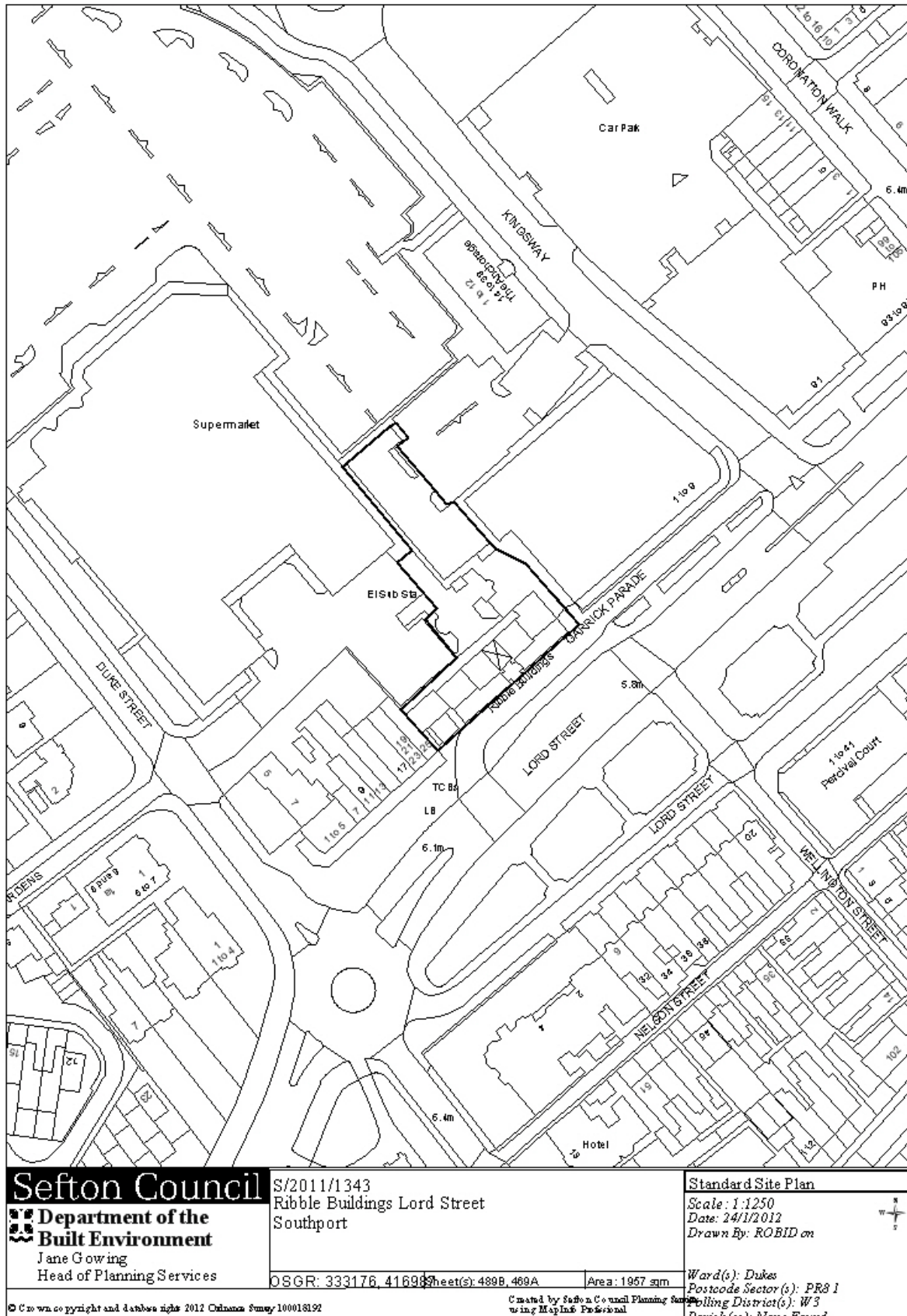
With regard to issues of contamination, the building formerly served as the frontage building for the Southport-Crosby-Liverpool Railway, and later, a bus station. Environmental reports have been reviewed by the Environmental Protection Director who considers that the planning conditions previously attached need not be reapplied. The scheme therefore complies with Policy EP3 of the UDP, nevertheless a note is added to inform the applicant that works should stop in the event of any unidentified contamination.

The scheme proposes the use of a combined heat/power plant to meet with renewable energy requirements (previous proposal intended to utilise solar power). This is considered to have no visual implications and is considered viable. The target for renewable energy per year is 68,166 kWh per annum and it is considered that the proposed equipment will achieve this requirement. A condition is attached.

Some other minor design/parking revisions have also been requested and where necessary, will be reported by way of late representation. Members are invited to note that the substance and principle of the scheme is acceptable but that further financial information is being sought to justify the rescinding of Section 106 requirements.

Agenda Item 5f

Existing site plan



Proposed site plan



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Report to: [Planning Committee](#) **Date of Meeting:** [8 February 2012](#)

Subject: [S/2011/1521](#)
[Garden to rear 54 Elson Road, Formby](#)

Proposal: [Erection of a detached two storey dwelling with accommodation in the roof and basement area](#)

Applicant: [Mr Colin Brady](#) **Agent:**

Report of: Head of Planning Services **Wards Affected:** [\(Harington Ward\)](#)

Is this a Key Decision? [No](#) **Is it included in the Forward Plan?** [No](#)

Exempt/Confidential [No](#)

Summary

The proposal seeks to erect a two-storey dwelling, with accommodation in the roofspace, to land to be severed from the curtilage of an existing dwelling on Elson Road with vehicle access to the new plot to be gained from Jubilee Road within a primarily residential area.

The key issues to consider in respect of this proposal are the impact on the character of the area, the impact on the appearance of the Jubilee Road streetscene and the impact on neighbouring residential amenity.

Recommendation(s)

Approval

Reasons for the Recommendation:

When assessed against the Unitary Development Plan and all other material considerations, particularly policies AD2, CS3, DQ1, DQ3, H10 and Supplementary Planning Guidance 'New Housing Development', the proposal is acceptable as the dwelling responds positively to the character of the area and does not cause significant detrimental harm to neighbouring residential amenity.

Implementation Date for the Decision

Immediately following the Committee Group meeting

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

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

Email: planning.department@sefton.gov.uk

Agenda Item 5g

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

The Site

Land to be severed from the residential curtilage of a large detached dwelling at number 54 Elson Road with vehicular access off Jubilee Road within a primarily residential area of Formby.

Proposal

Erection of a detached two storey dwelling with accommodation in the roof and basement area

History

S/20583 – Change of use of two ground floor and two first floor rooms at the front of the dwellinghouse to studios for musical tuition. Refused 22nd June 1983.

Consultations

Highways Development Control – There are no objections in principle to the proposal as there are no highway safety implications. Some minor works to the highway will be required in order to construct a new footway crossing to tie-in with the location of the proposal vehicular access onto Jubilee Road. Conditions relating to the creation of a vehicle access and the provision of an off-road area for vehicle parking & manoeuvring should be attached to any approval.

Environment Head of Service – No objections to the proposal subject to a condition being attached to approval in respect of piling/ground compaction.

Neighbour Representations

Last date for replies: 9th January 2011.

Representations received: Objections from Numbers 13 & 15 Jubilee Road and Number 42 Jubilee Road.

Points of objection focus upon the erosion of privacy of rear gardens arising from the erection of a two-storey dwelling, the harm to amenity arising through the potential for the proposed dwelling to overshadow habitable room windows and the impact of the proposal on highway safety given it's proximity to a primary school.

Non-material considerations have also been raised with regards to party wall issues between Number 54 Elson Road and Number 15 Jubilee Road in addition to matters surrounding the construction of any property.

Prior to objections being received Ward Councillor Cuthbertson requested that the application be determined by Planning Committee and that it is also visited. Subsequent to this, Councillor Cuthbertson has requested permission to address planning committee on behalf of her constituents.

Agenda Item 5g

Policy

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

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

Comments

As the application site lies within a Primarily Residential Area then when considered against Unitary Development Plan policy H10 residential development is acceptable in principle subject to it conforming to all other aspects of the Plan.

The curtilage to the proposed dwelling will be formed by severing land forming the rear garden to Number 54 Elson Road, a large detached dwelling to the corner of Elson Road and Jubilee Road, with vehicular access to the new dwelling from Jubilee Road.

The key issues to consider in respect of this proposal are the impact on the amenity of the remaining dwelling at Number 54 Elson Road, the impact on the amenity of the neighbouring residential dwelling at Number 15 Jubilee Road and the impact of the proposal on the streetscene of Jubilee Road and to the wider character of the area.

Streetscene

When viewed from Jubilee Road the proposed dwelling shows consideration to the gradation and variety of properties along this frontage. To the left hand side are true two-storey semi-detached dwellings of a more uniform appearance and scale while to the right, heading south along Jubilee Road there are is variety to the scale and appearance of dwellings with properties of three stories common.

The proposed dwelling is positioned within the site to provide sufficient separation between the two-storey dwelling at Number 15 Jubilee Road and the detached dwelling to Number 54 Elson Road. This sense of separation follows that seen between numbers 7 & 9 Jubilee Road and Number 11 & 13 Jubilee Road. The separation of the main dwelling from the side boundary to Number 13 is to be one metre and this complies with SPG New Housing Development and while the attached garage is to be less than one metre from the boundary to Number 54 Elson Road, on balance, given the separation of the main dwelling, this is also acceptable.

The external appearance of the dwelling has been well considered with the fenestration to the front elevation echoing that to neighbouring dwellings while the projecting gable to the front echoes the gabled apex seen to Numbers 13 & 15 Jubilee Road. The use of facing brick to the external walls and slate to the roof is appropriate within this area and it is considered that the proposal will contribute positively to the street scene.

Impact on Amenity

Number 15 Jubilee Road

The application site was viewed from internal habitable rooms and external amenity areas to this neighbouring property on Thursday 19th January between 12.50pm and 1.55pm upon request of the occupier. It was noted that on site visit that the streetscene provided by the applicant was incorrect insofar as it identified there being an access doorway to the front of Number 15 where in fact the primary access to this dwelling is to the side elevation, facing their detached flat roof garage. This discrepancy is not in itself an issue given the site visit that was undertaken, as observed by Ward Councillor Doran, and this matter was raised and noted.

Upon site visit the occupier made reference to the light gained from this obscurely glazed door that opened into a habitable room. However, the SPG makes no explicit reference to the impact of new dwellings on doors, more so to obscurely glazed ones, and given that this room is served by a large east facing window to the rear of the dwelling the impact of the proposed dwelling is not considered to be significantly detrimental to the amenity of this habitable room.

Sited within the outrigger to this property is a ground floor habitable room that is served by two large clear glazed windows to the side elevation that are positioned facing the boundary to the proposal site. Based upon the information available to the Authority in respect of aerial photographs, and given that the proposed dwelling will not extend directly in front of these windows it is considered that the proposal will not cause harm to the outlook from this room. With regards to the issue of overshadowing, it is evident that a degree of overshadowing occurs in any event from the arrangement of Number 15 itself.

Given that the proposed dwelling will be positioned over 7 metres from these windows it is considered that it would not cause significant detrimental harm with regards to the overshadowing of these two ground floor windows. However, in order to lessen any potential for harm the application was requested to amend the proposal to provide a reduction in eaves and ridge height. Amended drawings CAB/01/B and CAB/02/B have been received and demonstrate a reduction in scale of the proposed dwelling so that it is of an equal ridge and eaves height as Numbers 13 & 15 Jubilee Road.

As demonstrated by the dimensions given on the submitted landscaping plan, the rear garden to the proposed dwelling will be no less than 10.5 metres in length thereby ensuring that the interface distance from first-floor habitable room windows to the rear elevation to the boundary to the rear garden at Number 52 Elson Road complies with the SPG. The occupants of Number 15 Jubilee Road have expressed concern as to the potential for overlooking but given that the SPG does not provide an oblique distance for overlooking and that there the rear elevations to Number 13 Jubilee Road and Numbers 52 & 50 Elson Road have views to this garden area it is considered that the proposal will cause no greater significant harm than is already present.

The neighbouring property has also raised comments with regards to the impact of any building works associated with the erection of the dwelling, particularly the creation of a basement, on the stability of their property. While their concern can be noted this is not a matter for the planning authority. However, as requested by the Environment Head of Service, a condition relating to ground compaction/piling will be attached to any approval

Agenda Item 5g

in order to protect amenity with regards to noise and vibration.

Number 54 Elson Road

To the rear of Number 54 is a single-storey extension housing a kitchen and a utility area with clear glazed windows and a door to the rear providing an outlook over the existing garden area, with a much smaller secondary window to the east elevation overlooking the driveway. By virtue of the separation of the plot, this outlook will be reduced to no more than 5 metres. This would ordinarily be an unacceptable situation if it was forced upon a third party, but given that this is the applicant's property, and that any future occupant would be fully aware of the situation, then on balance this is an acceptable situation.

The subdivision of the curtilage of Number 54 Elson will not detrimental impact upon the level of private amenity space to this property given the spacing to the side and front. The boundary treatments to the Elson and Jubilee Road frontages assist in providing private space to current and future occupiers.

It is therefore considered that there is no detrimental impact on the amenity of Number 54.

Other Matters

The level of amenity space to be provided within the proposed dwelling exceeds that required by the SPG and is commensurate with the levels seen within this area while three trees are to be provided to comply with Policy DQ3 as demonstrated on the submitted landscaping plan.

While the proposal site is opposite a two-form primary school, St Luke's CE, the Highways Authority commented that they have no objections to the proposal subject to conditions being attached to any approval with regards to the creation of a new vehicle access and off-street parking area being laid out before the dwelling is occupied.

Number 15 Jubilee Road raised concerns relating to the impact upon a shared boundary wall and a tree within their ownership. While their concerns are acknowledged, these are not matters that can be considered by the Planning Authority.

For the above reasons it is recommended that as the application complies with policy that it should be granted consent with conditions.

Conditions

1. T-1 Full Planning Permission Time Limit
2. M-6 Piling
3. H-2 New vehicular access
4. H-6 Vehicle parking and manoeuvring
5. L-4 Landscape Implementation
6. M-3 Obscure Glazing
7. R-3 PD removal dormer
8. X1 Compliance

Reasons

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

Drawing Numbers

CAB/01/B, CAB/02/B, Landscaping Plan

Agenda Item 5g

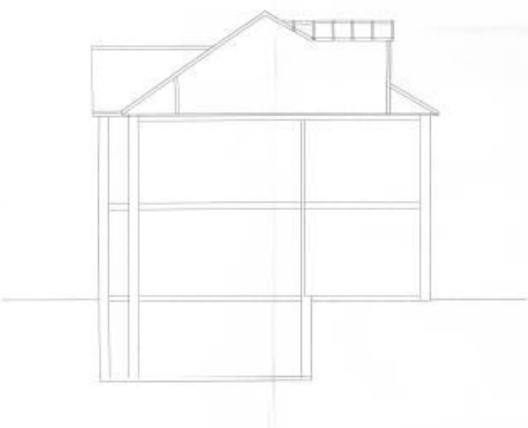
Existing site plan



Proposed site plan



SHILTON ROAD STREET FRONT VIEW
Scale 1/200



SITE PLAN
Scale 1/200

Project

ERUCTION OF 2 STOREY DETACHED DWELLING HOUSE
WITH ACCOMPANYING NEW 2000L SWIMMING
POOL AND GARAGE
AT
SHILTON ROAD,
TORBAY

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Report to: [Planning Committee](#) **Date of Meeting:** [08 February 2012](#)

Subject: [S/2011/1572](#)
[Land adjacent 52 Freshfield Road, Formby](#)

Proposal: [Erection of a detached two storey dwellinghouse with accommodation in the roofspace on land to be severed from 52 Freshfield Road. \(Alternative to S/2011/1029 approved 22/09/2011\)](#)

Applicant: [Mrs Karen Lewis](#) **Agent:** [D K Architects](#)

Report of: [Head of Planning Services](#) **Wards Affected:** [\(Harington Ward\)](#)

Is this a Key Decision? [No](#) **Is it included in the Forward Plan?** [No](#)

Exempt/Confidential [No](#)

Summary

The proposal seeks approval for the erection of a two-storey detached dwelling, with accommodation in the roofspace, within land to be severed from the side garden of Number 52 Freshfield Road, Formby.

The key issues to consider are the impact of the proposal upon the character of the area, neighbouring residential amenity and upon the existing dwelling at Number 52.

Recommendation(s)

Approval

Reasons for the Recommendation:

When assessed against the Unitary Development Plan and all other material considerations, particularly policies AD2, CS3, DQ1, DQ3, H10, Supplementary Planning Guidance 'New Housing Development' and Supplementary Planning Document 'Green space, trees and development' the proposal will not cause harm to the amenity of residential properties outside the control of the applicant and will be a positive addition to the character of Freshfield Road. The proposal is therefore acceptable.

Implementation Date for the Decision

Immediately following the Committee meeting

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

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

Email: planning.department@sefton.gov.uk

Agenda Item 5h

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

S/2011/1572

The Site

Land to be severed from the side and rear garden of a detached dwellinghouse on Freshfield Road within a primarily residential area of Formby.

This site benefits from an extant permission, S/2011/1029, for the erection of a detached two-storey dwellinghouse that was granted by Committee on 21st September 2011 with decision notice dated 22nd September 2011.

Proposal

Erection of a detached two storey dwellinghouse with accommodation in the roofspace on land to be severed from 52 Freshfield Road. (Alternative to S/2011/1029 approved 22/09/2011)

History

S/2011/1029 - Erection of a two storey detached dwelling. Approved 22nd September 2011.

N/2004/0623 – Erection of a two storey extension to the rear of the dwellinghouse and detached garage to the rear. Approved 3rd September 2004.

N/2003/1153 – Erection of a two-storey extension to the rear of the dwellinghouse. Approved 17th December 2003.

N/2003/0263 – Erection of two detached two-storey dwellings and two detached double garages (Alternative to N/2002/0988 granted 19/12/2002). Approved 12th November 2003.

N/2002/0652 – Outline application for the erection of 3 detached dwellings. Withdrawn 20th August 2002.

N/2002/0988 – Outline application for the erection of two detached dwellinghouses. Approved 19th December 2002.

Consultations

Highways Development Control – No objections in principle to the proposal as there are no highway safety implications, subject to conditions relating to the creation of the vehicle access and an area off off-street parking being attached to any approval. Some minor works to the highway will be necessary to construct a new footway crossing to tie-in with the location of the proposed vehicular access.

Environment Head of Service – No objection in principle to the proposal subject to a condition being attached to any approval in respect of piling/ground compaction works.

Neighbour Representations

Last date for replies: 30th January 2012.

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Representations received: Two letters of objection from Numbers 57 and 57a Freshfield Road (facing the application site).

Points of objection are concerned with the scale of the proposed dwelling within its plot, its prominent position within the site, overlooking of private amenity spaces and habitable rooms arising from first-floor habitable room windows to the front elevation of the proposed property, overshadowing of habitable room windows to properties on the west side of Freshfield Road and impacts on highway safety due to the absence of a garage to the property and the proximity of the site to Formby High School.

Policy

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

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

Comments

Principle of Development

As the application site lies within a Primarily Residential Area then when considered against Unitary Development Plan policy H10 residential development is acceptable in principle subject to it conforming to all other aspects of the Plan.

As this site benefits from an extant planning permission granted by Planning Committee on 21st September 2011 the key issues to consider are the differences between that scheme and this proposal, and the points of objection raised by neighbouring properties. All other matters are in line with the extant permission and are therefore acceptable.

Impact on neighbouring residential amenity

Objections from neighbouring properties have expressed concerns as to the overlooking of front gardens and habitable room windows to front elevations to the detriment of residential amenity, in addition to the dwelling overshadowing their properties to the detriment of their amenity.

