

Committee: **PLANNING**

Date of Meeting: **02 June 2010**

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

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

Applicant: Mr Pat Farrell Hugh Baird College

Executive Summary

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

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

Justification

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

Conditions

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

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

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

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

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

Reasons

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

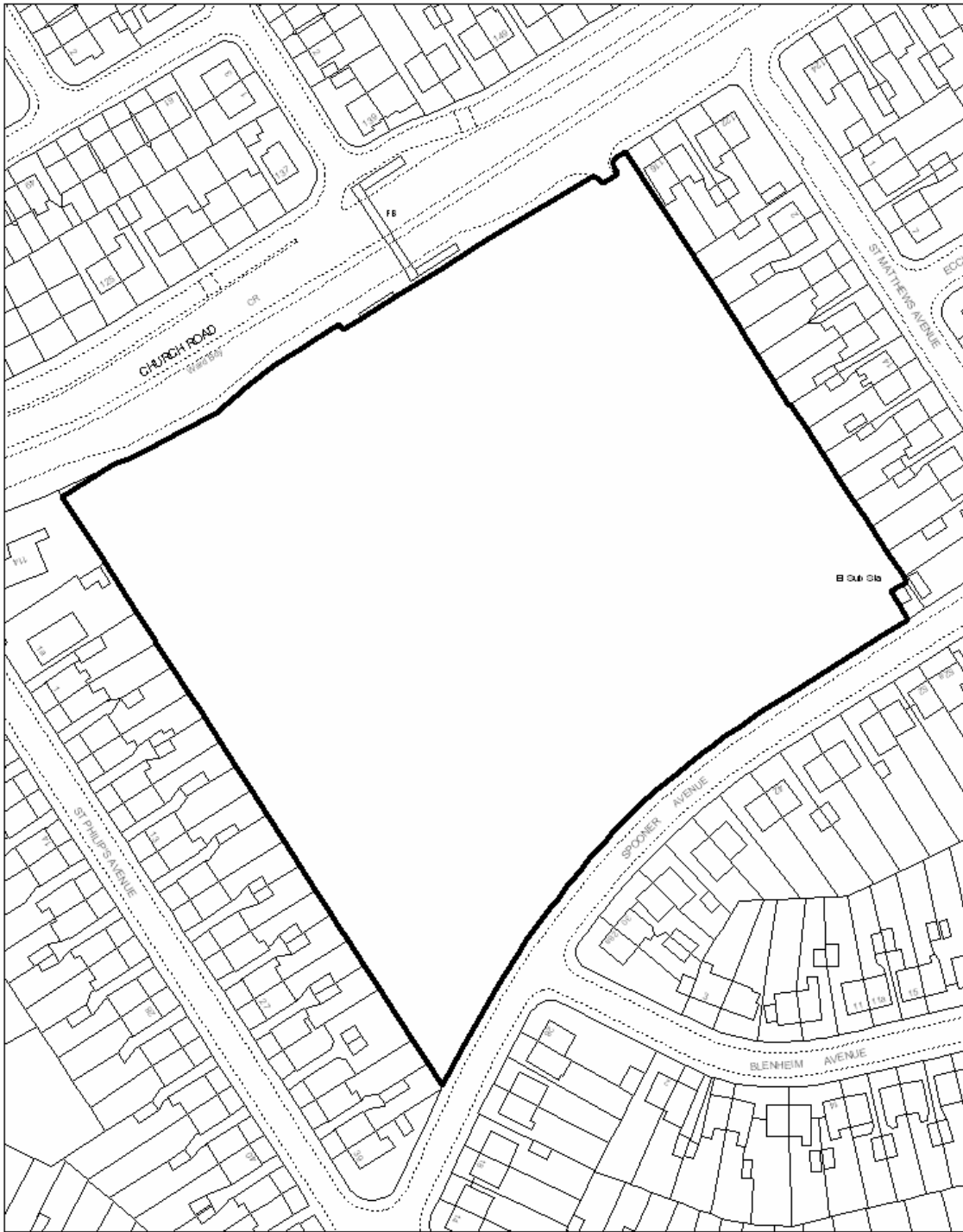
Drawing Numbers

Financial Implications

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

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

History referred to
Policy referred to



Sefton Council
Planning & Economic
Regeneration Department
 Andy Wallis - Director
Planning & Economic Regeneration is part of the
 Regeneration & Environmental Services Directorate

S/2010/0565
 Former Hugh Baird College Site
 Church Road
 Litherland
 OSGR: 334354, 397648 Sheet(s): 90A Area: 24537 sqm

Standard Site Plan
 Scale: 1:1250
 Date: 20/3/2010
 Drawn By: BBERT on
 Ward(s): Litherland
 Postcode Sector(s): L21 8, L21 5
 Polling District(s): G5
 Parish(es): None Found

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The Site

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

Proposal

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

History

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

Consultations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The applicant will also be required to put forward a plan showing the intended limits of highway to be considered for adoption.

