

Committee: Planning (Urgent Referrals) Committee

Date Of Meeting: 22 April 2010

Title of Report: Appeal at Pendle View, Litherland

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

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

Purpose of Report:

To inform members of an appeal lodged against non-determination and to seek members views on the case to be presented by the Council.

Recommendation(s):

That the committee agree the report.

Corporate Objective Monitoring

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

Financial Implications

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

Departments consulted in the preparation of this Report

none

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

Planning application S/2009/0405 and all associated papers

Background

This report concerns a planning application at the car park ,Pendle view.The application is for a total of 8 two storey dwellinghouses comprising of two pairs of semi-detached dwellinghouses and one block of 4 town houses with associated landscaping and car parking.

The application was recommended by officers for approval on 16 December 2009 and 10 March 2010, but deferred on each occasion. At both meetings, Councillor M.Dowd, as Ward Councillor, made representations against the proposed development on behalf of local residents. The later report to committee is attached and contains the full planning background and relevant considerations.

Members deferred the application in December to seek a comprehensive plan including Pendle Hall which is owned by One Vision Housing. When the application was brought back in March it was reported that the concerns of the committee for a comprehensive scheme had not been possible to achieve. Additionally, the objectors had continued concerns regarding the impact of the proposed development on local business, amenities and services utilizing the car park, as well as the potential for anti-social behaviour.

It was therefore resolved that consideration of the application be deferred to the next meeting of the Committee; and that Sefton Council's One Vision Housing's Board representatives, the Cabinet and Council note the Committee's concern regarding the lack of a comprehensive plan for the area that involved Pendle Hall.

The present appeal

Following the deferral on 10 March 2010, the applicant lodged an appeal with the Planning Inspectorate against the Council's non-determination of the proposal. The Inspectorate has confirmed that the appeal will be decided by the written representation procedure. This now prevents the Council from making a decision on the application.

In view of there having been two previous recommendations to grant planning permission, members' advice is sought on the case which should be put to the Planning Inspectorate

The concerns expressed above would suggest that had a decision been taken members would have been minded to refuse planning permission. The absence of a comprehensive development scheme incorporating Pendle Hall remains a clear material consideration. The Council will need to complete its statement of case to the Planning Inspectorate by 5th May 2010.

Recommendation

It is therefore recommended that the appeal is defended on the principal grounds that the continued presence of the hall in its current derelict state renders redevelopment of the site for housing premature, and that the inability to complete the comprehensive development of the site whilst the hall remains in situ is harmful to the amenity of both prospective residents and of existing occupiers and residents in the wider area. This is contrary to UDP policies CS3, DQ1 and H10.