As a result of the separation between the proposed dwelling and those that it faces, the proposal will not cause harm to the amenity of facing properties as the proposal complies fully with the interface distances set out within Supplementary Planning Guidance 'New Housing Development' and in this regard the proposal is acceptable.

With regards to overshadowing, given the separation distances between the properties the proposed dwelling would not cause any significant detrimental harm to amenity through overshadowing.

Highway Safety

Other points of objection focus on the impact of the proposed dwelling on highway safety,

particularly with regards to the existing traffic problems stated by the objectors that are generated by the nearby secondary school. As is evident from the comments received by Highways, this proposal will not cause any harm to highway safety and in this regard the proposal is acceptable.

Differences over extant permission

A key difference between the scheme granted consent and this is its siting further from the applicant's property at Number 52 Freshfield Road.

The committee report for application S/2011/1029 stated that: "At its closest point, the distance between the proposed dwelling and the conservatory at no. 52 is 2 metres. The maximum distance between the two properties is 5 metres. In respect of the windows in the south elevation of 52 Freshfield Road, the first-floor windows to the projecting bay are the only windows to a bedroom, but there are windows to each of the splays, which provides outlook to the east and west beyond the extent of the proposed dwelling. Windows to either end are secondary windows to serve two additional bedrooms. The bay to the ground floor provides three windows to serve a lounge/living area, and the conservatory provides additional amenity.

While the siting of the proposal would cause some harm to the amenity of the occupants of Number 52, this harm is to the applicant's property and would be apparent to any future occupier. On balance, as this harm is being caused to the applicant's property by their proposal this is not considered reason enough to warrant a refusal of the planning application."

As this proposal is sited further from the applicant's property, the closest points is now 4 metres (an increase of 2.0 metres), it is considered that the resiting reduces the potential for any harm being imposed upon the applicant and any future occupier and that this application represents an improvement in this regard over the extant permission.

While extent of the two-storey side elevation towards the existing dwelling has also reduced in length by less than half a metre, to include a flat roof rather than a hipped roof, the ridge height of the proposed dwelling has increased by 0.6 metres. As a result of the increased separation from the boundary to the applicant's property, it is considered that this increase in height is acceptable as it will not cause significant detrimental harm to the amenity of current and future occupiers of Number 52.

Detailed matters

As the windows to the right hand side elevation overlook an access road and not areas of private amenity it is not necessary for a condition to be attached to approval to require these to be obscurely glazed or fixed shut.

So as to safeguard the amenity of current and future occupiers of Number 52 it is considered reasonable to attach a condition to approval to prevent the use of the flat roof above the single-storey ground floor projection as a terrace or balcony with the problems of overlooking that would arise.

Given that the proposal sits comfortably within the Freshfield Road streetscene, does not cause harm to third party amenity and is otherwise acceptable it is considered that the proposal complies with policy and is therefore recommended for approval with conditions.

Agenda Item 5h

Conditions

1. T-1 Full Planning Permission Time Limit
2. H-2 New vehicular access
3. H-6 Vehicle parking and manoeuvring
4. L-4 Landscape Implementation
5. M-6 Piling
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no window or door shall be added to the property to enable access to the flat roof elements of the dwellings unless expressly authorised.
7. X1 Compliance

Reasons

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

Notes

1. There are significant bands of peat deposits in Sefton and this development is in an area where these deposits may be substantial. Peat produces naturally occurring methane and carbon dioxide and if sufficient amounts of these gases are allowed to collect under or within a newly erected or extended building, there is a potential risk to the development and occupants.
2. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new property number.
3. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@sefton.gov.uk for further information.

Drawing Numbers

975.100 A, 975.103 C, 975.104.1 C, 975.104.2 C, 975.105 A, 975.202, 975.203

Existing site plan

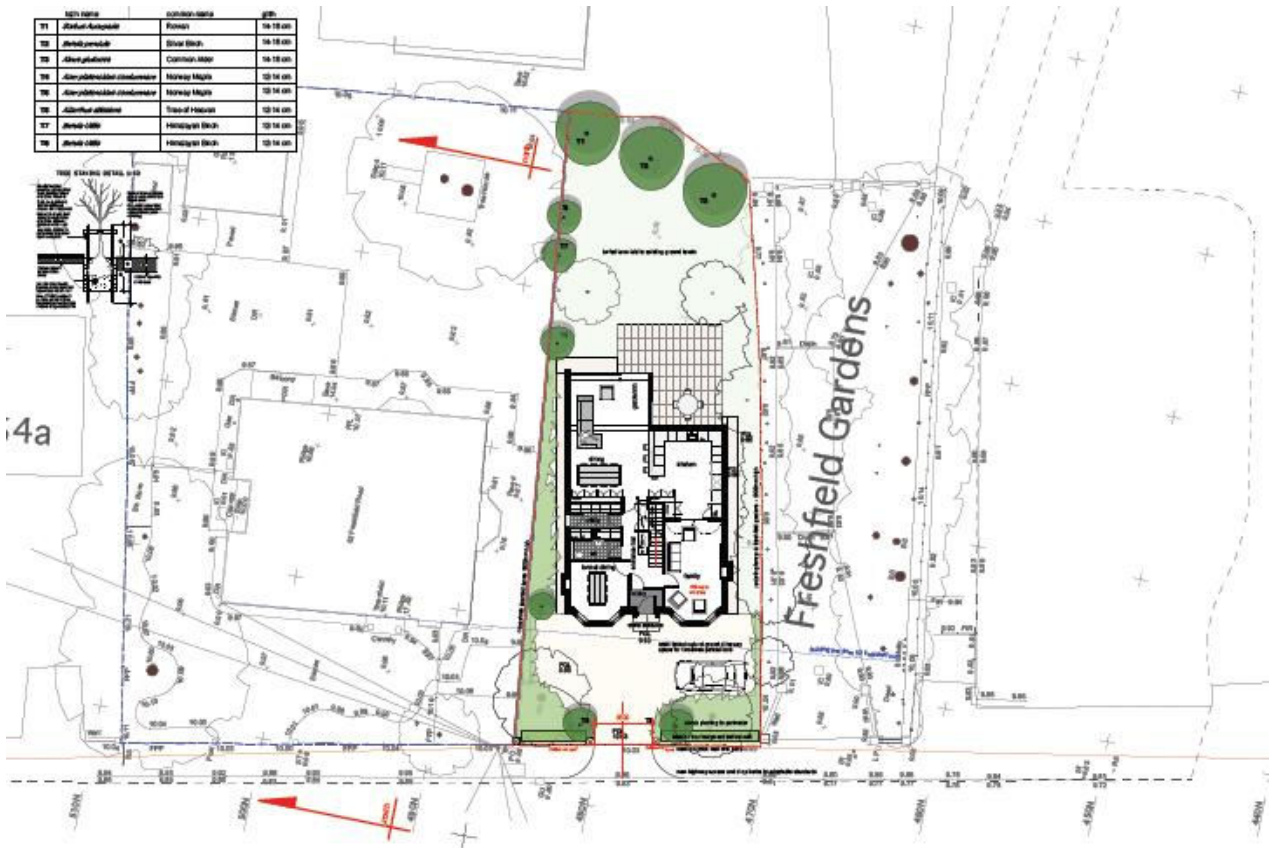


Sefton Council Department of the Built Environment Jane Gowing Head of Planning Services	S/2011/1572 Land adjacent Freshfield Road Formby		Standard Site Plan Scale: 1:1250 Date: 24/1/2012 Drawn By: ROBID on
	OSGR: 329285, 40763	Sheet(s) 285A	Area: 499 sqm

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Agenda Item 5h

Proposed site plan



Report to: [Planning Committee](#) **Date of Meeting:** [08 February 2012](#)

Subject: [S/2011/1476](#)
[Southport Snooker Club 31-33 Princes Street, Southport](#)

Proposal: [Erection of a four storey block containing 10 self-contained apartments after demolition of the existing snooker club](#)

Applicant: [Mrs Christine Cunningham](#) **Agent:** [RAL Architects Limited](#)

Report of: [Head of Planning Services](#) **Wards Affected:** [\(Dukes Ward\)](#)

Is this a Key Decision? [No](#) **Is it included in the Forward Plan?** [No](#)

Exempt/Confidential [No](#)

Summary

The proposal seeks consent for the erection of a four-storey block containing ten self-contained apartments after demolition of the existing snooker club within land designated as Southport Town Centre.

The key issues to consider are the impacts on the vitality and viability of Southport Town Centre and the impact on the amenity of neighbouring residential amenity.

Recommendation(s)

Approval

Reasons for the Recommendation:

When assessed against the Unitary Development Plan and all other material considerations the proposed erection of a four-storey block containing ten self-contained apartments is acceptable as it will add to the vitality and viability of Southport Town Centre will not cause significant detrimental harm to the amenity of neighbouring residential properties and therefore comply with policy.

Implementation Date for the Decision

Immediately following the Committee meeting

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

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

Email: planning.department@sefton.gov.uk

Agenda Item 5i

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

S/2011/1476

The Site

An existing two-storey snooker hall on Princes Street within an area designated as Southport Town Centre. There are commercial and mixed uses to the east side running towards Eastbank Street with predominantly residential use to the west side with properties in this area varying considerably in scale and appearance.

Proposal

Erection of a four storey block containing 10 self-contained apartments after demolition of the existing snooker club

History

N/1987/0308 – Retention of a satellite dish on the roof of the premises. Approved 10th June 1987.

N/1987/0137 – Erection of a single-storey extension at the front of the snooker club. Approved 10th June 1987.

S/21901 – Alterations to front elevation. Approved 15th February 1984.

S/20973 – Change of use from retail shop to billiard and snooker club. Approved 24th August 1983.

S/20725 – Change of use from furniture showroom to health and fitness centre. Approved 22nd July 1983.

Consultations

Highways Development Control – Informal comments have been received regarding the ceding of land to the front of the property to provide additional highway land. The agent for the application has indicated that they consider this to be unnecessary and onerous and formal comments are therefore awaited from Highways Development Control.

Formal comments and any conditions that may be required will be reported as Late Representations.

Environment Head of Service – No objection in principle to the proposal subject to a condition being attached to any approval relating to any ground compaction/piling works that are required. The Phase 1 Desk Study submitted by the application sufficiently demonstrates that no further works are required in respect of land contamination.

Merseyside Police Architectural Liaison Officer – A Secured By Design application has been submitted by the applicant and the ALO is satisfied that all elements of crime prevention are covered in the SBD application which indicates a full commitment to meeting the required standards.

Agenda Item 5i

Neighbour Representations

Last date for replies: 10th January 2012 (expiration of site notice with press notice expiring 4th January 2012).

Representations received: Objections received from Numbers 10, 12 & 14 Talbot Street. Points of objection relate to the scale of the development being out of keeping with the prevailing form of properties and the detrimental impact of the proposed building on the amenity of properties to Talbot Street with regards to overshadowing and overlooking. Points of objection are also made with regards to matters that are governed by the Party Wall Act and as such are not material considerations for this proposal. Furthermore, one representation makes reference to the absence of access to the rear of the proposed site which is incorrect given that drawing sk01 demonstrates that access is available to the rear through the shared alley with Number 35 Princes Street.

One letter of support has been received from Flat 3 of Grace Court at 21 Princes Street stating that new development is welcomed in the area.

Policy

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

AD1	Location of Development
AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
EDT13	Southport Central Area - Development Principles
EP3	Development of Contaminated Land
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
R2	Southport Town Centre

Comments

As this site lies within the Southport Central Area residential development is acceptable in principle subject to the retail/commercial function of the town centre not being undermined, the development being of a high quality design that makes a positive contribution to the character and appearance of the area and the proposal complying with all other aspects of the Unitary Development Plan.

The key issues to consider in respect of the proposal are the impact on the vitality and viability of Southport Town Centre, the impact on the character of the area and the impact on neighbouring amenity.

Vitality & Viability

As the proposal does not seek to replace an existing retail or employment use the proposal does not undermine the role and function of Southport Town Centre and while a leisure use will be lost this alone is not reason for refusal.

As the proposal will create further residential accommodation within the Town Centre then this will provide for an increase in potential users of town centre based facilities thereby adding to the vitality of this area.

Character of the Area & Streetscene

The form of the existing building does not contribute positively to the wider character of Southport Town Centre, and this proposed building is a better link between the more modern developments to Eastbank Street and surrounding roads and the established two-storey and greater residential properties to Princes Street, Talbot Street and the wider residential area.

One of the representations received by the Authority makes reference to there being no four-storey properties within the area, and that a property of no more than three-stories would be more in keeping with the prevailing form. However, it is clear that accommodation to the fourth floor is present to the adjoining property at Number 35 Princes Street to properties facing this site and to more modern developments seen on Market Street. As with other properties, the accommodation to the fourth floor will be predominantly served by roof lights assisted by the use of glazing to the gabled apexes to the front elevation. This approach is considered acceptable, particularly as the apexes echo those seen to Number 35.

Furthermore, it is evident from submitted drawing number sk01 that the overall scale of the proposed property is less than that of Number 35 Princes Street, the neighbouring property to the right.

As with neighbouring properties, there is variety and interest to the front elevation through the use of varying materials, facing brick, render, stone and cladding, while the strong central break to the building is welcomed as it reduces the overall bulk and massing of the property to the betterment of its contribution to the street scene.

The use of materials and the design of the property ensures that it maximises the opportunities presented by the site resulting of a positive addition to Southport Town Centre. In this regard the proposal is therefore acceptable.

Neighbouring Amenity

A letter of objection makes reference to the existing dwelling negatively impacting upon the amount of light enjoyed to the rear amenity space of a hotel, and that any increase in scale over this building will cause significant harm. However, given that the existing building lies to the north-west of this property it is not clear how any overshadowing is created by the existing dwelling, and how this would be exacerbated by an increase in height. As a result of the orientation of the application site it is not considered to cause harm to neighbouring amenity in respect of overshadowing.

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With regards to the matters of overlooking, the arrangement of habitable room windows has shown clear consideration to this issue. Drawing sk01 demonstrates a distance of 21 metres from the rear elevation of the proposed property to the existing dwelling at Number 12 Talbot Street. While the separation distance between the rear elevation of the proposed apartment block and the rear boundary to this neighbouring property falls short of the separation distance required by Supplementary Planning Guidance 'New Housing Development' it is clear that this matter has been shown great consideration in the arrangement of windows to the rear elevation. As is evident from the submitted drawings, the windows to the rear elevation are to be angled from the rear elevation so as to limit any potential harm for direct overlooking to this neighbouring property.

As habitable room windows to the rear elevation will be angled across the rear garden area to the Hotel at Number 12 Talbot Street and towards Number 16 Talbot Street these will only be oblique views and will not cause significant harm through overlooking. Given the existing overlooking arising from the Juliet balconies to the rear of Number 35 Princes Street any overlooking arising from this proposal will not, by itself, cause significant harm to the existing amenity of these properties.

While the internal configuration of the properties cannot be controlled, it is indicated that the main living areas to flats 3, 5, 6 & 8 will be positioned to the front of the building fronting Princes Street with bedrooms and bathrooms to this rear elevation and this will further assist in reducing any potential overlooking.

Amenity for Future Occupiers

While only three off-street vehicle parking areas are provided, this is an accessible location served by a variety of transport modes and has ready access to services.

The area of private amenity space to the rear of the site falls well short of the 300 square metres that would ordinarily be required for a development of ten units, but given the level of public open space within the Town Centre and adjoining areas this is considered to be acceptable on balance.

Provision of Greenspace

As the proposal provides for a net increase of 10 (ten) residential units then in order to comply with Unitary Development Plan policy DQ4 and Supplementary Planning Document 'Green space, trees and development' the applicant is required, in lieu of the on-site provision of an area of public green space, to enter into a legal agreement to provide for a commuted sum for the provision of a new site of green space or enhancement of an existing space. At 2011/12 rates, the required sum per unit is £1815.00.

In addition, to comply with policy DQ3 and the SPD, 3 (three) trees per unit are required to be planted on site. As is evident, the total sum of 30 (thirty) trees cannot be accommodated within the site, with only 6 (six) trees to be provided within the site, and again the applicant will be required to enter into a legal agreement to provide for a commuted sum for the provision of the remaining 24 (twenty-four) trees to be planted off-site. At 2011/12 rates, the required sum per tree is £481.50.

In total, the applicant will be required to enter into a legal agreement for a commuted sum of £29,706 in order to comply with policy.

The agent for the application has confirmed by email dated 25th January 2012 that the applicant is willing to enter into a legal agreement to provide for this commuted sum and for this to be secured by condition, but reserve the right to challenge the payment should a subsequent viability appraisal establish that the payment makes the scheme unviable.

For the above reasons it is recommended that as the proposal will add to the vitality and viability of Southport Town Centre and will not cause significant detrimental harm to the amenity of neighbouring residential properties that it be granted consent with conditions as it complies with policy.

When assessed against the Unitary Development Plan and all other material considerations the proposed erection of a four-storey block containing ten self-contained apartments is acceptable as it will add to the vitality and viability of Southport Town Centre will not cause significant detrimental harm to the amenity of neighbouring residential properties and therefore comply with policy.

Conditions

1. T-1 Full Planning Permission Time Limit
2. S-106 Standard S106
3. M-6 Piling
4. P-5 Plant and machinery
5. X1 Compliance

Reasons

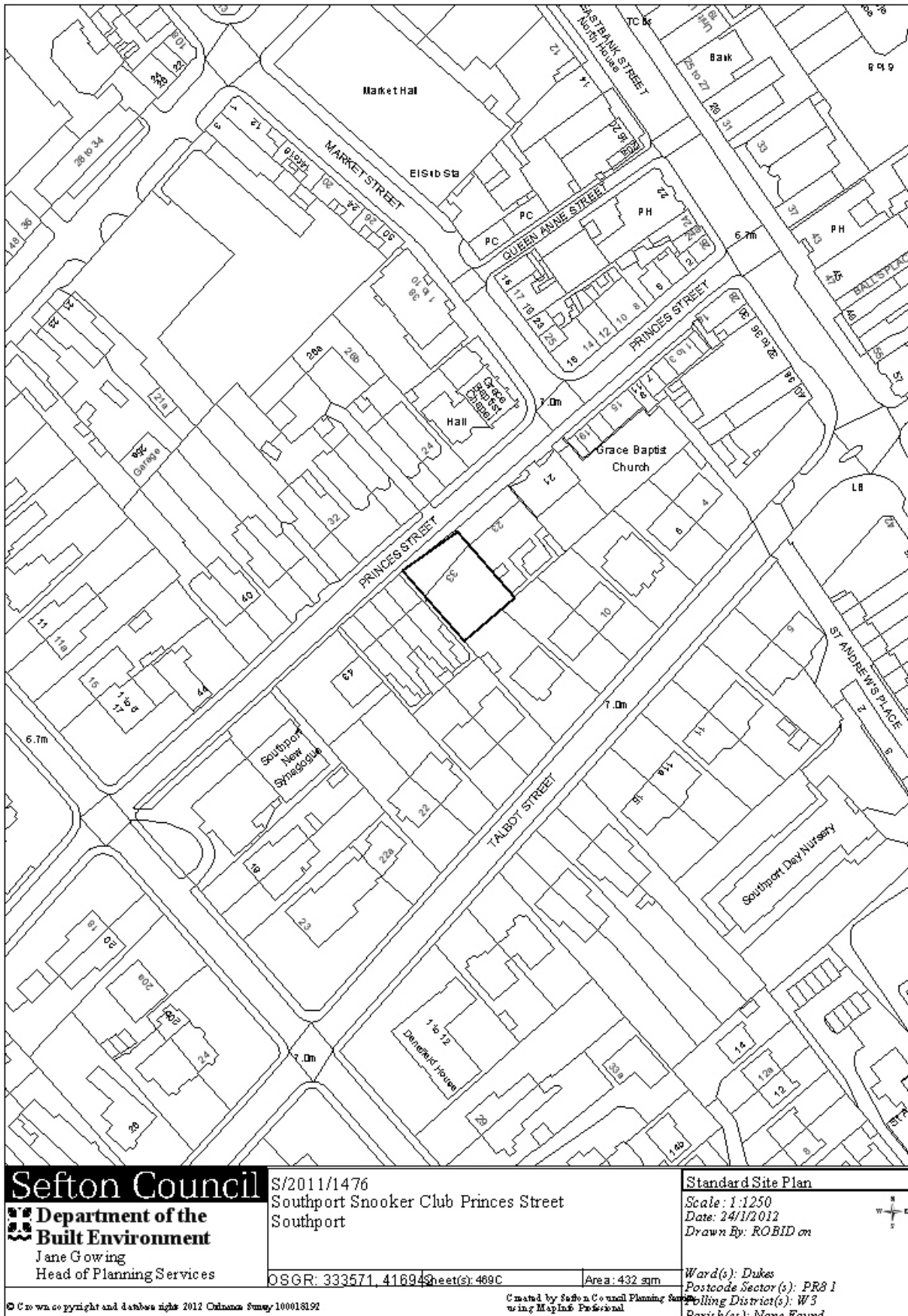
1. RT-1
2. RS-106
3. RM-6
4. RP-5
5. RX1

Drawing Numbers

Ex01, sk01, sk02B, sk03B, sk04B, sk05A.