In view of the above, I have no objection to the proposal in principle, subject to the attachment of conditions to any approval.

Environmental Protection (previous comment) - no objections in principle. Standard remediation condition is required. Conditions are required in respect of acoustic/thermal glazing and acoustically treated ventilation to habitable rooms in line of sight to Church Road and a scheme of acoustic fencing for gardens.

Neighbour Representations

One letter received from occupiers of 44 Spooner Ave concerned about the size of development and the location of the access opposite his house. He is concerned that plans may have been finalised when he had understood that there would be a future opportunity to comment.

Policy

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

AD1	LOCATION OF DEVELOPMENT
AD2	ENSURING CHOICE OF TRAVEL
CS1	DEVELOPMENT AND REGENERATION

CS3	DEVELOPMENT PRINCIPLES
DQ1	DESIGN
DQ3	TREES AND DEVELOPMENT
DQ4	PUBLIC GREENSPACE AND DEVELOPMENT
DQ5	SUSTAINABLE DRAINAGE SYSTEMS
EP6	NOISE AND VIBRATION
G5	PROTECTION OF RECREATIONAL OPEN SPACE
H10	DEVELOPMENT IN THE PRIMARILY RESIDENTIAL AREAS
H12	RESIDENTIAL DENSITY
H2	REQUIREMENT FOR AFFORDABLE, SPECIAL NEEDS AND HOUSING
UP1	DEVELOPMENT IN URBAN PRIORITY AREAS

Comments

This application seeks extension of time of an existing outline permission. Since the application has been submitted before the previous application expired, the same outcome would be expected unless there has been a material change in planning circumstances which would justify a different view. The issues in this case are as follows;

- the principle of residential development
- the amount of development acceptable on the site and the arrangement and balance of residential and open space uses.
- affordable housing
- loss of recreational open space
- the density and layout and mix of the housing development (bearing in mind that this is illustrative only)
- traffic considerations
- other issues –noise, air quality

Principle of residential development

The site is within the Primarily residential area as designated in the adopted Sefton UDP which indicated that development of part of the site is acceptable subject to compliance with other policies.

At the time of the previous application Policy H3 sought to restrict new housing development except within the Urban Priority wards where a significant regeneration benefit can be demonstrated. In this case the applicant argued urban regeneration benefit in terms of the receipt from sale of the land helping to finance the future growth and accommodation strategy for Hugh Baird College. The housing restraint is no longer in place and indeed there is a recognised shortage of housing land in the Borough. The principle of residential use is therefore acceptable.

Amount of development and balance of uses

The Inspector at the time of the UDP Inquiry accepted the redesignation of the site

as residential on the basis that 25% of the site was previously developed. This comprised college buildings and associated use located in the north east corner of the site. The remainder of the site was open space, including playing pitches, associated with the college. The applicant has argued that restriction of development to 25% of the site area would not generate sufficient capital receipts to facilitate the college's development programme on the local area. A development of 40% site area is therefore proposed which makes the best use of the site to provide well overlooked public open space and to provide appropriate layout and design

The application is in outline only and the proposed layout is only illustrative but a condition can be used to restrict the extent of development to that shown on this layout.

Affordable housing

At the time of the initial outline approval ,UDP Policy H2 normally required the provision of 30% affordable housing on a development of more than 25 houses. In this case, however, it was agreed that the receipt for the development would be put back into improving the educational provision which mainly serves the urban priority wards of south Sefton which display high levels of deprivation. The applicant demonstrated that the provision of social housing would be a burden which would reduce the value of the development to a level which would reduce the effectiveness of the input to educational provision.

The planning situation has changed since the outline approval in that the evidence base for the need for social housing is stronger and the requirement is normally for 30% affordable housing (80% social rented, 20% intermediate housing) for developments of more than 15 dwellings. The applicant has submitted a statement explaining that the whole of the capital receipt will be committed within 3 years to towards new developments at Hugh Baird college Bootle. This college is located in an area of high deprivation and provides a range of courses including vocational qualifications and a strong Workforce Development Unit working with a wide variety of employers. The college had been seeking significant LSC funding for a major new development at Connolly House but this has not been achieved because of national LSC funding constraints. The receipt from the Church Road site would offer the possibility of a smaller development on the Connolly House site likely to provide both for Higher Education and further growth of the Workforce Development Unit .

The Director considers that this is an exceptional case. It is not a case of the development being unable to provide affordable housing on economic grounds, but a unique opportunity for funds to be generated to benefit educational growth and growth of the Workforce Development Unit which in the particular circumstances of this case would provide great benefit to regeneration in South Sefton. On this basis it is considered that affordable housing should not be required, subject to a S106 agreement which requires that all the proceeds from sale used to benefit educational provision in south Sefton.