Agenda Item 5i

Existing site plan



Proposed site plan



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Report to: Planning Committee **Date of Meeting:** 8 February 2012

Subject: S/2011/1479
141 - 143 Shakespeare Street, Southport

Proposal: Retrospective application for the change of use from print office (B1) to vehicle repair and MOT testing centre (B2)

Applicant: Mr J Wilson **Agent:** Mr David Scarisbrick

Report of: Head of Planning Services **Wards Affected:** (Kew Ward)

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Summary

The proposal seeks retrospective approval for the change of use from print office (Use Class B1) to vehicle repair and MOT testing centre (Use Class B2).

The key issues to consider are the impact of the operation upon residential amenity and on highway safety.

Recommendation(s)

Approval

Reasons for the Recommendation:

When assessed against the Unitary Development Plan and all other material considerations, particularly policies AD2, CS3, DQ1, EP2, EP6 & H10, the proposed change of use from print office (B1) to vehicle repair and MOT testing centre (B2) would not cause significant detrimental harm to neighbouring residential amenity or to highway safety and is therefore acceptable.

Implementation Date for the Decision

Immediately following the Committee meeting

Contact Officer: Mrs S Tyldesley Telephone 0151 934 3569

Case Officer: Neil Mackie Telephone 0151 934 3606

Email: planning.department@sefton.gov.uk

Agenda Item 5j

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

The Site

An existing large backland commercial site served by two access on to Shakespeare Street, Southport lying within a primarily residential area.

Proposal

Retrospective application for the change of use from print office (B1) to vehicle repair and MOT testing centre (B2)

History

N/1999/0786 – Change of use from Class B8 to B1 use (for printing, assembly and packaging of security labels). Approved 23rd December 1999.

N/1999/0020 – Change of use from a warehouse to a dance studio. Withdrawn 4th March 1999.

Consultations

Highways Development Control – Following the receipt of amended plans to indicate the permanent closure of one half of a vehicle access gate there are no objections to the proposal as there are no highway safety implications.

Environment Head of Service – No objection in principle to this proposal subject to a condition being attached to approval with regards to a scheme of noise control being submitted to and approved by the Authority prior to the use of any plant and machinery. The spray booth vent and paint mixing room vent must terminate 3 metres above the ridge height of any building within 15 metres of the base of the flues in order to render harmless any emissions from the flues. Contrary to verbal discussions, the amended plans submitted do not indicate an alloy wheel refurbishment area. While this will not require consent in itself the operators should ensure that any emissions to the atmosphere arising from this use do not exceed 50mg/m³.

Neighbour Representations

Last date for replies: 26th December 2011.

Representations received: Letter of objection from Number 142 Shakespeare Street expressing concerns as to the potential for harm to highway safety arising from vehicles parking on the highway in addition to non-material considerations relating to the character of the operators of this site.

Councillor Weavers has requested that this application be determined by Planning Committee.

Policy

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

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AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
EP2	Pollution
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas

Comments

The key issues to consider in respect of the proposed change of use of the premises is the impact of the non-residential use within a primarily residential area, the impact on amenity through the operation of a paint spraying booth and alloy wheel refurbishment and the impact on highway safety.

Given that this site benefits from lawful use for commercial activities a key consideration will be the impacts that may arise from the change of use from printing activities to those associated with car repairs, car refurbishment and MOT testing.

As noted by comments received from the Highways Authority, the proposed use will not cause harm to highway safety. Given the discrepancy in width between the double gates to the right hand side of the unit and the dropped kerb, the agent for the application was requested for further information to indicate that both gates would be used, thereby requiring the vehicle access to the highway to be widened, or for the right hand side gate to be fixed shut and maintained as such thereafter. Details were submitted to indicate that the right hand side gate will be fixed shut. The Highways Authority therefore has no objections to this proposal.

The sole written objection makes reference to existing situations arising from other commercial operations leaving vehicles on the Shakespeare Street highway. This is not an issue that can be considered within this application nor is it a matter that can be addressed by the Planning Authority in any event. With regards to this application the Highways Authority comments clearly state that this proposal will not cause harm to highway safety and is therefore acceptable from this point of view.

Regarding the impact on amenity through the use of a paint spraying booth, further details were requested from the agent for the application. Specifications were submitted relating to the control of emissions from the operation of the paint spraying booth and as is evident from the comments received from the Council's Environment Head of Service, subject to a condition relating to noise control and the termination points of flues complying with guidance they have no objections to the proposal.

While only one written objection has been received by the Council it is clear from the involvement of a Ward Councillor and from numerous telephone calls that there have been conflicts between the operators of this site and neighbouring residential properties.

As is common with a number of backland commercial sites within Southport, this site is bordered closely by residential properties and any activity should be balanced against the level of amenity and enjoyment that is expected within a dwellinghouse. As the change of use represents a new chapter in the planning history for this site then the Authority can seek to control the hours of operation for the proposed use.

Given the proximity of residential properties there is the potential for disturbance to neighbouring amenity to be caused by the activities within the units and the associated comings and goings of vehicles. As such, it is considered reasonable to restrict the hours of operation to that proposed

Agenda Item 5j

by the applicant to be between 08:30 – 18:00 Monday to Friday, 08:30 – 13:00 Saturday and for no use on Sundays or Bank Holidays. In addition, the Use Class applied for does allow a variety of commercial and industrial activities to take place that may cause harm without the control of the Authority and as such it is considered reasonable to restrict the use of the site to that of a vehicle repair and MOT testing centre and for no other operation within Use Class D2.

For the above reasons it is considered that as the application complies with policy that it is recommended for approval with conditions.

Conditions

1. P-5 Plant and machinery
2. B-1 Hours of use (industrial)
3. R-1 Use Classes Limitation
4. X1 Compliance

Reasons

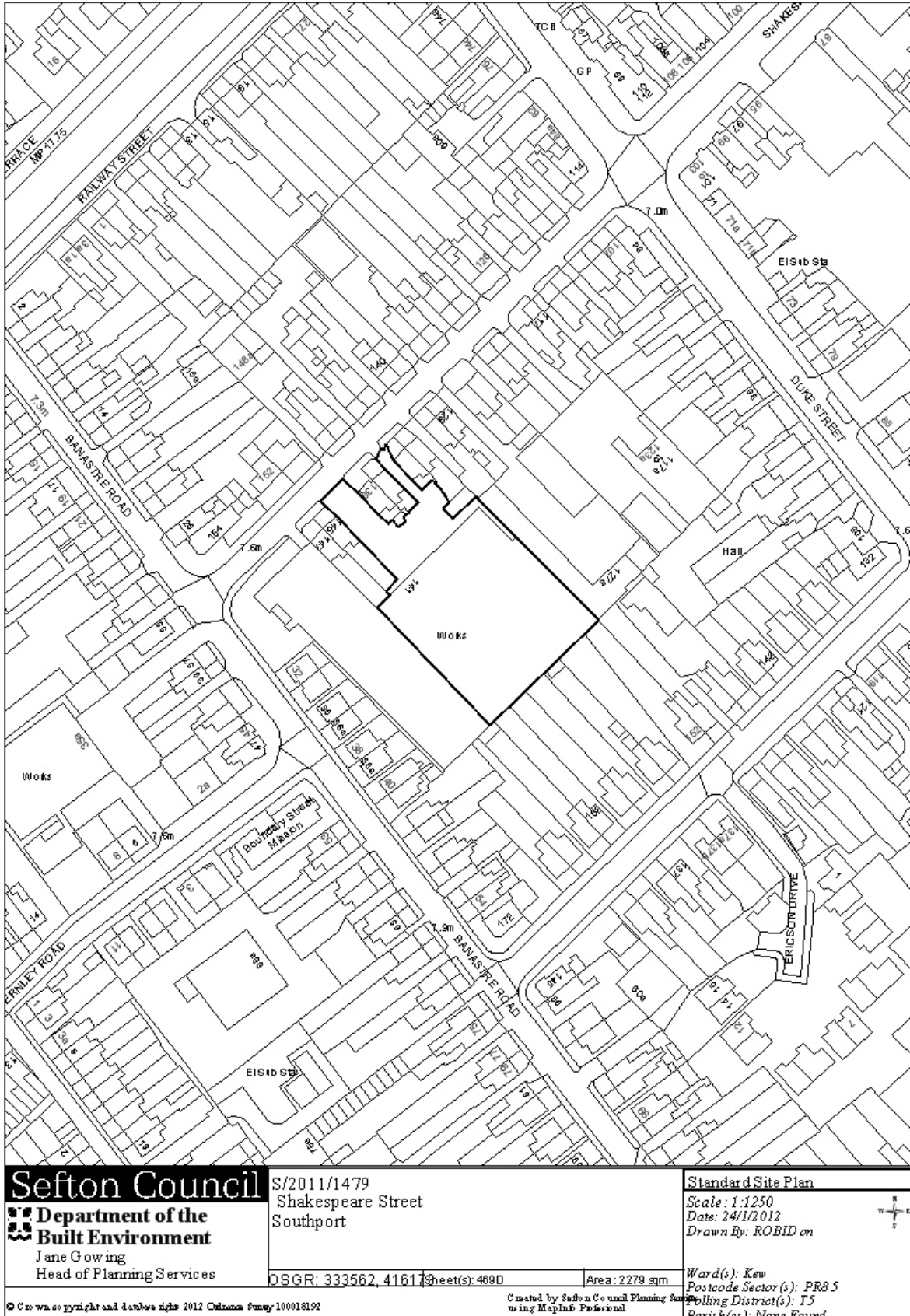
1. RP-5
2. RB-1
3. RR-1
4. RX1

Drawing Numbers

DS11/36/01, DS11/36/02 A, DS11/36/03, DS11/36/04.

Agenda Item 5j

Existing site plan



**PLANNING COMMITTEE
VISITING PANEL SCHEDULE**

MONDAY, 6 FEBRUARY, 2012

Start: 9.30 am SOUTHPORT TOWN HALL

Item	Time	Application Site	Ward
1.	09.45	S/2011/1531 Hatherlow House, 27 Park Crescent, Southport	Cambridge
2.	10.15	S/2011/1479 141-143 Shakespeare Street, Southport	Kew
3.	10.35	Fine Janes Farm, Moss Road, Halsall	(neighbouring authority)
4.	11.00	S/2011/1553 & S/2011/1557 Land rear 72-74 & 52-56 Lilac Avenue, Ainsdale	Ainsdale
5.	11.15	S/2011/1558 Land adj 10 Heather Close, Ainsdale	Ainsdale
6.	11.35	S/2011/1521 54 Elson Road, Formby	Harington
7.	12.15	S/2011/1348 495 Hawthorne Road, Bootle	Derby

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Agenda Item 6

Report to: Planning Committee **Date of Meeting:** 08 February 2012

Subject: **S/2011/1531**
Hatherlow House, 27 Park Crescent, Southport

Proposal: Erection of a part two, part four storey living with care facility comprising 33 individual suites, including the layout of car parking spaces and landscaping (alternative to S/2011/0117 refused 8 Apr 2011)

Applicant: Methodist Homes **Agent:** AA Design Limited

Report of: Head of Planning Services **Wards Affected:** (Cambridge Ward)

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Summary

This application is being presented for information only at this stage and is seeking consent for the erection of a part two, part four storey living with care facility comprising 33 individual suites, including the layout of car parking spaces and landscaping (alternative to S/2011/0117 refused 08/04/2011)

The main issues for consideration in the assessment of this application are the principle of development, Class C2 use (residential institutions), design and visual impact on the street scene and character of the area, impact on residential amenity, heritage asset value in terms of the existing building under Planning Policy Statement 5 (PPS5) and site planning and planning policy constraints.

Recommendation(s)

For Information Only

Reasons for the Recommendation:

Committee are asked to give a view on how they wish the application to proceed on the basis of the latest scheme with particular reference to its design when assessed against the importance of the existing building which has significant architectural merit.

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

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

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

Agenda Item 6

Email: planning.department@sefton.gov.uk

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

S/2011/1531

The Site

The site occupies a corner plot at the junction of Park Avenue, Park Crescent and Cambridge Road. The site is currently occupied by a large, vacant 3 storey villa with significant architectural merit and a later single storey extension at the rear. The building was previously occupied by a residential care home. The site is bound by Berkley Court (three-storey block of flats) to the south-east and Nightingale House (three storey block of flats with basement garages) to the north-east. Vehicular access to the site is from Park Avenue and the site lies opposite Hesketh Park which is registered as a Grade II Listed Historic Park.

This application is being presented to Planning Committee Visiting Panel for information only, see 'background' below.

Proposal

Erection of a part two, part four storey living with care facility comprising 33 individual suites, including the layout of car parking spaces and landscaping (alternative to S/2011/0117 refused 08/04/11).

History

S/11344 Alterations to fire escape at rear. Granted 10/05/79.

S/2011/0117 Erection of a part three, part four storey residential care development comprising 35 individual suites, including the layout of car parking spaces and landscaping. Refused 08/04/2011.

Consultations

Highways Development Control – There are no objections to the proposal to erect a residential care development on this site as there are no highway safety implications. The existing vehicular access to the site off Park Avenue will be widened to cater for two cars to pass one another without difficulty. The existing vehicular access at the corner of Park Crescent / Park Avenue will be closed off and as such the footway crossing will need to be reconstructed as footway. A separate pedestrian access will be provided onto the footway close to the corner of Park Crescent / Park Avenue. There is an existing pedestrian refuge and two existing fully accessible bus stops on Park Crescent (one on each side of the road) a short distance from the site, however, there is no safe and convenient crossing point for pedestrians on Park Avenue at the roundabout junction with Park Crescent, together with flush kerbs and tactile paving on the footway either side of the refuge. In addition, it will be necessary to reconstruct part of the footway on the north-west side of Park Avenue adjacent to the site frontage so that it is level and suitable for use by pedestrians who may have mobility difficulties. A total of 12 off-street car parking spaces (including two marked out for use by disabled persons) are proposed, which is an acceptable level of parking provision. However, cycle parking will also be required at the ratio of one secure covered staff space per 5 staff members present at the busiest time, plus one cycle stand per 20 residents, which can be secured by condition.

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Built Environment Director – Head of Environment – Comments awaited.

Merseyside Police Architectural Liaison – Detailed comments have been forwarded to the applicant via their agent. Summary of comments as follows:

- Park Crescent is a relatively low crime area.
- Fencing to perimeters should be minimum of 1800mm in height, close-boarded fencing with no footholds to the outface.
- Defensive planting is advisable where side fencing exists to properties, eg, pyracantha, berberis and hawthorn.
- Shrubs and hedges should generally have max growth height of 1metre whilst trees should be pruned up to a minimum height of 2 metres, to maintain clear field of vision around the site.
- Recommend boundary abutting gated pathway to north east is raised to height of 1.8m, to reduce potential for unauthorised entry.
- Street lighting should provide suitable low level of ambience to discourage offenders and provide natural surveillance.
- Recommend adequate parking spaces are incorporated into development to accommodate all residents.
- Communal parking area must be within view of 'active' rooms within apartments.
- Building lines should be kept simple as recessed areas create hiding places and reduce natural surveillance.
- Side access gates should be positioned to the front building line to avoid blind spots, be lockable and a minimum of 1800mm in height.
- Recommend that the link block be constructed to prevent scaling and to eliminate the possibility of accessing upper floors.
- All ground floor and any accessible windows or roof lights must be independently certificated to British Standards and must include minimum 6.4mm laminated glazing within its double glazing system.
- The plans do not indicate bin storage and should have a dedicated area in an open fence structure.
- Recommend an internal letterbox to serve all apartments.
- Recommend CCTV as a minimum to cover the main entrance and lobby/waiting area.

Neighbour Representations

Last date for replies: 7th March 2012

Received to date: Letters of objection received from flats 1, 5, 14, 16 Berkley Court (2 Park Avenue) raising the following concerns:

- Rear building is up against boundary and will cause loss of light and open aspect when in the garden.
- Height of rear building at 11m to eaves and even more to the ridge will cause overlooking and a loss of light.
- No bin stores shown on plans this time, should not be at front as would be unsightly.
- Loss of iconic building with tower that can be seen from far away, should not be demolished, façade should be retained.
- Lack of car parking spaces.
- Need clarification of the boundary wall height between site and Berkley Court.

Agenda Item 6

- Consider that reasons 1, 2 and 3 still apply, despite amendments.

Comments were also made that residents were pleased that the main block of the building had been moved away from the boundary with Berkley Court and the link section reduced in height. Comment also made that the redevelopment of the site is welcomed as the existing site is often vandalised and unsightly.

Letter from 26 Darwin Court stating no objection to the scheme.

Policy

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

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
H10	Development in Primarily Residential Areas
HC5	Historic Parks and Gardens Archaeology
PPS5	Planning for the Historic Environment

Comments

The main issues in the assessment of this application will be the principle of development, Class C2 use (residential institutions), design and visual impact on the street scene and character of the area, impact on residential amenity, heritage asset value in terms of the existing building under Planning Policy Statement (PPS5) and site planning and planning policy considerations.

Background

An application was refused in April 2011 for the erection of a part three part four storey residential care development of 35 units. The application was refused on the basis of four grounds including the scale, massing and design which resulted in an unacceptable form of development; the scale, siting and layout would have a detrimental impact on the amenity of neighbouring properties; the loss of the significance of Hatherlow House as a non-designated Heritage Asset and the failure to provide a financial contribution towards the provision of off-site public greenspace and the provision of trees under policy DQ3.

This revised application is presented with a number of amendments to the original scheme in an attempt to address the above reasons for refusal. A number of the concerns with the original scheme have been addressed satisfactorily and now comply with policy which will be set out below, however, other issues remain outstanding and the views of Planning Committee are now sought as to the progression of this application and a further assessment of the site and existing building.

Agenda Item 6

Principle

The site lies within a primarily residential area where the principle of residential use with care is acceptable subject to other policy constraints.

C2 Use

The application seeks consent for a residential care development (Use Class C2). In defining C2 uses, the emphasis is upon the provision of a significant level of care and type of accommodation.

The importance of establishing the level of care to be provided is linked to the requirement of policy H3 for housing development over 15 units to provide an affordable housing contribution. If the applicant can demonstrate that the proposal is for residential care and not just for apartments, there is no requirement to seek any affordable housing contribution under policy H3.

In this case, there is further work to be done in order to establish whether the applicant has fully demonstrated that the use is C2, but on the basis of information submitted to date, it is likely that the proposal is capable of being considered as C2. A suitably worded condition could also be used to ensure that the scheme is C2 including a minimum age on entry being set, a definition of personal care and number of hours of personal care to be provided to residents. This issue would be reported in full at the next committee once the detail has been finalised.

Residential Amenity

The original scheme has been amended in order to address a number of concerns raised relating to the impact on residential amenity, particularly of those in Berkley Court adjacent.

The main building has been reduced in size and moved away from the boundary with Berkley Court. This has increased the distance from the kitchen windows of flats in Berkley Court being increase from 7.2m previously to 10.6m. Whilst this is less than the 12 m recommended in SPG, it is on balance considered to be a sufficient distance to prevent any outlook or overlooking issues. Furthermore, windows in the side gable of the proposed building will be obscurely glazed to prevent overlooking.

The central link has been reduced from 3 storey to 2 storey and the roof garden removed. First floor windows in the elevation facing the gardens of Berkley Court will be obscurely glazed to prevent overlooking. The impact on residential amenity of neighbours in terms of overlooking has therefore been addressed with these amendments.

Residents have objected to the fact that the rear building fronting Cambridge Road is still too close to the boundary and will therefore affect the outlook from properties at the rear of Berkley Court. This will be addressed in more detail at next committee following further consideration.

Generally it is considered that the amendments to date have reduced the potential impact on the amenity of neighbours to some degree.

PPS5 and the value of the building as a Heritage Asset

Hatherlow House is a building of some significance and of such high architectural quality that it has been the subject of applications for listing in the past and more recently in response to this site being proposed for redevelopment. English Heritage accepts that the building is of local interest as a prominent building within the local area and that it was part of the original planned development surrounding Hesketh Park. However, within a national context it lacks the special architectural and historic interest required to qualify for listing. Therefore as the building is not covered by any formal designation, but still possesses historical interest it is defined under PPS 5 as a non-designated heritage asset, of which it is a material consideration when planning applications are received that would impact on its significance or its setting therefore its retention is sought. It is also believed that the demolition of this building along with any new development would also impact on the setting of Hesketh Park, which is a designated Heritage Asset. It is important, however, for Committee to note that the demolition of the building is possible without any planning permission being required as the building has no legal protection to prevent this.

The concern with this scheme is that given the high quality of the existing building, its replacement, if any, should be of significant design quality in order to compensate for the loss of this building. However, the design submitted for this scheme, although different from the previous, still lacks some architectural quality and may not be sufficient to replace the existing building. Significant and detailed design advice was provided to the applicant following the previous refusal which included examples of elements of good design locally that could be replicated in this scheme. Unfortunately some of this advice has not been incorporated into the revised design resulting in a scheme which is still lacking the strength in design concept required for this site.

The site occupies a prominent corner and the design of any replacement building must embrace this prominence with strong design features. Committee are asked to consider the proposed design and existing building.

Trees and Greenspace

Calculations are required in terms of the number of trees required on the site depending on the number of trees proposed to be removed from the site. There is some debate in terms of whether existing trees are actually trees and access to the site has been requested to enable the Council's tree officer to look into this matter in more detail. This will be reported in full at next committee.

Similarly, the requirement for Greenspace contributions will be reported in full at next committee once this has been finalised and agreed by the applicant.

Drawing Numbers

11033-RP-01, 02, 03B, 04C, 05C, 06C, 07B, 08, 09B, 10, 12A, 13A, 14A & 15

Agenda Item 6

Existing site plan



Proposed site plan



Agenda Item 6

Agenda Item 7

Report to: Planning Committee **Date of Meeting:** 8 February 2012

Subject: West Lancashire Local Plan 'Preferred Options'

Report of: Head of Planning Services **Wards Affected:** Kew, Birkdale

Is this a Key Decision? No

Is it included in the Forward Plan?
No

Exempt/Confidential

No

Purpose/Summary

To request Members' views on West Lancashire's Preferred Options document.

Recommendation

That **Planning Committee** support the proposals contained in the West Lancashire Preferred Options document, subject to any detailed views on the sites proposed as safeguarded land next to the borough boundary.

How does the decision contribute to the Council's Corporate Objectives?

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

Reason for the Recommendation:

To enable a response to be made to West Lancashire's consultation by their deadline.

Agenda Item 7

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

None

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal None
Human Resources N/a
Equality 1. No Equality Implication <input checked="" type="checkbox"/> 2. Equality Implications identified and mitigated <input type="checkbox"/> 3. Equality Implication identified and risk remains <input type="checkbox"/>

Impact on Service Delivery:

None

What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD1312/11) and Head of Corporate Legal Services (LD LD670/12) have been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration?

No

Implementation Date for the Decision

Following the meeting of the Planning Committee.

Contact Officer: Steve Matthews

Tel: 0151 934 3559

Email: steve.matthews@sefton.gov.uk

Background Papers:

West Lancashire's Local Plan Preferred Options document

1. Introduction

- 1.1 West Lancashire Borough Council consulted on their Preferred Options for the Core Strategy in May 2011. The current document includes a number of changes to reflect comments made and is available for consultation until 17 February 2012.
- 1.2 Taking advantage of new draft regulations, West Lancashire has rebranded their emerging Core Strategy document. This will now be called a Local Plan. This approach offers the opportunity to amalgamate three different documents - the Core Strategy, site allocations and development management policies - into one comprehensive document. It is also a simpler concept for people to understand.

2. Key changes

- 2.1 The key changes from the earlier Preferred Options document are:
 - A slightly higher housing target of 4,650 new homes (was 4,500) and fewer homes in Skelmersdale
 - A lower target of 75 hectares (was 87 ha) for employment land
 - A Strategic Development Site at Yew Tree Farm, Burscough
 - Site allocations for housing, employment and mixed-use developments
 - Development Management policies
 - A new and more robust 'Plan B' for housing development, including Green Belt sites
- 2.2 The previous Preferred Options document was criticised for relying too heavily on Skelmersdale to help meet the Borough's housing target. West Lancashire propose a more balanced distribution of sites for development, including sites in the Green Belt adjoining Ormskirk and Burscough.
- 2.3 The earlier Preferred Options included a long term support for reinstating the Burscough Curves and building the Ormskirk bypass. This remains in the current Preferred Options.

3. Safeguarded land

- 3.1 There is one new aspect of the revised document which is directly relevant to Sefton. The Preferred Options include provision for safeguarded land. This comprises two different types.
 - 'Plan B' sites, or reserve sites, in case development does not come forward on the main allocated sites as quickly as expected. This comprises extra sites to meet an additional 15% over and above their existing target. Plan B will come into effect if less than 80% of the planned housing has been built after 5 and 10 years.
 - Other land safeguarded to meet needs after the end of the plan, i.e. after 2027.
- 3.2 If the Plan B sites are not needed to meet any shortfall in the other sites coming forward, they would also be safeguarded to meet needs after 2027.

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- 3.3 Both Plan B sites and sites safeguarded to meet needs beyond 2027 have been selected following a full appraisal of a number of potential sites in the West Lancashire Green Belt Study, which was carried out following a similar methodology to that used in Sefton.
- 3.4 Four of these sites are in the Green Belt close to the Sefton boundary, adjoining the eastern edge of Southport, and are shown on the plan. The first three are Plan B sites, the last is safeguarded until beyond 2027. The sites are at:
- 1 Fine Jane's Farm, Moss Road
 - 2 New Cut Lane [rear of Guildford Road]
 - 3 Moss Road (west) [this adjoins Benthams Way and lies opposite Dobbies garden centre]
 - 4 Moss Road (east) [next to Southport Business Park]
- 3.5 The sites at Fine Jane's Farm and New Cut Lane are currently in the Green Belt. The former site is bordered by development on two sides. The latter site is covered by buildings. The Moss Road sites are designated as 'open land' and are not in the Green Belt.
- 3.6 Sefton Council owns allotments within the Moss Road (east) site. This is the site which is safeguarded until after 2027. Any proposed development which may be considered after 2027 would have to be with the co-operation of this Council.

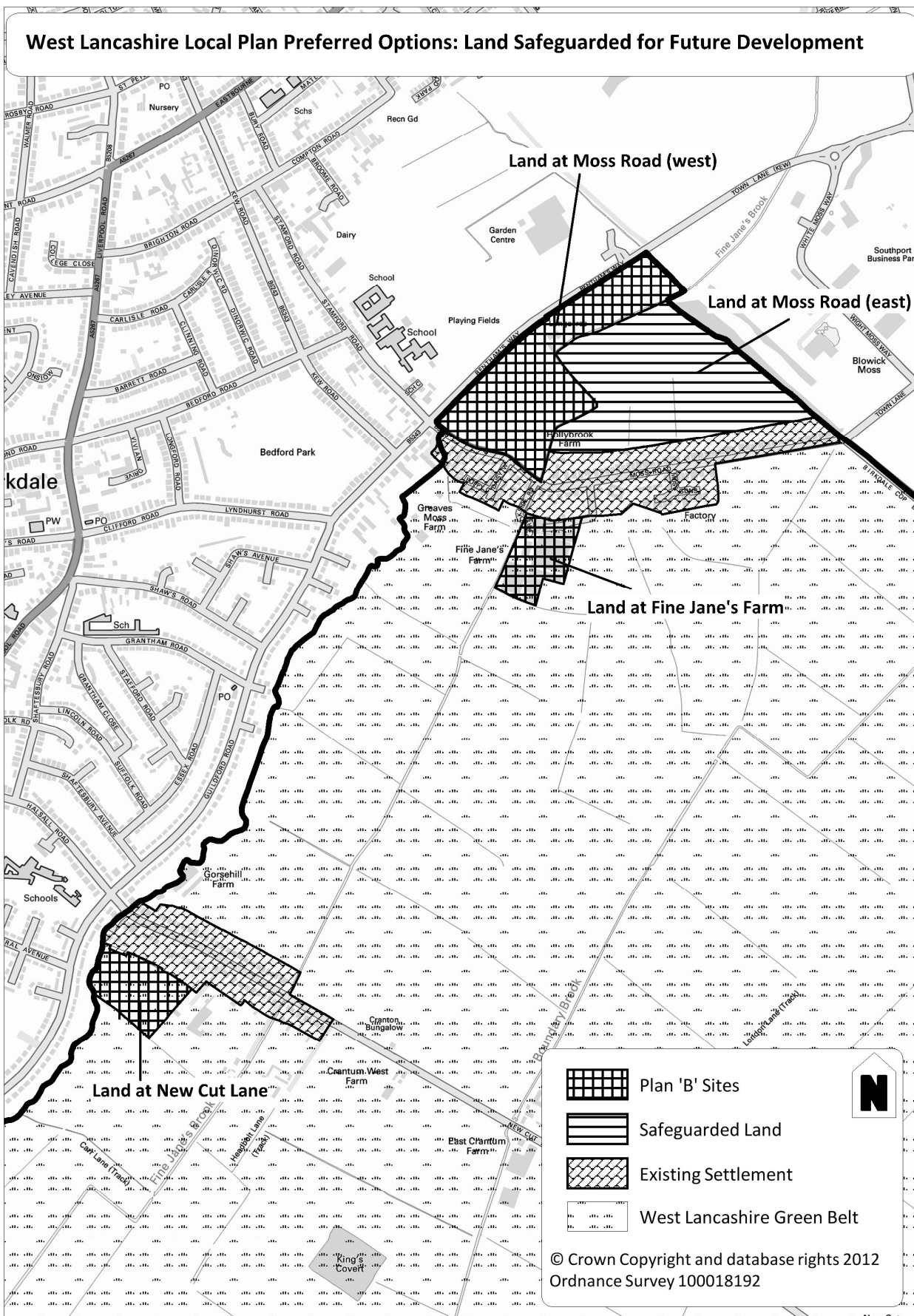
4. Implications

- 4.1 All the sites are next to existing areas of development within West Lancashire and would not result in any significant incursion into the Green Belt. They generally adjoin built up areas within Sefton, apart from the greenspace between Christ the King School and Dobbies, and greenspace adjoining Southport Business Park.
- 4.2 Development of land at Moss Road west would close off limited views from Bentham's Way, but this area is surrounded by the Southport Business Park and existing housing on Moss Lane (in West Lancashire) and hence would not have a major impact. Further, it is not in West Lancashire's Green Belt, so is the preferred location for new development after land in their urban areas.
- 4.3 None of these sites is directly next to any of the sites identified as being potentially suitable for development as part of the draft Sefton Green Belt study.
- 4.4 While the Plan B sites, if developed, would technically contribute to West Lancashire's housing requirement, they would in reality meet some of Southport's housing need. However, they would not be able to be counted against Sefton's housing requirement.
- 4.5 Being so close to the Sefton boundary, these sites would also rely on services and facilities within Sefton. This point is acknowledged in the West Lancashire Green Belt Study.

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- 4.6 Like Sefton, West Lancashire Borough faces the challenge that they are running out of room for new development within their built-up areas. It has identified sites in the Green Belt to accommodate up to 750 dwellings in total, mainly around Ormskirk and Burscough. The Green Belt sites adjoining the Sefton borough boundary are small by comparison.
- 4.7 It is recommended that Members broadly support West Lancashire's Local Plan Preferred Option document, in particular the continuing support for the Ormskirk Bypass and the re-instatement of the Burscough Curves. Members' views are specifically requested on the proposal to allocate the four sites referred to above and shown on the attached plan as safeguarded land.

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Report to: Planning Committee **Date of Meeting:** 8th February 2012

Subject: Liverpool Waters Planning Application – Neighbouring Authority Consultation

Report of: Jane Gowing **Wards Affected:** Linacre, Derby,
Head of Planning Services Litherland, Church, Netherton & Orrell

Is this a Key Decision? No **Is it included in the Forward Plan?**
No

Exempt/Confidential No

Purpose/Summary

To advise Members of a recent neighbouring authority consultation by Liverpool City Council on an outline planning application for ‘the comprehensive redevelopment of up to 60 hectares of former dockland at Liverpool Waters to provide a mixed use development of up to 1,691,100 sq m’. To suggest an appropriate response to this consultation for endorsement by Members and to be submitted by the agreed extended consultation deadline.

Recommendation(s)

That the report be noted and the suggested officer comments at paragraph 3.1 to 3.6 and 4.1 of this report be endorsed and submitted to Liverpool City Council by the extended consultation deadline.

How does the decision contribute to the Council’s Corporate Objectives?

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

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Reasons for the Recommendation:

Necessary to secure Member endorsement of a proposed consultation response.

What will it cost and how will it be financed?

(A) Revenue Costs

The decision to agree with these developments could help bring some indirect long-term economic benefits to Sefton, but similarly could also have some longer-term resource implications (e.g. infrastructure, population change, effects on local businesses etc). These, however, must be tempered by the wider benefits to Merseyside as a whole. Through our own strategic planning functions, through the Core Strategy in particular, we will need to monitor and address infrastructure requirements and population change, for the longer term, within Sefton.

(B) Capital Costs

N/a

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal N/a
Human Resources N/a
Equality
1. No Equality Implication <input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated <input type="checkbox"/>
3. Equality Implication identified and risk remains <input type="checkbox"/>

Impact on Service Delivery:

None

What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD1277/11) and Head of Corporate Legal Services (LD665/12) have been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration?

None

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Implementation Date for the Decision

Following the decision of Planning Committee.

Contact Officer: Alan Young

Tel: 0151 934 3551

Email: alan.young@sefton.gov.uk

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

Liverpool City Council, Outline Planning Application Consultation, Ref LPA Ref:
100/2424

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Liverpool Waters Planning Application – Neighbouring Authority Consultation

1. Background

- 1.1 Liverpool City Council has consulted the Council on the above planning application (received on 9th January 2012). The original 21-day deadline for response was set at 31st January 2012 but by agreement with Liverpool City Council officers an extended deadline for response has been set at mid February 2012.
- 1.2 The planning application can be inspected in the Liverpool City Council website under the following web link:

<http://northgate.liverpool.gov.uk/PlanningExplorer17/ApplicationSearch.aspx>
- 1.3 The planning application, which is a resubmission of an earlier undetermined application with amendments, has been submitted by Peel Land and Property (Ports) Ltd. It is in outline with all detailed matters reserved for subsequent approval. Members will be aware that Liverpool Waters is a major regeneration project at the heart of the city of Liverpool on the eastern bank of the Mersey and is intended to complement Wirral Waters, which was granted planning permission in November 2010.

2. Details of Scheme

- 2.1 The application is for a mixed use development and is worded as follows:

Site:

Liverpool Central and Northern Docks (Bramley Moor, Nelson, Salisbury, Collingwood, Trafalgar, Clarence Graving, West Waterloo, Princes Half Tide and Princes Docks, Liverpool L3

Proposal:

The comprehensive redevelopment of up to 60 hectares of former dock land to provide a mixed use development of up to 1,691,100 sq.m comprising: up to 733,200 sq.m residential (Class C3) (9,000 units), up to 314,500 sq.m business (Class B1), up to 53,000 sq.m of hotel and conference facilities (Class C1 (654 rooms), up to 19,100 sq.m of comparison retailing (Class A1), up to 7,800 sq.m of convenience retailing (Class A1), up to 8,600 sq.m of financial and professional services (Class A2), up to 27,100 sq.m of restaurants and cafes (Class A3), up to 19,200 sq.m of drinking establishments (Class A4), up to 8,900 sq.m of community uses (Class D1), up to 33,300 sq.m assembly and leisure (Class D2), up to 17,600 sq.m for a cruise liner terminal and energy centre (Use Sui Generis), up to 35,900 sq.m for servicing (Sui Generis), and up to 412,800 sq.m for parking (Sui Generis) together with structural landscaping, formation of public spaces and associated infrastructure and public realm works (Outline Application).

- 2.2 The background Planning and Regeneration Statement accompanying the planning application states at paragraph 1.1.2 that:

“Liverpool Waters is a major regeneration project involving sixty hectares of redundant docks in the heart of the city of Liverpool. Liverpool Waters seeks to create a unique sense of place, taking advantage of the site’s cultural heritage and integrating it with exciting and sustainable new development. Liverpool Waters will contribute substantially to the growth and economic development of the city, allowing ease of movement and strong connections between Northshore, its hinterland and the city centre. It will accommodate new and existing residents, attract national and international business and encourage a significant increase in the number of visitors to the city, adding to Liverpool’s cultural offer and providing a new and complementary destination.”

2.3 In terms of the scale of development, the planning application and supporting information specifies the following:

- up to 733,200 sq.m residential (Class C3) comprising some 9,000 units
- up to 314,500 sq.m business (Class B1),
- up to 53,000 sq.m of hotel and conference facilities (654 rooms), (Class C1),
- up to 8,600 sq.m of financial and professional services (Class A2),
- up to 27,100 sq.m of restaurants and cafes (Class A3),
- up to 19,200 sq.m of drinking establishments (Class A4),
- up to 19,100 sq.m of comparison retailing (Class A1) up to 7,800 of convenience retailing (Class A1)
- up to 8,900 sq.m of community uses (Class D1)
- up to 33,300 sq.m assembly and leisure (Class D2)
- up to 17,600 sq.m for a cruise liner terminal and energy centre (Use Sui Generis)
- up to 35,900 sq.m for servicing (Sui Generis); and
- up to 412,800 sq.m for parking (Sui Generis)

2.4 The two elements of particular interest to Sefton are residential and retail development and these are briefly addressed below:

(i) Residential Development

2.5 Specifically in terms of residential development proposed, the current planning application has slightly scaled down the level of housing to be delivered from the previous planning application, from some 9,400 units down to 9,000 units. These

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dwellings are intended to be delivered within the five Liverpool Waters designated ‘Neighbourhoods’ and will comprise a mix of dwelling types and sizes comprising 40% 1 bedroom, 50% two bedroom and 10% 3 bedroom units. The majority of dwellings, although not all, will be delivered at high densities.

2.6 Broadly speaking development will take place in a south to north direction over a thirty years period, starting in 2012 and with the last dwelling completed in 2041. With the level of public sector/housing association properties in Liverpool significantly above national and regional averages, the applicant is not proposing that any large numbers of affordable housing will be provided, although it is intended that this will be reviewed over time in the light of new evidence on housing/affordable need as it emerges.