Loss of recreational land

UDP Policy G5 does not permit the loss of open space which is used for recreational open space or which could meet a recreational need in the area unless the proposed development is for facilities ancillary to the principal use or enhances the recreational function or an equivalent and equally convenient open space area is provided. In this case the applicant at the time of the initial outline application considered the previous use of the site, assessed the recreational needs of the local area and the wishes of the local population and proposes to provide a new area of informal public open space including a LEAP (play area).

The former use of the site was predominantly for sports pitches, but these were associated with the college and have not been formally used for a period of about 10 years. More recently the site has been used for informal recreation and dog walking but the site is not maintained nor does it have any legal status as public open space. The applicant has assessed playing pitch provision within a 3km area and has concluded that the existing provision exceeds the standards of provision of 1.2 ha per 1,000 population as set out in the adopted UDP - the actual figure here is 77.3ha for 92,915 persons compared to a requirement of 75.7ha. The new provision at Moss Lane and other facilities in the area are adequate to meet existing need and this was recognised in the local survey where only 13.6% of respondents requested reuse for formal sports pitches. On this basis, the Director concludes that there is no need to protect the application for formal sports provision.

However, surveys of the local population indicated a desire for more play facilities with 29.5% of respondents requesting this, and the desire for informal recreation is clear from the existing use. The applicant therefore proposes to provide an area of public open space including a LEAP. This would meet the requirement of Policy G5 by providing an enhanced recreational function and formalising the public use of the site. However, it will be necessary, through a S106 Agreement undertaking for the applicant to dedicate the area for public use and ensure long term maintenance.

Density, layout and housing mix

The application is accompanied by an illustrative layout for 32 houses and 32 apartments giving a density of 64 dwellings per hectare on this 1ha site. Whilst Policy H12 of the adopted UDP prefers densities of 30-50 units per hectare, it also recognises that in accessible locations higher densities can be acceptable. The proposal is considered acceptable here.

The illustrative layout proposed includes two points of access from Spooner Avenue and no direct access to Church Road. The development would comprise two wings - one on each side of a central area of public open space. The properties backing on to St Philips Avenue and St Matthews Avenue would be mainly 2 storey houses in small terraces. The properties fronting Spooner Avenue would be 2 storey apartments whilst fronting Church Road 3 storey houses and apartments are proposed. Local residents have expressed concern about the character, location and height of the proposed dwellings. Houses in Spooner Avenue previously enjoyed on open outlook. The illustrative layout fails to demonstrate full compliance with the SPG, but with minor amendment and careful consideration of detail is capable of doing so for 2 storey dwellings. A condition can be imposed to ensure that the

proposals meet the normal privacy distances to protect the amenity of existing and future residents. The 3 storey element has caused local concern. On the basis of the illustrative layout, adequate privacy distances cannot be achieved for part of the 3 storey element. Also, all surrounding houses do not exceed 2 storey, although several have rooms in the roofspace. I consider that restriction to 2 storey, but permitting use of the roofspace, if of appropriate design, would be appropriate for the proposed new development.

The proposal will involve some loss of trees. The access will require removal of one large tree and trees to the north west corner would require removal, although these are diseased. A tree survey will be required as part of the reserved matters with replacement of trees on a 2 for 1 basis. Policy DQ3 requires planting of 3 new trees per unit. These can be accommodated within the overall site, either within the residential development or on the open space. Policy DQ4 requires provision of public open space. The area proposed more than meets the requirements of this policy, although the applicant will be required to make provision for future maintenance as well as laying out the public open space and providing the LEAP in the first instance. Detailed design of the open space area will be required and this should make provision for sustainable urban drainage for the site.

The housing mix of apartments and houses previously raised local concern, but there is no planning reason on this site to resist the provision of some apartments. These would however be apartments for sale. The requirement of the IPG for south Sefton with regard to dwelling sizes and meeting Code 3 Sustainable Homes should be included in conditions.

Traffic and access

The Highways Development control team has reviewed the Transport Assessment submitted with the application and raises no objections to the proposals. However a scheme of traffic calming to Spooner Avenue is required as this is part of the national cycle network and a number of detailed conditions are also requested. Parking can be provided within the site to comply with the Council's parking standards.

Other issues

The Director of Environmental Protection requests conditions with regard to site remediation and protection of dwellings from noise on Church Road. Air quality

Conclusion

This proposal is an extension of time of an earlier approval. The changes in planning circumstances relate to the end of the housing restraint, the strengthening of the affordable housing requirements and the development of additional standards in the IPG. The ending of the restraint increases the justification for this development. In respect of affordable housing, the applicant previously argued that the benefits to educational provision outweighed the need to provide affordable housing on this site and a strengthened justification has been put forward to show that this remains the case. The full receipt is to be put into such provision. In

respect of the IPG the required standards can be incorporated in conditions. All other issues remain as previously accepted.

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