(ii) Retail Development

2.7 Specifically, in terms of retail development the applicants are proposing up to 19,100 sq.m of comparison retailing and up to 7,800 sq.m of convenience retailing to be delivered over the period to 2041. This development will be delivered by the five ‘neighbourhoods’ and by phasing periods as shown in the supporting information to the application, as follows:

Use Class	Neighbourhood (sq.m)					Total
	Princes Dock (A)	King Edward Triangle (B)	Central Docks (C)	Clarence Docks (D)	Northern Docks (E)	
	2012-2016	2016-2029	2021-2036	2031-2036	2036-2041	
A1 Shops (Comparison Retailing)	0	826	8,685	5,668	3,910	19,100
A1 Shops (Convenience Retailing)	100	1,000	4,168	1,500	1,000	7,800

2.8 Importantly, from the above, as a minimum 50% of comparison retail development will be delivered after 2031. Similarly, as a minimum 32% of convenience retail development will be delivered after 2031.

2.9 In assessing the trade impact of the proposed retail development on Bootle Town Centre over the time period to 2041, the assessment undertaken by the applicants planning consultants, WYG, has looked at a number of different scenarios. The baseline scenario, which they consider most likely, assumes that the expenditure generated by the expected new residential population over the period to 2041 will enable Liverpool Waters to be self sufficient in terms of retail provision. Further, as the bulk of retailing will come on board after 2021, they consider that there may be some potential for any surplus or residual expenditure to contribute towards neighbouring centres, including Liverpool City centre and to a lesser extent other centres, including possibly Bootle, in the period to 2021.

- 2.10 Notwithstanding the above, they have also assessed alternative impacts on centres in central and north Liverpool to 2041 utilising a range of trade diversions, which WYG consider will model differing impacts on the centres, including Bootle Town Centre.

The sensitivity scenarios consider high, medium and low trade from the city centre as follows:

- City Centre High – 90% from City Centre and 2.5% from Bootle
- City Centre Medium – 70% City Centre and 5% from Bootle
- City Centre Low – 50% City Centre and 10% from Bootle

- 2.11 Based on the scenarios above they have calculated that the worst case the impact on Bootle would range from -4.7% to -8.2% respectively. These figures are not considered sufficient to have an adverse impact on the future viability and viability of Bootle Town centre. Furthermore, it should be stressed again that these worst case scenarios would only occur if the retail elements were delivered at Liverpool Waters without the supporting residential and business uses, which is very unlikely, as the residential development is the prime driver of the development.

- 2.12 Furthermore, it is understood from WYG that the applicants have proposed a condition that will require any future applicant to submit a retail impact assessment for the specific blocks that contains any retail floorspace. This will help ensure that relevant tests, at that time, can be assessed appropriately against relevant national or local planning policy requirements. This provides a reassurance that any future retail development will still need to be assessed thoroughly in the light of any policy and capacity/need situation which will apply at that time the specific blocks are being promoted for development.

3. Head of Planning Services' Comments

- 3.1 The Regional Spatial Strategy for the North West is clear that priority should be given, in locational choices and investment decisions, to linking areas of economic opportunity with areas of greatest need of economic, social and physical restructuring and regeneration. This planning proposal offers a key opportunity to achieve such outputs by delivering, among other things, new housing new employment opportunities, new leisure and tourism facilities. Further to this, the Liverpool UDP (adopted in November 2002) and its saved policies firmly support the principle of such development, as does the emerging Liverpool LDF Core Strategy, which is currently at Revised Preferred Options Stage and in respect of which Liverpool Waters would appear to be of central importance in delivering key components of Liverpool's housing and employment needs in the years ahead.
- 3.2 The planning application is without doubt of key importance to Liverpool and the surrounding sub regional area. It offers the opportunity to transform a key part of the North Liverpool Dock system, bringing much needed and significant investment and jobs, new housing and creating a new high quality commercial, cultural and leisure destination to be delivered over a 30 to 40 year timescale. In this regard, it offers the potential to bring back into beneficial use an underused brownfield resource to the benefit of the wider sub regional area. In this sense, the proposal

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should be strongly supported.

3.3 In terms of the wider housing perspective the development of this site has been scaled down significantly from the original scale of proposed development that was of the order of 23,000 dwellings when first suggested in 2006/2007. Furthermore, it is important to note that the 9,000 dwellings are intended to be delivered in a phased manner over a 30-year timeframe.

3.4 We have previously been concerned about the scale and timing of new housing development at the Liverpool Waters site. Given that the [former] HMRI NewHeartlands area was characterised as being a weak housing market area, there was the potential for overdevelopment and competition between developments at Liverpool Waters and other housing schemes in the HMR (particularly South Sefton part) area. Having read the applicants own assessment in their Housing Statement report, which states as follows:

- 5.1.4 In this regard the scheme will not have an impact on the viability or deliverability of alternative development sites and housing led regeneration schemes elsewhere in Liverpool.

- 5.1.7 Again, this demonstrates that whilst Liverpool Waters will make a significant contribution in bringing new housing and resident population to the local area, the phased approach to delivery will also ensure that there is sufficient opportunity and need for alternative sites within the City Centre and North Liverpool to come forward for development. As such the Liverpool Waters proposal will complement rather than compete with alternative sites and regeneration schemes. In particular, this controlled rate of development will ensure that there is no impact on the delivery of the HMR and any successor schemes within North Liverpool.

3.5 I would tend to concur that the Liverpool Waters scheme poses no immediate threat to the viability of the current HMR programme. In this regard, Members will be aware that key, new, HMR housing developments are taking place at Bedford-Queens and Klondyke. It is anticipated that the Bedford-Queens development will be completed within the next 3 years. While the redevelopment of the Klondyke will take a few more years to complete, it has sufficient market momentum, and is geographically further away from the Liverpool Waters site to be largely unaffected by the Liverpool Waters development.

3.6 In terms of the scale and nature and anticipated phasing of retail development proposed, I am not able to take our retained retail consultants' WYG's normal advice on this proposal as they are acting for the applicants in this instance. That said, bearing in mind the scale of retail development proposed, its close linkage to predominantly meeting needs identified by the residential and other development which is proposed, and its long lead in time to completion in 2041, I am content that there will be no significant retail implications for Sefton in general, and Bootle Town centre in particular, arising from this proposal. However, in order to protect Sefton it is important that we have sight of any planning conditions drafted to ensure that the retail element of the scheme can be adequately controlled and delivered in the phased manner proposed.

4. Conclusion

- 4.1 Taking account of all relevant factors, I would therefore suggest that Sefton raises no objections to Liverpool City Council with regard to these proposals providing: (i) the scheme does not materially change from what is currently proposed; and (ii) that we have the opportunity to comment on planning conditions relating to the phasing of the proposed retail development and how it is linked to the wider development of the site.
- 4.2 Accordingly, Members are asked to formally endorse these officer comments and agree that they be sent to Liverpool City Council as the Council's formal consultation response to the neighbouring authority consultation.

5. Financial Implications

- 5.1 The scale of the Liverpool Waters scheme, and its proximity to South Sefton, will inevitably have other implications for Sefton in terms of infrastructure (e.g. roads, services etc) and potentially on population. These may have long-term financial consequences for Sefton. However, at this stage it is difficult to quantify these or to say whether they will be offset by the benefits such a high profile regeneration scheme will bring. Through our own strategic planning functions, through the core strategy in particular, we will need to monitor and address infrastructure requirements and population change, for the longer term, within Sefton.

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Agenda Item 9

Report to: Planning Committee
Cabinet

Date of Meeting: 8th February 2012
1st March 2012

Subject: Future Housing Requirements – The Scope for Affordable Rent in Sefton

Report of: Director of Built Environment and Head of Planning Services

Wards Affected: All

Is this a Key Decision? Yes

Is it included in the Forward Plan? Yes

Exempt/Confidential

No

Purpose/Summary

To advise Members on the findings of a recently commissioned and completed study which has looked at the impact of Affordable Rent, both in terms of what such rent levels could be set at in Sefton and what implications it will have for the Council's current approved S106 affordable housing negotiating position.

Recommendation(s)

It is recommended that:

Planning Committee:

- (i) notes this report; and
- (ii) endorses the proposed minor amendments to the Council's approved S106 affordable housing negotiating position.

Cabinet:

- (iii) Agrees the proposed minor amendments to the Council's approved S106 affordable housing negotiating position and that they be applied to all relevant planning applications received after the date of approval of this proposed policy change.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities		√	

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7	Creating Inclusive Communities	√		
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

Reasons for the Recommendation:

It is necessary in order to amend the Council’s current S106 affordable housing policy position.

What will it cost and how will it be financed?

(A) Revenue Costs

Nil

(B) Capital Costs

Nil

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal		
Human Resources		
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

Will support the delivery of affordable housing taking account of the recent national planning policy changes arising from the introduction of Affordable Rents.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT (FD 1247/2011) has been consulted and has no comments to make on this report because the contents of the report have no financial implications.

Head of Corporate Legal Services (LD 612/11) has been consulted and has no comments to make on the report.

Are there any other options available for consideration?

No. This is necessary if we are to address changed national planning guidance as reflected in the recent changes to PPS3: Housing.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the meeting of Cabinet.

Contact Officer: Alan Young/ Neil Davies

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Email: alan.young@sefton.gov.uk/ neil.davies@sefton.gov.uk

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

Future Housing Requirements – Scope for Affordable Rents in Sefton, Richard Fordham and Company and Fordham Research, November 2011

PPS3: Housing, June 2011

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Future Housing Requirements – the Scope for Affordable Rent in Sefton

1. Introduction/Background

1.1 Members of Planning Committee may recall receiving a report on 'Planning Policy Statement 3: Housing – Changes to the Definition of Affordable Housing – Consultation' on 4th May 2011. The report was noted and the suggested Department for Communities and Local Government consultation response was agreed.

1.2 Subsequently, Planning Policy Statement 3: Housing was amended on 9th June 2011 to provide technical amendments to Annex B: Definitions, to reflect the introduction of the new Affordable Rent regime. Accordingly, the definition of affordable housing rent now embraces Affordable Rents as follow:

Affordable Rented housing is:

'Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.'

1.3 In order to address the housing and planning policy implications of the new Affordable Rents regime a study was commissioned with Fordham Research and wholly funded (at a cost of £4,750) and supported by five local registered providers, namely: Adactus Housing Association, Cosmopolitan Housing Association, Liverpool Housing Trust, One Vision Housing and the Plus Dane Group.

1.4 Part of the way through the study Fordham Research was dissolved (and will ultimately be going into liquidation). Subsequently, with the approval of the five registered providers, it was agreed that Richard Fordham would complete the study in a personal capacity trading as Richard Fordham and Company. Hence the consultants referred to in this report as completing the study are 'Richard Fordham and Company and Fordham Research', subsequently abbreviated to RFC/FR.

1.5 A copy of the study can be viewed on the Council website under:

www.sefton.gov.uk/planningstudies

2. Basis of the Study and Key Findings

The Brief

- 2.1 The key components of the brief for the study of interest to Members can be summarised as follows:
- (i) To undertake an assessment of what level(s) of rent might be viable for homes to be set at using the new Affordable Rent tenure in Sefton, in order for these homes to meet at least an element of local housing need. In this regard a key issue for registered providers is whether to set Affordable Rents at or below the 80% of the median rent figure for Sefton; and
 - (ii) To provide clear advice as to how planning policy should treat Affordable Rent, particularly with regard to decisions around the affordable housing element of proposed developments and how these should be reflected in S106 agreements relating to affordable housing provision.

What is Affordable Rent?

- 2.2 Affordable Rent is designated as a new social tenure. Its standard 'price' is set at 80% of the median market rent of a property but this proportion is downwardly flexible in terms of Government wording. However, in RFC/FR's dialogue with senior officials at the London office of the Homes and Communities Agency (HCA) it is seemingly not so in practical terms, at least currently anyway.
- 2.3 For the purpose of the report RFC/FR have applied the concept of Affordable Rents across the Borough. In this regard, it is important to note that Affordable Rent will replace social rent in the new 4-year spending round funded by the HCA working with CLG. In practice RFC/FR conclude that: *'It [i.e. Affordable Rent] is now the only practical choice where newbuild HCA funding is involved'*, although other sources of subsidy for affordable housing do exist including S106 contributions and using the capitalised value of future rental streams to cross subsidise development. The source of Affordable Rents may be from grant-supported newbuild, or from relets of social rented units. It is intended that Affordable Rents should help to reduce Housing Registers.

Affordable Rent and the Level of Housing Need in Sefton

- 2.4 The study has modelled the impact of the new Affordable Rents regime, hypothetically set at different levels (i.e. 80% downwards to 50%), on the basis of the two main areas within the Council area of Sefton (known as Broad Rental Market Area or BRMA). The two BRMAs are
- (i) Greater Liverpool BRMA (part within Sefton and referred to as 'south Sefton' subsequently in this report): includes properties in the following areas: Bootle (including Netherton); Crosby (including Seaforth, Waterloo and Blundellsands); Litherland; Maghull; Lydiate; Aintree; Melling; Thornton: Parish of Sefton;

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(ii) Southport BRMA (referred to as 'north Sefton' subsequently in this report) includes properties in the following areas: Southport (all PR8 and PR9 postcodes); Formby; Little Altcar; Hightown; Ince Blundell

2.5 The analysis of the impact of Affordable Rents has been facilitated by updating the local authority's 2008 Strategic Housing Market Assessment survey analysis with regard to affordability (taking account of household and financial changes), compared to estimated Affordable Rents for various sizes of properties in Sefton. This was then linked to the assessed current and future need in Sefton derived, in large part, from the 2008 Strategic Housing Market Assessment, as updated.

2.6 Importantly, the latest work effectively partially updates the 2008 Strategic Housing Market Assessment and concludes at paragraph 4.43 that:

'Overall net [affordable] housing requirement has increased from 2,398 in 2008 to 2,692 in 2011'

Furthermore, it also concludes that:

'In the case of Sefton, the reason for the increased net-need figure is a fall in the supply of affordable housing (from 1,664 units per years to 1,377 units per year).'

2.7 Of particular importance, the study has further concluded at paragraph 7.15 that:

'The housing needs position remains as it was [i.e. the current Sefton affordable housing position], and so there is no ground to alter the 30% target, subject to viability. That figure was derived from the Fordham Research 2008 SHMA and its 2010 enhancement, and is a conservative figure in the context of the level of housing need.'

3. Key Findings of the Study

3.1 The study has addressed the following and provided appropriate advice, as set out below.

The Scope for Affordable Rent in Sefton

3.2 The study has applied Affordable Rents calculated at 80% of market rent down to 50% of market rent. When this was applied to local housing need, it showed that lowering Affordable Rent levels, not surprisingly generated extra numbers of households able to afford the tenure without state support. However, the number of households able to afford Affordable Rent was still well below the local annual affordable housing relet rate. The analysis has focused upon households who can afford either 80% market rent, or feasible discounts below that, whilst recognising that households dependent on subsidy can and will occupy both tenures.

3.3 For those households able to afford Affordable Rent from their incomes there is a significant difference between the north and south of Sefton. In south Sefton the analysis shows that there is no case for reducing the Affordable Rent levels below 80%, as few would gain from reducing it below that level. In the north, despite its higher income levels, the study analysis suggests that reducing Affordable Rent

levels to 70% might be necessary to assist households who can afford to pay for the housing but not at the 80% level.

- 3.4 Whilst noting the above, the study importantly acknowledges that such a situation cannot be achieved at present given current policy restrictions and other development commitments, but suggests that if the situation were to change in the future it may be better if Affordable Rents in north Sefton were set at 70% of market rents. In particular, the study specifically comments at page iii (i) of the Executive Summary that:

'The analysis done in this report suggests that in north Sefton it would be preferable if Affordable Rents were provided at 70% of market rent rather than 80%. This is not true in south Sefton. A 70% of market value Affordable Rent in north Sefton would enable more households on the Housing Register to pay for their housing themselves, and thus avoid benefit dependency.'

This is because, in broad terms, north Sefton Affordable Rents are higher than social rents whilst in south Sefton they are very close to each other.

Importantly, it concludes by stating that:

'That conclusion has no immediate policy implication.'

It does note, however, that if the situation:

'...should change during the period 2011-2015 or for consideration after that, it would be better if Affordable Rent were provided at 70% in the north of Sefton.'

- 3.5 Notwithstanding the above, the study firmly concludes that the majority of renters, either in the private rented sector or in social renting will require subsidy to access any form of housing, and this also has implications for S106 affordable housing as set out below.

Implications for S106 Affordable Housing Provision in Sefton

- 3.6 Drawing on the above, the study has examined possible affordable housing policy wording changes arising from the introduction of Affordable Rents and the findings of this study.
- 3.7 The study notes that the Council's current agreed affordable housing position is as summarised below. This draws heavily on the UDP Policy H2 on affordable housing and the findings of the 2008 Strategic Housing Market Assessment and, in essence, refers to 30% affordable housing split on a basis of 80% social rented housing and 20% intermediate housing, namely:

For developments of 15 units or more we would normally expect 30% affordable housing, measured by bedspaces. This should be split by 80% social rented and 20% intermediate, the latter at an affordability level (for rent or sale) set halfway between the cost of social rented property and the local equivalent second hand property. We round up the affordable housing total to the nearest whole number

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equating to 30% minimum and we also round up the social housing element vis-à-vis the intermediate element.

Clearly this is all subject to economic viability and where a developer seeks to depart from the policy position on this basis, we would ask for a full financial appraisal to be submitted etc.....

Our affordable housing requirement applies to all parts of the Borough with the exception (from 13th October 2010) of Bootle (i.e. the wards of Derby, Linacre and Litherland), where we will not be seeking affordable housing through the S106 process for the foreseeable future.

3.8 The study notes that the vast majority (about 70% of those on the Housing Register) who are unable to afford market housing cannot afford housing without subsidy. The study also notes that Communities and Local Government (CLG) and the HCA have stressed that there will be 'strict value for money' tests on schemes for Affordable Rents in order to minimise any additional Housing Benefit expenditure. It is further noted, arising from this, that S106 Affordable Rent housing in Sefton would be likely to *'require a larger ongoing subsidy via benefits'*.

3.9 It is also clear from the study that only a fraction (i.e. 7%) of those on the Housing Register can afford Affordable Rent at 70% of market rent or higher. Further about 5% can afford shared ownership on a 40/60% equity basis. Linked to these, the study notes that the two groups overlap: about half of those who can afford Affordable Rent at 70% or more can also afford shared ownership.

3.10 Given the above, the study recommends at paragraph 7.13 that:

'Given the quite likely effect of increasing public subsidy through Affordable Rent, it might be more sensible on S106 sites to confine them to social rented housing and shared ownership (and other forms of affordable housing mentioned in PPS3), but most prominently shared ownership.'

Furthermore:

'Clearly most of those on the [Housing] Register in Sefton require public subsidy to afford housing and social rent is much cheaper in subsidy terms than Affordable Rent. On the other hand shared ownership is relatively economical in terms of public subsidy. In short we would not in general recommend that S106 affordable housing schemes should deliver any Affordable Rent housing.'

3.11 On the basis of the above, the study suggests that the wording of the first paragraph of the Council's affordable housing policy position should undergo minor change to the following:

'For developments of 15 units or more we would normally expect 30% affordable housing, measured by bedspaces. This should be split by 80% social rented and 20% Shared Ownership (and related tenures listed as affordable housing in PPS3, of which the most common is Shared Ownership). We round up the affordable housing total to the nearest whole number equating to 30% minimum and we also round up the social housing element vis-à-vis the intermediate element.'

- 3.12 Furthermore, the study also notes that where Affordable Rents are exceptionally allowed through the S106 process, they will generate more money than social rent. As a land use it will therefore, in principle, attract a higher value. However, the study importantly notes that this increased land value should not be taken up by the landowner/developer, as a fundamental purpose of Affordable Rents to create extra value to deliver more affordable housing, will be lost. Given this, the study states at paragraph 7.9 that:

'It is therefore important that local authorities should state very clearly, when sanctioning Affordable Rent proposals, that the land values should be the same as for social rented housing.'

Informal Consultation on the Study

- 3.13 We have informally consulted the Sefton Housing Market Partnership on the study (over a 4 week period) and have received two consultation responses as follows:

(i) Home Builders Federation

Affordable Rent, Social Rent and Intermediate all qualify as affordable housing under PPS3. We would be wary, therefore, about developing a policy that becomes too inflexible by specifying that S106 monies should be ring-fenced solely to subsidise the supply of a specific tenure, in this case Social Rent. The Council may find that this too inflexible and acts as a barrier for RSLs (and possibly the Council itself) from delivering a viable scheme.

We think Fordham is putting too much of a policy spin on the affordable housing viability assessment. The purpose of the report is to provide evidence to demonstrate what percentage of affordable housing across the district is viable, not to prescribe what particular tenure of affordable housing should be supported. That would be a matter for the Council.

Comment: Neither RFC/FR nor we agree with these comments. In order to maximise the delivery of affordable housing subject to economic viability, precision is required in defining what affordable housing is necessary. The priority need in Sefton is for social rented housing and our policy position clearly reflects this. In this regard, RFC/FR have separately commented as follows:

[The HBF] first states that a set of three sub-tenures all qualify as affordable housing (correct). They then warn against having a policy on S106, which simply identifies one of these sub-tenures as appropriate for provision on S106 sites. [This] warning is not consistent with CLG Guidance, which does not say that all forms of affordable housing must be treated as one for policy purposes. Quite the contrary: the sense of PPS3 is that councils should be sensitive to what the market can bear as well as to providing what those in housing need most require.

Our report indicated what targets are likely to be viable but also what types of affordable housing would suit given circumstances (e.g. the 70% point for Affordable Rent as and when it becomes possible to choose your percentage of market rent). In that way we suggested that social rent is the obvious choice for

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S106. If there are viability constraints, then the negotiation will bring them out. It may be that the Council will be faced with a choice between a sub-target level of social rent versus a target level of Affordable Rent (since they will cost the same). That then will be a decision for the Council, a properly policy related one. Our report simply noted the best policy choice in principle, not one related to any particular site.'

(ii) A local Property Development Surveyor raised 'a slight concern that applying Affordable Rents at 70% market rents will have a decidedly negative impact if adopted on sites in Southport'

Comment: RFC/FR are not currently proposing a 70% Affordable Rents threshold at this present time so it is not a problem, although as indicated below they may be considered in future post the current 4-year HCA spending round.

- 3.14 Finally, we have informally consulted the North West office of the Homes and Communities Agency. Most of the comments that they have raised are technical/detailed comments that do not affect the findings of the study. However, they do raise the following important point regarding the scope to charge Affordable Rents up to 80% market rents, namely:

'..whilst there is a clear push to maximise capacity, the HCA will consider (and has accepted) Affordable Rents below this level. It would therefore be wrong to state that the HCA practice does not allow Affordable Rents below 80%. Section 3.10 and 3.11 of the Framework provide more information about the circumstances where lower rents may be appropriate.'

Comment: RFC/FR comment as below:

'Our comment on the report is based on the quite specific information obtained from the Head of Affordable Housing at the HCA, that only 80% was considered with no 'up to's' as the Ministers had indicated. We are glad if there are some below 80% cases and would be interested to know where and under what circumstances they were allowed but the Head of Affordable Housing at the HCA was quite adamant that only 80% was to be considered.'

- 3.15 This is an important point but in no way undermines the findings of the RCF/RF study. It clearly provides the opportunity, in future, for the Council to enter into a dialogue with the North West office of the HCA and relevant registered providers about the possibilities of setting Affordable Rents at lower than 80% market rents on appropriate schemes in appropriate locations in Sefton. Given that most registered providers have contractually agreed their development programmes with the HCA, based on 80% Affordable Rents, it is clearly too late to negotiate lower Affordable Rent levels for the current 4-year spending round funded by the HCA. As and when opportunities to negotiate lower Affordable Rent levels arise for the north of the Borough, this is a stance the study endorses.

4. Officers' Comments on the Study

- 4.1 This is an important study in what is a new and complex area of affordable housing provision. Whilst the issue about what level of Affordable Rents are appropriate is important to Sefton, the reality is that there is no real flexibility because of existing 4-year contractual commitments with the HCA to allow such rents to be set at less than 80% median market rent for a property, certainly for the foreseeable future at least. However, it is a matter that may merit discussion with the HCA and registered providers in the future. More importantly from the planning perspective, the advice that the study offers with regard to the suggested relatively minor changes to the Council's current affordable housing policy position seems a sensible way forward.
- 4.2 Essentially from the affordable housing policy perspective RFC/FR are firmly reinforcing the Council's current affordable housing policy position (and the priority given to social rented housing) subject to economic viability (and endorsing the current assessment of need) with only minor amendments with regard to intermediate housing. In essence, their study is suggesting that: (i) S106 affordable housing provision should not normally include Affordable Rents and (ii) that changes to the affordable housing negotiating position should only be made with regard to intermediate housing, which they suggest should now be subject to a slightly broader definition.
- 4.3 Given the above Members are requested to endorse this study, its key findings and the suggested minor changes to the Council's current S106 affordable housing policy position. Furthermore, subject to Cabinet agreement, the amended policy basis be used to inform S106 negotiations on relevant planning applications submitted after the date of approval of this proposed policy change.

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Report to: Planning Committee
Cabinet

Date of Meeting: 8 February 2012
1 March 2012

Subject: Planning Services - Fees and Charges 2012/13

Report of: Director of Built Environment

Wards Affected: All

Is this a Key Decision? Yes

Is it included in the Forward Plan? Yes

Exempt/Confidential No

Purpose/Summary

To seek approval of the Planning Committee to increase fees and charges levied within the Planning Portfolio. The Building (Local Authority Charges) Regulations 2010 requires the Council to annually review its Scheme of Building Regulation Charges. The aim of the Scheme is to ensure that, taking one financial year with another, the income derived from performing the chargeable Building Control functions, as near as possible, equates to the costs incurred in performing these functions i.e a break-even position.

Recommendation(s)

1. That Planning Committee note the content of the report and recommend to Cabinet the proposed increases in fees and charges for 2012/13, and the revised financial contributions to be set out in Supplementary Planning Guidance.
2. That the Planning Committee be given delegated authority to approve the implementation of the proposed scale of fees for applications as soon as it becomes available and that the fees, together with any proposed subsequent amendments, be ratified by Cabinet before its mandatory implementation.
3. That Cabinet agree the proposed charges for 2012-13.

How does the decision contribute to the Council's Corporate Objectives?

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

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Reasons for the Recommendation:

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

What will it cost and how will it be financed?

(A) Revenue Costs – the amount of income generated by the Service may be reduced slightly due to the impact of complying with guidance from the Information Commissioner in respect of charges under the Environmental Information Regulations. Members should note that the setting of fees and charges falls outside of the main budget setting process.

(B) Capital Costs – None

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	
Human Resources	
Equality	
1. No Equality Implication	✓
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

Services will continue to be delivered but cost recovery will be reduced

What consultations have taken place on the proposals and when?

The Head of Corporate Finance & ICT (FD1270/11) and Head of Corporate Legal Services (LD657/12) have been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration?

Fees remain the same as previous approved

Implementation Date for the Decision

1 April 2012

Contact Officer: Debbie Robinson
Tel: 0151 934 3588
Email: debbie.robinson@sefton.gov.uk

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

- Proposed Increase in Fees and Charges 2011-12, report to Cabinet 3 March 2011
- Buildings and Buildings, England and Wales. SI 2010 No. 404. The Building (Local Authority Charges) Regulations 2010.
- Department for Communities and Local Government – General Guidance on the Implementation of the Building (Local Authority Charges) Regulations 2010.
- The Chartered Institute of Public Finance & Accountancy – local authority building control accounting – Guidance for England and Wales, Fully Revised Second Edition 2010. ISBN 978 1 84508 226 0
- Consumer Price Index

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1. Introduction/Background

- 1.1 The Committee will be aware that each year fees and charges levied by individual departments are reviewed and increased (where appropriate) to reflect current service delivery costs, national guidelines and/or inflation.
- 1.2 At the meeting of 26th February 2004, Cabinet requested that any other amendment to fees and charges be referred for approval prior to implementation.

2. General fees and charges for the Planning Service

- 2.1 Attached at Annex A is a summary of those fees and charges included within the Planning Portfolio, together with proposed increases in charges. Changes made to the list include:
 - The service charge has been removed and photocopying charges have been reviewed in line with recommendations from the Information Commissioner's Office
 - Inflationary increases of 5.2% based on the Consumer Price Index (rounded as appropriate)

3. Building Control Charges

- 3.1 In 1998 responsibility for setting Building Regulation Charges was devolved to the Council with the aim of ensuring that over any three year rolling period, income received covered the costs incurred. New legislation in the form of The Building (Local Authority Charges) Regulations 2010, led to the Authority amending its Building Regulation Charges in October 2010.
- 3.2 The overriding objective of the 2010 Regulations is that the Council must ensure that, taking one financial year with another, the income derived from performing chargeable functions and providing chargeable advice as near as possible equates to the costs incurred by the authority in performing those functions i.e that a break-even position is achieved.
- 3.3 In practice, the Regulations require the Council to adopt a new Scheme of Building Regulations Charges for its Building Regulation function. This Scheme should seek to arrive at appropriate charging schedules, reflecting the typical work input of Building Control staff, and be reviewed annually with the aim of addressing any deficits or surpluses arising.
- 3.4 Statutory Guidance issued to accompany the Regulations recognises that inevitably there will be variations over time in the level of building activity and the fluctuating demands on the Building Control Service. As such it is suggested that Councils may wish to balance income and costs over a 'reasonable period' of between 3 & 5 years.
- 3.5 Over the last three financial years, activity in the construction sector has been badly affected by the economic downturn and as a result, income generated by Building control charges has significantly reduced. In 2008/09, the Building Control trading account showed a small deficit of £9k, but in 2009/10 this rose significantly to a deficit of £202k. Then, in 2010/11, following a rationalization of the Building Control Team and an increase in the level of Building Regulation charges, a surplus of £55k was achieved whilst final a out-turn for financial year

2011/12 is not available at the time of writing this report, it is envisaged that Building Regulation charges will again realise a surplus of approximately £10k.

- 3.6 Given the nature of the current economy, it is envisaged that over the next 12 months, activity in the construction sector, will remain weak and given that a surplus will have been generated over the previous two financial years, it is proposed to maintain the Building Regulation Charges at their current levels for 2012/13 and then to carry out a further review in January 2013.
- 3.7 It should be noted that Sefton MBC's Building Control charges are broadly in line with those of the other Merseyside authorities.
- 3.8 It is proposed to increase the level of charge relating to Building Regulation 'Regularisation' applications. This type of Building Regulation application relates to building work which has already been carried out and the applicant is making a 'retrospective' application. Currently, Regularisation applications are set at 120% of the associated Building Notice Charge, and they are not subject to VAT. Other types of Building Regulation applications are subject to VAT at 20% and one of the principles behind the Building (Local Authority Charges) Regulations 2010 is that Regularisation applications should be set at such a level as to not disadvantage applicants who correctly make application prior to work commencing.
- 3.9 It is proposed, therefore, to increase the level of Regularisation applications to 125% of the associated Building Notice Charge.

Financial Impact Of The Proposed Scheme

- 3.10 Modelling of the proposed new Scheme and Charges has revealed that, subject to the in-house service retaining its market share and levels of economic activity remaining similar to that in 2001/12, an additional £1,000 of income could be generated in 2012/13.

Other Procedural Matters

- 3.11 The Regulations require the Council to publish a notice 7 days prior to the Scheme coming into effect advising that it has made a new Scheme. For clarity and accountability it will also be necessary, at the on-set of a building project, to advise applicants what the Building Regulation charge will be and the standard of service they can expect. This will ensure transparency of the revised charging mechanism.
- 3.12 As required under Regulation 6 of The Building (Local Authority Charges) Regulations 2010, the Authority will be required, within 6 months of this review to publish the chargeable costs, income and details of any surplus (or deficit) in relation to its Building Control charges. This statement will require the approval of the Authorities Head of Financial Services.

Demolition notices

- 3.13 In the Autumn of 2011, a review was undertaken of Building Regulation charges and that review was extended to fees charged for other associated matters. The review noted that unlike Sefton Council, a number of other Authorities in the Merseyside region charge a fee for processing the notification of demolition works

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and for the issuing of the ensuing 'counter notice', as set out in Sections 80-83 in the Building Act 1984.

- 3.14 Under Section 93 of The Local Government Act 2003, local authorities have the power to recover the reasonable costs of processing such notices and the costs of any subsequent site inspections etc.
- 3.15 It is proposed that a standard fee of £100 for the processing of demolition notices be introduced. The fee will cover the costs incurred for issuing any counter notices and undertaking site visits to monitor the progress of demolition works. Such fees are not subject to VAT.
- 3.16 From historical records, it is expected that such a fee will generate approximately £4,000 in financial year 2012/13.

4. Planning Fees for Applications

- 4.1 Members may recall a report to 15th December 2010 Planning Committee detailing CLG proposals for changing planning fees. The preferred option in the consultation paper details the proposed devolution of fee setting to local authorities. The consultation suggested that authorities can set their own fees from April and that fees must be reviewed and implemented by October 2011. The Planning Service has been collecting baseline data to be able to put together a comprehensive scheme of charging once the CLG has clarified what costs should be taken into account when setting fees. Sefton have also been part of a benchmarking project organised by the Planning Advisory Service. To date no legislation has been actioned in respect of fee setting.
- 4.2 Charges were introduced in September 2011 for a range of pre application enquiries. The charge made for advertisement enquiries has proved to be inappropriate as the cost of a full application is less than the pre application charge. It is proposed that the charge be reduced from £100 (plus VAT) to £50 (plus VAT) with an additional £50 (plus VAT) if a meeting is requested. A comprehensive schedule of pre-application charges is included at Annex B.

5. Land Charges Fees

- 5.1 The Environmental Information Regulations provide for the information given in land searches to be made available for inspection free of charge. Facilities have been put in place for personal searchers to access the land charges and highways registers at Sefton Plus and building regulation registers, environmental protection notices and highways information at Magdalen House, and planning information is available on Sefton's website.
- 5.2 Charges for land charge searches are in line with the Environmental Information Regulations and colleagues in the Finance Department have reviewed the appropriate level of charge. It is proposed that no change is made to the current level of charging.

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Annex A

Details	2011/12 charges (£)	Proposed charge 2012/13
Service charge only (Associated fee based on 15 mins time & staff costs taken to answer questions)	12.50	No charge
Supply of OS Map Extracts for Planning Applications		
(Charge includes standard rate VAT)		
1:1250 or 1:2500	22.00	£27.80
1:200 or 1:500	11.00	£14.00
Photocopies		
Planning Documents		
(Charge includes standard rate VAT)		
A3 & A4 size Photocopies -		
Service charge	12.50	No charge
per page	0.25	A4 B & W 10p
		A3 B & W 25p
		A4 Colour 50p
		A3 Colour £1.00
Plan Prints -		
Service charge	12.50	No charge
per page	1.30	£1.50
Supply of Environmental Information		No charge
Hourly rate (normal working hours)	50.00	No charge
Hourly rate (outside normal working hours)	61.50	No charge
Request for Service		
Hourly rate (normal working hours)	-	£50.00
Hourly rate (outside normal working hours)	-	£61.50
Charges related to Section 106 Town and Country Planning Act 1990 (as amended)		
Provision of trees, per tree	481.50	£506.50

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Public green space provision or enhancement (including a maintenance contribution):		
- for hotels and other Use Class C1 uses: for each 20m2 of bedroom floorspace:	1814.30	£1908.50
- for other commercial development and leisure development for each 100 m2 of floorspace:	1814.30	£1908.50
- for industrial development for each 500 m2 of floorspace.	1814.30	£1908.50
Publications		
<i>For all documents in this section please contact the Assistant Planners, Local Plans (Ian Loughlin 0151 934 3558 or David Robinson on 0151 934 3598)</i>		
Unitary Development Plan (2006)	5.00	£5.00
Local Development Scheme		
Annual Monitoring Report		
Supplementary Planning Guidance Notes		
New Housing Development	Free	Free
Design	Free	Free
Ensuring Choice of Travel	Free	Free
Greenspace, Trees and Development	Free	Free
Landscape Character	Free	Free
Development in the Green Belt	Free	Free
Archaeology	Free	Free
House Extensions	Free	Free
Shop Fronts, Security and Signage	Free	Free
Southport Seafront	Free	Free
Bootle Town Centre	Free	Free
South Sefton Housing Market Renewal: Bedford Road/Queens Road	Free	Free
South Sefton Housing Market Renewal: Bedford Road/Queens Road Development Brief	Free	Free
South Sefton Housing Market Renewal: Klondyke and Canal Corridor	Free	Free
South Sefton Housing Market Renewal: Klondyke and Canal Corridor Development Brief	Free	Free
Flood Risk		
Sefton Strategic Flood Risk Assessment (SFRA) 2009 Main Report – WS Atkins (electronic version available www.sefton.gov.uk/sfra)	Free	Free
Sefton Strategic Flood Risk Assessment (SFRA) 2009 Appendices – WS Atkins (electronic version available www.sefton.gov.uk/sfra)		

Green Space and Recreation		
Sefton Green Space and Recreation Study 2009 Main Report (electronic version available www.sefton.gov.uk/planningstudies)	Free	Free
Sefton Green Space and Recreation Study 2009 Main Report (electronic version available www.sefton.gov.uk/planningstudies)		
Retail		
<i>For all documents in this section please contact the Strategic Planning Officer (Tom Hatfield 0151 934 3555)</i>		
District Centres, Local Centres and Shopping Parades Study & Appendices – March 2004	Free	Free
Sefton Retail Strategy Review 2005		
Volume one: Retail Capacity Analysis, Prepared by White Young Green Planning, for Sefton Council. February 2006. (Available to view on Sefton Website at www.sefton.gov.uk/planningstudies)	Free	Free
Volume Two: Vitality & Viability Study of Southport Town Centre and Bootle Town Centre Prepared by White Young Green Planning, for Sefton Council. March 2006 (Available to view on Sefton Website)	Free	Free
Volume Three: Technical Appendices - February 2006 CD-rom (Note: Not available on Sefton Website)	12.50	£13.15
Sefton Retail Strategy Review Update 2009 – Incorporating town centre health checks for Bootle and Southport (Available to view on Sefton Website www.sefton.gov.uk/planningstudies)	Free	Free
Sefton Retail Strategy Review Update 2009 – Appendices (Available to view on Sefton Website www.sefton.gov.uk/planningstudies)	Free	Free
Housing		
<i>For all documents in this section please contact the Strategic Planning Officer (Tom Hatfield 0151 934 3555)</i>		
Sefton's Strategic Housing Market Assessment (SHMA)		
Sefton Strategic Housing Market Assessment 2009. Appendices, Fordham Research (electronic version available www.sefton.gov.uk/shma)	Free	Free
Housing Need in Sefton - Further details on the figures in the SHMA 2008, Fordham Research (electronic version available www.sefton.gov.uk/planningstudies)	Free	Free

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Housing Search and Expectations Study 2010, Fordham Research (electronic version available www.sefton.gov.uk/planningstudies)	Free	Free
Sefton's Urban Housing Capacity Assessment (SHLAA)		
Strategic Housing Land Availability Assessment Study 2010 Update - (electronic version available www.sefton.gov.uk/shlaa)	Free	Free
Strategic Housing Land Availability Assessment 2008 Study – WYG (electronic version available www.sefton.gov.uk/shlaa)	Free	Free
Economy		
<i>For all documents in this section please contact the Strategic Planning Officer (Tom Hatfield 0151 934 3555)</i>		
Merseyside Employment Land Study, White Young Green, 2004 (electronic version available)	Free	Free
Joint Employment Land and Premises Study – BE Group (Final document available electronically February 2010) www.sefton.gov.uk/elps	Free	Free
Joint Employment Land and Premises Study – BE Group (Appendices available electronically February 2010) www.sefton.gov.uk/elps	Free	Free
Conservation Area Advisory Leaflets		
Conservation Area Advisory Leaflet: Birkdale Village, 2001	Free	Free
Conservation Area Advisory Leaflet: Birkdale Park	Free	Free
Conservation Area Advisory Leaflet: Blundellsands Park, 1984	Free	Free
Conservation Area Advisory Leaflet: Carr Houses, 2001	Free	Free
Conservation Area Advisory Leaflet: Churchtown and North Meols	Free	Free
Conservation Area Advisory Leaflet: Crosby Hall and Little Crosby	Free	Free
Conservation Area Advisory Leaflet: Damfield Lane, Maghull	Free	Free
Conservation Area Advisory Leaflet: Derby Park	Free	Free
Conservation Area Advisory Leaflet: Gloucester Road, 2001	Free	Free
Conservation Area Advisory Leaflet: Green Lane, Formby, 1989	Free	Free
Conservation Area Advisory Leaflet: Hesketh Road, 2001	Free	Free
Conservation Area Advisory Leaflet: Homer Green, 2001	Free	Free
Conservation Area Advisory Leaflet: Lunt Village, 2001	Free	Free

Conservation Area Advisory Leaflet: Promenade, Southport	Free	Free
Conservation Area Advisory Leaflet: Sefton Village, 2001	Free	Free
Conservation Area Advisory Leaflet: Waterloo	Free	Free
Conservation Area Advisory Leaflet: Waterloo Park, 2001	Free	Free
Conservation Area Advisory Leaflet: West Birkdale, 2001	Free	Free
Churchtown Village Trail. A Guide to this Historic Village (Also, can be viewed on North Meols Civic Society Web site)	Free	Free
Listed Buildings Advisory Leaflet 2006	Free	Free
Lydiate Hall and Chapel Conservation Area 1993	Free	Free
Moor Park Conservation Area Leaflet	Free	Free
Protected Trees. A Guide to Tree Preservation Procedures, DoE 2002	Free	Free
Notes on Waterloo (Reference only)		
Planning Information		
Listed Buildings and Conservation Areas. Sefton MBC	Free	Free
Lord Street Conservation Area Appraisal. Planning Guidance for owners, occupiers and developers. Sefton MBC	Free	Free
Environmental Advisory Services Charges (subject to standard rate VAT)		
Access to material per hour (min 1 hour)	£50 +VAT	No charge
Support services for external users per hour	£120	£120
<ul style="list-style-type: none"> • for the first hour for our standard search for 1km square; 	£60	£60
<ul style="list-style-type: none"> • per hour thereafter to more extensive searches; 	£60	£60
<ul style="list-style-type: none"> • per hour for single species searches within a 1km square. 		
Photocopying (per A4 sheet)		A4 B & W 10p A3 B & W 25p A4 Colour 50p A3 Colour £1.00

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Local Land Charges (contact us on 934 2019 or 2199)		
Standard Search Fee CON29R/LLC1	48.00	£48.00
CON29R form only	36.00	£36.00
CON29O enquiries: each box ticked	5.00	£5.00
CON29 form only - each box	5.00 + 5.00	£5.00 + £5.00
	admin fee	admin fee
LLC1 only	12.00	£12.00
LLC1 additional parcel fee (maximum 16 parcels)	1.00 each	£1.00 each
Requests for service:	50.00 per hour	£50.00 per hour
Expedited Fee:	20.00	£20.00
Additional parcels:	10.00	£10.00

Planning Services

Pre-Application Advice Charges

(effective 1 April 2012)

All charges are subject to Standard Rate VAT @ 20%

	Charge
Site history requests	£30 (£36 inc VAT) per hour or part thereof
Householder development	No fee £50 (£60 inc VAT) if meeting requested
Advertisements	£50 (£60 inc VAT) £100 (£120 inc VAT) if meeting requested
Minor development <ul style="list-style-type: none"> ❖ Less than 3 dwellings ❖ All non-residential schemes with a floorspace less than 500 sq m or sites less than 0.5 ha ❖ Change of use of building(s) with a floorspace less than 500 sq m or sites less than 0.5 ha ❖ Single wind turbines/telecoms mast under 17m high 	£100 (£120 inc VAT) to cover one unaccompanied site visit and one letter or £150 (£180 inc VAT) if meeting requested; Hourly rate* thereafter
Intermediate development <ul style="list-style-type: none"> ❖ 3 to 25 dwellings ❖ All non-residential schemes with a floorspace between 500 sq m and 2,000 sq m or on sites between 0.5 ha and 2 ha ❖ Change of use of building(s) with a floorspace between 500 sq m and 2,000 sq m or sites between 0.5 ha and 2 ha 	£200 (£240 inc VAT) to cover one site visit and one letter or £250 (£300 inc VAT) if meeting requested; Hourly rate* thereafter
Significant development <ul style="list-style-type: none"> ❖ 26 or more dwellings ❖ All non-residential schemes with a floorspace over 2,000 sq m or on sites over 2 ha ❖ Change of use of building(s) with a floorspace over 2,000 sq m or sites over 2 ha ❖ Any scheme requiring an Environmental Impact Assessment 	£750 (£900 inc VAT) to cover up to one site visit and two meetings; Hourly rate* thereafter

No charge will be made for pre-application enquiries which relate to applications for which there is no fee payable

*Current hourly rate is £50 (£60 inc VAT) (as at 1 September 2011)

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Agenda Item 11

Report to: Planning Committee **Date of Meeting:** 8th February 2012

Subject: TOWN AND COUNTRY PLANNING ACT 1990 APPEALS

Report of: Jane Gowing
(Head of Planning Services) **Wards Affected:** All

Is this a Key Decision? No **Is it included in the Forward Plan?**
No

Exempt/Confidential No

Purpose/Summary

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 for information since the appeal decisions contained herein are material to the planning process and should be taken into account in future, relevant decisions.

How does the decision contribute to the Council's Corporate Objectives?

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

Agenda Item 11

Reasons for the Recommendation:

What will it cost and how will it be financed?

(A) Revenue Costs – N/A

(B) Capital Costs – N/A

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal		
Human Resources		
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

None.

What consultations have taken place on the proposals and when?

Legal Services

Ref: LD 668/12. I HAVE NO COMMENTS ON THE REPORT.

Finance

The Head of Corporate Finance and ICT (FD1311/11) has been consulted and has no comments to make on this report as there are no apparent financial implications to the Council as a result of these appeal decisions.

Are there any other options available for consideration?

No.

Implementation Date for the Decision

N/A

Contact Officer: Neil Fleming
Tel: (0151) 934 2211
Email: monitoring@sefton.gov.uk

Background Papers:

Background documents can be viewed for each application at www.sefton.gov.uk/planapps.

Agenda Item 11 Appeals Received and Decisions Made

From 17 December 2011 to 23 January 2012

Planning Appeal Decisions

7a Barkfield Lane, Formby

S/2011/0680 - 2026

Tree Preservation Order Consent to fell one Holly tree at the front of the dwellinghouse. (Lies within TPO No 109 Former Holmwood School Barkfield Lane Formby)

Appeal Type: Written
Lodged Date: 24/08/2011
Decision: Dismissed
Decision Date: 20/12/2011

Thomas Dolan Building 69 Ormskirk Road, Aintree

S/2011/0346 - APP/M4320/C/11/2159714

Retrospective application for the installation of cladding to the front of the premises

Appeal Type: Written
Lodged Date: 12/09/2011
Decision: Dismissed
Decision Date: 17/01/2012

5A Manchester Road, Southport

S/2010/1761 - APP/M4320/A/11/2161315

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

Appeal Type: Written
Lodged Date: 30/09/2011
Decision: Dismissed
Decision Date: 11/01/2012

Recommendation overturned by Committee

56 Mersey Road, Crosby

S/2011/0642 - APP/M4320/H/11/2161801

Retrospective advertisement consent for the display of one externally illuminated lettering (black) sign to the side of the premises

Appeal Type: Written
Lodged Date: 10/10/2011
Decision: Dismissed
Decision Date: 19/01/2012

Enforcement Appeals Decisions

2 Clovelly Drive, Birkdale

APP/M4320/C/11/2154626 - CLB/ENFO408

Domestic - fences/sheds/extensions etc

Appeal Type: Written
Lodged Date: 27/07/2011
Decision: UPHELD
Decision Date: 13/01/2012



Appeal Decision

Site visit made on: 15 November 2011

By: **Jim Unwin** BSCFor MICFor FArborA CEnv.

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

Decision date: 20 December 2011

Appeal Ref:

APP / TPO / M3420 / 2026

At:

The Old School House, No.7A Barkfield Lane, Formby, L37 3JW.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
 - The appeal is made by Mr Anthony Daley, against the decision of Sefton Council.
 - The application Ref: S/2011/0680, dated 23 May 2011, was refused by notice dated 20 July 2011.
 - The work proposed and appealed is refusal of consent for felling one holly tree, within G4 of the TPO.
 - The relevant Tree Preservation Order (TPO) is *The Sefton Metropolitan Borough Council (Barkfield Lane, Formby) Tree Preservation Order*, confirmed on 18 April 1991.
-

Decision

1. I dismiss the appeal to fell one holly tree, within G4 of the TPO, located in the front garden of The Old School House.

Main Issues

2. I consider the main issues in this appeal are:
 - the impact the proposal would have on the appearance and character of the locality, and
 - whether the reasons given for felling the holly are sufficient to justify that course of action.

Reasons

- ***The impact the proposal would have on the appearance and character of the locality.***
3. Barkfield Lane is a quiet residential road located within a mature residential area just north west of Formby town centre. It runs east off busy Harington Road to end at unmade College Avenue, which runs tight to a north-south railway line. A footbridge crosses the railway at the end of Barkfield Lane, and was well used by school children returning from school at the site visit.
 4. Dwellings along Barkfield Road range from a few large (Victorian?) villas set in large plots, to late Twentieth-Century recent infill set in small plots. All houses seen along the road were detached, and are set well back from the wide footways edging the road.

5. The Old School House, No.7A, sits at the mouth of the short Holmfield Park cul-de-sac. The large, relatively modern, house sits centrally in a medium-sized almost-rectangular plot. I measured the front garden to be quite large: about 12m long from front of house to low roadside wall, by about 23m wide from the western boundary with No.7B's front garden, east to the low wall against Holmfield Park's access road. The rear garden south of the house was not entered, but is similar in size, and enclosed.

Local tree cover

6. The Barkfield Lane part of Formby is characterised by extensive tree cover. However, owing to exposure to winds off the sea only 1.8km to the west with no higher ground in between, or poor soil, or lack of maturity, trees tend to be relatively small. For instance, west of The Evergreens is a small area of public open space (owned by the Woodland Trust?) which contains a belt of mature but squat trees including Corsican pines, sycamore, cherry and poplar. This belt continues east and south along The Evergreens' eastern edge, where it also contains beech. The closest of these is a beech about 18m west of the appeal tree.
7. On the northern side of Barkfield Lane, front gardens contain numerous smallish trees. For instance those opposite the appeal tree include holly, sycamore, bird cherry and flowering cherry, up to about 8m tall. Running about 30m to 60m north west from the appeal tree is a belt of larger aspen poplars in gardens, up to 14m tall.
8. The front garden of The Old School House contains a belt of trees along its frontage, including eight mature-ish but small sycamores, a wych elm, and the appeal holly. The western boundary is lined with three small cypresses, two small hollies and a young blue cedar. From outside I noted three larger trees in the rear garden, all semi-mature (half grown): a blue cedar, a gum tree, and a silver birch 9m tall.

Amenity value of the appeal tree

9. The appeal holly is located 2.5m back from The Old School House's Barkfield Lane frontage, roughly central across the plot, and 2m from the entrance drive. I measured it to be 8.25m tall: relatively short, but quite large compared to many trees within its visual area. The stem has grown south from an early age, because the tree has grown towards light, away from small sycamores (one has stem diameter of 19cm) standing close by to its north west and north east. As a result the deep crown is off-set to the south. I measured radial crown spread to be 1.3m north, 3m east (over the drive), 4.7m south (to within 2.7m of the house 7.4m away), and 2.8m west.
10. The holly has a deep and dense conical crown. At the site visit in late autumn when other broadleaved trees were losing their leaves, the appeal tree was a reasonably prominent landscape feature, clearly seen from close by. Vehicles travel relatively slowly along Barkfield Lane, so persons within vehicles and pedestrians clearly see the appeal tree from both directions. The appeal tree is more prominent in views west from the mouth of Holmfield Park.

11. Therefore, when other trees are leafless, the appeal tree makes a significant contribution to the local amenity value along Barkfield Lane. I partially agree with the appellant that the tree's amenity value is reduced in summer when adjacent trees are in leaf. However, at that time, the holly will still provide a pleasing contrast to adjacent deciduous trees.
12. I also have some sympathy with the appellant's view that the tree's lean to the south looks odd. However, there is lesser work: minor pruning, which could be considered before complete tree removal, to partially correct the asymmetry of the tree's canopy. Any pruning would require local authority permission.

Impact of tree removal on the local landscape

13. Felling the holly would remove a pleasing evergreen element from the frontage of The Old School House. This might eventually be replaced in decades to come by evergreen trees on the western boundary, but not in the short or medium-term. I consider reasonable justification would be required to remove the appeal tree.

- **Whether the reasons given for felling the holly are sufficient to justify that course of action.**

Light

14. The holly is located due north of the front of The Old School House. It will never block direct sunlight from the house, but I agree with the appellant that it will reduce the amount of daylight from reaching front windows. The front garden is quite exposed to roads on two sides, and does not appear to be used for sitting out. The enclosed and private rear garden, on the sunny south side of the house, is unaffected by the holly tree, and would appear to be the main outdoor amenity space of the property.
15. The holly has a stem diameter of 28cm measured at 1.5m height. Given the relative size of nearby trees, I would consider this nearly fully grown for its location. Therefore, light interception should not significantly increase in the future.
16. The holly will block light from reaching parts of the front garden. In theory this could depress growth of garden plants. However, the competition for light and moisture from aerial parts and roots of other trees would stop much growing in the area, even if freed up by removal of the holly.
17. It is not the purpose of this appeal to permit other work, but as discussed in paragraph 12 above, there is lesser work (than felling) which could reduce light interception by the holly. For instance, lateral pruning of the southern side of the tree would increase separation between tree and house, and materially reduce light interception. The detail of any lesser work would have to be approved by the local authority.

Material falling from the tree

18. All trees shed leaves and other debris throughout the year. This includes evergreens like holly which still shed leaves to re-grow new ones. Clearing fallen material from gardens is part of routine garden maintenance, and is not usually considered justification to remove a healthy tree.

Other matters

Third-party representations

19. The Formby Civic Society is against tree removal. They consider the appeal tree is healthy, and the level of shading is insufficient to justify tree removal, with which I agree. They comment on a nearby treework application, on which I place no weight in this appeal, because it relates to a different property and set of circumstances.

Conclusions

20. I consider the appeal holly tree is healthy, at or near full size, and provides good amenity value to its roadside location in a quiet residential part of Formby.
21. The tree does block some light from the front garden and front elevation of The Old School House.
22. I do not consider this, or other lesser issues raised by the appellant, are sufficient justification to remove the tree.
23. For these reasons I dismiss the appeal to fell one holly tree within G4, standing in the front garden of The Old School House, No.7A Barkfield Lane, Formby.

Jim Unwin

Arboricultural Inspector.



4/04 Kite Wing (Env)
 Temple Quay House
 2 The Square
 Bristol
 BS1 6PN

Direct Line: 0117 372 8745
 Customer Services: 0117 372 6372
 Fax No: 0117 372 6241
 e-mail: environment.appeals@plns.gsl.gov.uk

Ms C Robertson/Ms C Griffiths -
 Monitoring Technician
 Sefton Council
 Magdalen House
 30 Trinity Road
 Bootle
 L20 3NJ

Your Ref: S/2011/0680
 Our Ref: APP/TPO/M3420/2026
 Date: 18 October 2011

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), SECTION 78
 APPLICATION FOR CONSENT TO CARRY OUT WORKS TO PROTECTED TREES
 APPELLANT: Anthony Daley
 SITE AT: 7A Barkfield Lane, Formby, Liverpool L37 3JW**

SITE INSPECTION ARRANGEMENTS

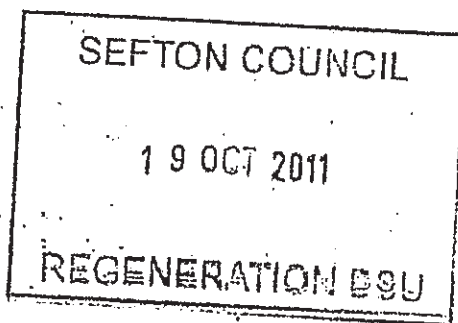
I am writing to inform you that arrangements have been made for Inspector Jim Unwin, an inspector appointed by the Secretary of State, to conduct a site inspection in connection with the above appeal. The site visit has been scheduled to take place during the week commencing 14th November 2011.

We note that when returning the completed questionnaire you indicated that the tree(s) can be viewed from public land. This being the case we have decided that the site visit can be conducted on an unaccompanied basis and neither the appellant nor a representative from your Council is required to attend.

After the site visit has taken place the Inspector will write a decision which will take into account all of the written evidence and the observations made during the site visit. A copy of the decision will be sent to you as soon as it is ready for issue.

Yours sincerely

Gemma Palmer
 Environment Appeals Team



Agenda Item 11



The Planning
Inspectorate

4/04 Kite Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0117 372 8745
Customer Services: 0117 372 6372
Fax No: 0117 372 6241
e-mail: environment.appeals@pins.gsi.gov.uk

Mr J Eade - Tree Officer
Planning and Economic
Sefton Council
Magdalen House
30 Trinity Road
Bootle
L20 3NJ

SEFTON COUNCIL
26 AUG 2011
REGENERATION BSU

Your Ref: S/2011/0680

Our Ref: APP/TPO/M3420/2026

Date: 24 August 2011

Dear Mr Eade

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), SECTION 78
APPLICATION FOR CONSENT TO CARRY OUT WORKS TO PROTECTED TREES
APPELLANT: Anthony Daley
SITE AT: 7A Barkfield Lane, Formby, Liverpool L37 3JW**

We have received the above-cited appeal against the decision issued by your Council following the application to undertake work to the tree(s) at the above site. The appellant will have sent a copy of the form and attachments to you.

I can confirm that we have validated the appeal on the basis of the documents before us.

I am the case officer for the appeal and can be reached on the above telephone number, or you may write to me at the address at the top of this letter. When contacting me in respect of your appeal please quote the above reference.

You will note that the appellant has opted for the fast-track procedure. If you are also happy to proceed via fast-track, please complete the enclosed questionnaire and aim to return it to me **within 14 days from the date of this letter**. Please also copy the completed questionnaire to the appellant.

Under the fast-track procedure we **cannot** accept any documents that were not disclosed to the applicant before or at such time as the decision was issued. Inspectors are only able to consider the information provided with the original application. This means councils have no right of reply to the matters raised on appeal. It follows that any report sent under cover of the questionnaire document (item h) must have been issued to the applicant in advance of, or in support of the decision notice.

Alternatively, if your Council wishes to be heard please let me know by email to the above-address and we will send you a copy of the hearings questionnaire.

On receipt of the completed questionnaire and associated documents I will check the file for completeness. If everything is in order I will contact you and the appellant, and where appropriate, the owner of the tree(s) to give notice of the Inspector's site visit.



Agenda Item 11

Finally, if you are able to resolve this dispute with the appellant at any time during the appeal process before the site visit, please let me know. This would enable the withdrawal of the appeal and a consequent saving of time and public resources.

Yours sincerely



Gemma Palmer
Environment Appeals Administration

Agenda Item 11

Collette Robertson

From: Environment Appeals [environment.appeals@pins.gsi.gov.uk]
Sent: 31 August 2011 15:30
To: Monitoring
Subject: This is an automated response from The Planning Inspectorate.

Thank you for your e-mail. It is receiving attention and, where a reply is required, we will send one as soon as possible.

Correspondents should note that all communications to or from the Planning Inspectorate may be automatically logged, monitored and/or recorded for lawful purposes.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

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www.clearswift.com

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Appeal Decisions

Site visit made on 6 December 2011

by Alan M Wood MSc FRICS

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

Decision date: 12 January 2012

Appeal Ref: APP/M4320/A/11/2159839 (Appeal A)

Omega Plastics, Thomas & Dolan Building, 69 Ormskirk Road, Aintree, L9 5AX

- 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 Leathley against the decision of Sefton Metropolitan Borough Council.
 - The application Ref S/2011/0346, dated 17 February 2011, was refused by notice dated 11 May 2011.
 - The development is the material alteration to front elevation to premises by fitting of light white PVC cladding.
-

Appeal Ref: APP/M4320/C/11/2159714 (Appeal B)

Omega Discount Plastics Ltd, Thomas & Dolan Building, 69 Ormskirk Road, Aintree, L9 5AX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by John Edward Leathley against an enforcement notice issued by Sefton Metropolitan Borough Council.
 - The Council's reference is ENF0422 & S/2011/0346.
 - The notice was issued on 25 July 2011.
 - The breach of planning control as alleged in the notice is without planning permission the installation of white UPVC cladding to the front elevation of the building.
 - The requirements of the notice are: remove the white UPVC cladding and associated fixings, supports and all resultant materials from the front elevation of the building. Make good any damaged brickwork caused by the removal of the cladding, fixings and supports, in materials to match existing.
 - The period for compliance with the requirements is 28 days.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
-

Decisions

1. Both Appeals A and B are dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177 (5) of the 1990 Act as amended.

Reasons

2. Appeal A seeks planning permission for the development addressed by the enforcement notice in Appeal B. Both appeals raise the same main issue, the

effect of the cladding on the character and appearance of the whole building and surrounding area, and I shall deal with them together. The appeal site is occupied by a single storey flat roofed building. This is attached to a larger, two storey building to the north and a single storey unit to the south. The appellant has acknowledged that the two storey building presents an imposing façade to Aintree Road and is something of a local landmark. He further contends however that the adjacent buildings have no architectural merit and make no worthwhile contribution to the street scene with or without the cladding. From my observations, I agree with the former statement but I take issue with the latter.

3. The two storey element is in brown brick with some smooth areas of render. From the photographs provided by the Council, the appeal building has a brick front elevation complementing the larger building but this has now been covered by the white upvc cladding. The original façade, because of its elevational materials, integrated well with its taller counterpart, adding to its distinctiveness and character. From my observations, that is not the case now that the cladding has been imposed. This elevational treatment creates a significant visual contrast with the two storey element causing the appeal element to be out of keeping with the character and appearance of the larger building.
4. The front elevation of the building to the south of the appeal site is finished in white upvc cladding but the extension of the cladding to the façade of the appeal building merely accentuates the awkward contrast with the two storey element. The overall effect of the unauthorised cladding therefore, in my judgement, materially detracts from the character and appearance of the larger building of which the appeal building forms part and the visual amenity of the street scene. I am also mindful that part of the upvc cladding is covered by fascia signs which the Council says are unauthorised. If these were to be removed then this would make the cladding even more prominent in its relationship to the two storey element.
5. The appeal site faces towards a modern retail park on the opposite side of Aintree Road, a busy dual carriageway which has a service road adjoining the appeal site. The park comprises buildings which are predominantly finished in metal cladding and there are other fairly modern retail buildings with cladded elevations on the same side of Ormskirk Road both to the north and the south of the site. Nevertheless, the adjacent detached building to the north is a two storey brick structure which more directly contributes to the immediate site context. I accept that retailers may wish to impose their corporate identity on premises but this should not be at the expense of the visual amenity of the street scene.
6. Policy MD5 of the Sefton Unitary Development Plan (2006) [UDP] requires that commercial frontages form an integral part of the whole building. The elements of the building are connected and changes to the frontage which adversely affect the character and appearance of the whole building fail to meet this requirement. Furthermore, Policy DQ1 of the UDP, in relation to the site context, aspires to only permit development which responds positively to the character and form of its surroundings and this would include an adjoining building. Likewise, Policy CS3 of the UDP seeks to withhold permission for development which causes significant harm to the character or appearance of

the surrounding area. I find therefore that the installation of the cladding conflicts with the above policies.

Conclusion

7. For the reasons given above I conclude that both Appeals A and B should not succeed. The enforcement notice is upheld and planning permission on the deemed application is refused.

Alan M Wood

Inspector



Appeal Decision

Site visit made on 20 December 2011

by Alison Lea MA(Cantab) Solicitor

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

Decision date: 11 January 2012

Appeal Ref: APP/M4320/A/11/2161315 5a Manchester Road, Southport PR9 9EP

- 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 Frances Joyce against the decision of Sefton Metropolitan Borough Council.
 - The application Ref S/2010/1761, dated 17 December 2010, was refused by notice dated 7 April 2011.
 - The development proposed is the erection of a detached 2 storey dwellinghouse at the rear of the premises fronting Walton Street.
-

Procedural Matters

1. At the site visit I also viewed the proposal from No 1 Walton Street and from Nos 5, 5b and 7 Manchester Road, accompanied by the occupiers of those properties and representatives from both main parties.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular reference to outlook.

Reasons

4. The appeal site forms part of the rear garden of No 5a Manchester Road and includes a semi-detached single storey garage fronting Walton Street. The proposal would involve the demolition of the garage and would introduce a detached 2 storey house with access from Walton Street. The adjoining semi-detached garage which belongs to No 1 Walton Street would be retained.
5. The site is located within a primarily residential area and the Council accepts that given that there is currently no housing restraint mechanism in place, the proposal is acceptable in principle. I agree. I also accept that given that there is no prevailing architectural style of dwelling on Walton Street, which is a narrow, one way street with a mix of dwellings, garages and boundary walls to properties on Manchester Road, the scale and design of the proposal would not appear out of keeping with the street scene.
6. No 1 Walton Street is adjacent to the site and has a number of windows in the side elevation which faces the site, including bedroom windows at first floor.

- The proposal would introduce a gable wall about 9m from a window serving a bedroom in the rear 2 storey projection of No 1. The ridge height would be about 7.2m although the part of the wall directly facing the window would be lower than this due to the slope of the roof and the rear part of the new house would be single storey. Nevertheless the proposal would be a substantial structure and it would extend above and beyond the existing garage which has a ridge height of about 4m.
7. The distance between the gable wall and the window would be considerably less than the 12m between a habitable room and a blank wall recommended in the Council's supplementary planning guidance "New Housing Development" (the SPG) which has been adopted by the Council following public consultation. Although the SPG refers to the main window to a room, and I note that the bedroom is also served by a window to the rear, nevertheless the window in the side elevation is substantial and I do not agree that it is necessarily secondary to the rear window. I agree with the appellant that distances in the SPG are only guidelines and should not be applied rigidly. Nevertheless they are expressed as minimum distances and in this case, due to the height, scale and proximity of the proposal, I consider that the adverse impact on the outlook from the window would be significant.
 8. Furthermore, there is a first floor bedroom window towards the front of No 1 Walton Street which also faces the appeal site. This window is located close to but forward of the existing garage, with views of it at an angle. I note that the appellant states that the front wall of the garage and that of the proposed dwelling would be in the same position. However, the plans show the front elevation of the dwelling located slightly forward of the garage, and although not directly facing the window, the gable wall of the new house, due to its height and close proximity, would appear overbearing and lead to an unacceptable sense of enclosure when viewed from this window.
 9. Reference has been made to a number of other recommended distances contained in the SPG which are not met by the proposal. In particular I note that the distance between the front windows in No 2 Walton Street and the windows in the proposed dwelling would be about 16m. However, No 1 Walton Street also faces No 2 Walton Street, is sited at a distance of about 10m and has a number of windows which directly face that property. Although, I accept that the distance of 21m between facing habitable room windows recommended in the SPG would not be met by the proposal, given the existing situation and the fact that the proposal would be set back from the kerbline, I consider that the proposal would not appear overbearing from windows in No 2 Walton Street. Furthermore, although the ridge height of the proposal would be considerably higher than that of the garage to be demolished or the existing boundary wall, given the distance between properties and the design of the appeal proposal I consider that the impact on daylight and sunlight serving the windows would not be significant.
 10. The proposed dwelling would face 5a Manchester Road, with a distance of about 20.5m between facing first floor windows, and about 15.5m to the ground floor conservatory at No 5a. Although the Council notes that the occupier of No 5a is the applicant and therefore clearly prepared to accept these distances, concern is expressed about the impact on future occupiers of No 5a. However, the first floor distance is only marginally below the recommended distance of 21m, and at ground floor level the proposed garden

wall would provide screening. In addition, although the remaining rear garden to No 5a would be below the size recommended in the SPG, a garden of a reasonable size would remain, and given the large garden area to the front and the proximity of green space within Southport Town Centre I consider that none of these matters justifies dismissing this appeal.

11. The property adjacent to No 5a Manchester Road has been divided into 2 apartments, No 5 at ground floor and No 5b at first floor. This property faces No 1 Walton Street. The appeal proposal would be set further back from Walton Street than No 1 and would be higher than No 1 which has a flat roof. However, it would be seen at an angle, separated by a garden wall which would provide screening at ground floor level, and given the distances involved I do not agree with the Council that the new house would appear as a prominent and domineering structure when viewed from No 5 or No 5b. Although I note the glass doors at the rear of No 5 which lead onto a patio area, given the proposed siting and design of the new house, and proposed boundary treatment, I do not accept that there would be views into these areas or that the proposal would have a significant effect on privacy or on daylight or sunlight. Similarly, the distance between the proposal and the rear of No 7 Manchester Road is sufficient to prevent any material impacts on the living conditions of the occupiers of that property.
12. However, for the reasons given, I consider that the proposal would have a significant adverse impact on the living conditions of the occupiers of No 1 Walton Street, and that the proposal is contrary to advice in the SPG and to Policies CS3 and DQ1 of the Sefton MBC Unitary Development Plan 2006 (UDP) which, amongst other matters, provides that development will not be permitted if it would cause significant harm to the amenity of the surrounding area or fails to protect the amenity of those adjacent to the site.
13. A number of other concerns have been raised, including the impact on the garage to No 1 Walton Street due to the proposed demolition of the attached garage, an increase in traffic on a narrow street and the existing relationship between properties on Manchester Road. However, none of these matters has been critical to my decision making. Furthermore, the manner in which the Council dealt with the application and reached its decision is not a matter for me to comment on as part of this appeal which I have determined on its own merits.
14. For the reasons given, I dismiss this appeal.

Alison Lea

INSPECTOR



Appeal Decision

Site visit made on 16th January 2012

by Jonathan G King BA (Hons) DipTP MRTPI

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

Decision date: 19 January 2012

Appeal Ref: APP/M4320/H/11/2161801
56 Mersey Road, Crosby L23 6SS

- 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 Delta Garages against the decision of Sefton Metropolitan Borough Council.
 - The application Ref S/2011/0642, dated 15th May 2011, was refused by notice dated 6th July 2011.
 - The advertisement proposed is a fascia sign (sign 3) to side elevation; black lettering.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The advertisement which is the subject of the appeal has already been erected. I therefore consider the appeal as being in connection with a retrospective application.

Main Issue

3. The main issue in this case is the effect of the advertisement on the visual amenity of the area.

Reasons

4. In addition to the lettering which is the subject of the appeal (sign 3), the building also supports a red "Delta Garages" sign (sign 2) on the same elevation – which I understand the Council at the time of its decision intended to approve - and another on the front which faces the car park. There is also a sign on one of the vehicular gates and 2 small "MoT" signs close to the entrance. In this context, I do not consider that sign 3 represents an essential advertisement. While I recognise the importance to a business of advertising, any potential customer would have no difficulty in identifying the premises. I do not consider that the sign would be critical to the maintenance of the business or its ability to provide employment.
5. Together with sign 2, sign 3 replaces an earlier sign which arguably was more intrusive, owing to its bright colour and style. However, the old sign would in any event have had to be removed in order to make way for sign 2. Sign 3 has not resulted in any additional improvement in appearance.

6. Signs 2 and 3 are of comparatively high quality, but they are of substantial size and prominence, occupying nearly the whole of the length of the wall. Though the building is partly set down below the level of the road, the upper part on which the sign is located is clearly visible. Most of the frontage is marked by railings, fencing and planting. But the latter has been cut back and none screen the signs in views from the road or from the dwellings opposite.
7. The appellants claim that the locality is in mixed commercial and residential use. However, while there is a shopping area close by in Bridge Road, the prevailing character of the area including Mersey Road is almost wholly residential. Indeed, the Delta Garages building is the only commercial premises on that side of the road. In this context, the appeal sign, by adding to the overall quantity of signage, is visually intrusive. Taken together, the number of signs give a cluttered appearance to the premises.
8. The sign is contrary to the objectives of Policy MD7 of the Sefton Unitary Development Plan in that it is an obtrusive and dominant feature in the street scene and contributes towards clutter on the building. While not determinative, this adds weight to my conclusions.
9. Having regard to the foregoing and to all other matters raised, I conclude overall that the proposed advertisement would adversely affect the visual amenity of the area. It is unacceptable; and consequently the appeal fails.

Jonathan G King

Inspector



Costs Decision

Site visit made on 6 December 2011

by Alan M Wood MSc FRICS

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

Decision date: 13 January 2012

Costs application in relation to Appeal Ref: APP/M4320/C/11/2154626 2 Clovelly Drive, Southport, Merseyside, PR8 3AJ

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Patricia Geissler for a full award of costs against Sefton Metropolitan Borough Council.
 - The appeal was against an enforcement notice alleging that, without planning permission, erection of 15 timber fence posts in excess of 1 metre in height on the boundary of Clovelly Drive adjacent to the highway.
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Decision

1. The application for an award of costs is refused.

The Submissions for Mrs Patricia Geissler

2. The costs application was submitted in writing. A full award is sought.

The Response by the Council

3. This was also made in writing.

Reasons

4. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
5. The appellant's main reasons for seeking a costs award are that (a) the Council took enforcement action against her despite earlier assurances to the contrary; (b) rather than granting permission prior to reaching that stage, an email was received from an officer of the Council dated 29 March 2011 stating that *"if you want to retain the posts and erect a fence you will need to submit an application immediately or alternatively you can appeal the enforcement notice when we issue it and use that appeal to have planning permission granted"*; and (c) at a very late stage in the enforcement process the Council stated that all but one fence panel may be erected around the perimeter and a compromise could have been reached.
6. The timber fence posts were erected by the appellant with the intention of proceeding with a timber fence arrangement above the existing boundary wall of the appeal site. Work ceased when the Council informed the appellant that planning permission would be required for the proposed fence. From the evidence before me, the appellant was advised by the Council in November

- 2007 of the need to submit a planning application. Further correspondence from the Council in April 2008 reiterated this requirement and in June 2008 pre application advice was sought by the appellant.
7. The Council responded in writing stating that a 2m high fence at the rear of the existing wall would fail to comply with the Council's planning policy as its appearance and size would seriously detract from the character and appearance of the area. The planning officer would be unable therefore to make a favourable recommendation should a formal application be submitted for the fence. The letter however made it clear that this advice represented an officer's opinion and was without prejudice to any recommendation and the Council's formal determination of any subsequent planning application. The Council continued to pursue the submission of an application. At the appellant's request a meeting between the parties took place in September 2009. However no compromise was reached and no application was submitted. The Council finally issued an enforcement notice on 9 May 2011 requiring the removal of the 15 fence posts or their reduction in height to at least 1m.
 8. Pre application advice is essentially informal in nature and does not bind either party. The Council did inform the appellant that any advice given was the opinion of an officer. The Council could take a contrary view when a formal application was considered. In these respects I do not consider the Council acted unreasonably. Nor did the Council pursue formal enforcement action before the opportunity had been taken to seek a resolution of the breach and the enforcement notice clearly explains why the Council considered it expedient to issue the notice. The email referred to above also gave prior indication that a notice would be issued. If a compromise has been achieved which is acceptable in principle to both parties then an application could be submitted on that basis for consideration. There is however no written confirmation in this respect by the Council and its response to the costs application dated 10 October 2011 indicates that the parties have been unable to reach a compromise agreement.
 9. In terms of the email, the enforcement notice had not been issued at that point and the appeal process is designed to facilitate an independent consideration of the case. I find no direct inference in the email that if a planning application was to be submitted it would necessarily be considered favourably by the Council. If an application for the proposed fence had been submitted and subsequently refused, an appeal could have been lodged in any event under section 78 of the Town and Country Planning Act 1990 as amended. The enforcement notice has to relate to the alleged breach which in this case is the erection of the timber posts. Had the appeal been successful then planning permission would have been granted for the timber posts although not for the fence. The appeal related to a single issue namely the effect of the timber posts on the character and appearance of the surrounding area and in this case I have found in the Council's favour.
 10. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009 has not been demonstrated and that an award of costs is not justified.

Alan M Wood

Inspector



Appeal Decision

Site visit made on 6 December 2011

by Alan M Wood MSc FRICS

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

Decision date: 13 January 2012

Appeal Ref: APP/M4320/C/11/2154626

2 Clovelly Drive, Southport, Merseyside, PR8 3AJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Patricia Geissler against an enforcement notice issued by Sefton Metropolitan Borough Council.
- The Council's reference is COMN/2007/00678.
- The notice was issued on 9 May 2011.
- The breach of planning control as alleged in the notice is without planning permission, within the last four years, erection of 15 timber fence posts in excess of 1 metre in height on the boundary of Clovelly Drive adjacent to the highway.
- The requirements of the notice are: remove the 15 timber fence posts on the boundary of Clovelly Drive; or reduce the height of the 15 timber fence posts on the boundary of Clovelly Drive to a height not in excess of 1 metre measured from ground level.
- The period for compliance with the requirements is 28 days.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the notice is upheld.

Application for costs

1. An application for costs was made by Mrs Patricia Geissler against Sefton Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issue

2. The effect of the fence posts on the character and appearance of the surrounding area.

Reasons

Ground (a)/the deemed application for planning permission

3. The ground of appeal is that planning permission should be granted. The fence posts have been erected with the intention of proceeding with a timber fence arrangement above the existing boundary wall of the appeal site. Work ceased when the Council informed the appellant that planning permission would be required for the proposed fence. No planning application has been submitted by the appellant, nevertheless the fence posts remain in place. However, when considering a deemed application for planning permission under section 177(5) of the 1990 Act as amended (TCPA), section 174(2) (a) of the TCPA states that the appeal must relate to the breach of planning control which may be constituted by the matters stated in the notice. In this case, the notice refers

to the erection of the 15 timber fence posts in excess of 1m in height as this constitutes the unauthorised development at the appeal site. The proposed fence is not therefore before me for consideration.

4. From my observations, because of their height and location, the fence posts appear as prominent, isolated and discordant features which are out of keeping with the general street scene and adversely affect the visual amenity of the immediate locality. The fence posts therefore unacceptably harm the character and appearance of the surrounding area. Policy DQ1 of the Sefton Unitary Development Plan (2006) [UDP] states that development should make a positive contribution to its surroundings in terms of scale and form. Policy CS3 of the UDP seeks to withhold permission for development which causes significant harm to the character or appearance of the area and this requirement is reinforced by Policy MD1 of the UDP. I find therefore that the 15 timber fence posts conflict with the above policies.

Conclusion

5. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

6. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the TCPA.

Alan M Wood

Inspector