

MACBRYDE HOMES LTD

**THE FORMER GATEACRE GARDEN CENTRE, ACREFIELD ROAD,
WOOLTON, LIVERPOOL, L25 5JW**

PLANNING STATEMENT

29 JANUARY 2015

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Appendix 1 Draft Heads of Terms

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1. INTRODUCTION

BRIEF

1.1 Hourigan Connolly is instructed by Macbryde Homes Ltd (hereafter referred to as the 'applicant') to prepare and submit a full planning application to Liverpool City Council (hereafter referred to as 'the Council') relating to the proposed redevelopment of the former Gateacre Garden Centre on Acrefield Road, Woolton, Liverpool, L25 5JW.

1.2 The description of development given in the planning application forms is:

"Demolition of existing buildings, structures and outbuildings and erection of 10 no. detached residential properties with car parking and associated works on land at the former Gateacre Garden Centre."

1.3 The application is made in full and is accompanied by a number of supporting documents which address key technical and site-specific planning matters.

PURPOSE

1.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This Planning Statement will demonstrate that the proposals accord with the provisions of the Development Plan and that other material considerations also indicate that planning permission ought to be granted.

1.5 The purpose of this Planning Statement is as follows:

- To describe the site and surrounding area.
- To examine relevant planning decisions that have been made in relation to the site or immediate surrounding area.
- To identify any statutory designations affecting the site.
- To describe the proposed development.
- To outline the other documents submitted in support of the proposals.
- To consider the application proposals in the context of the adopted Development Plan.
- To consider any material considerations relevant to the determination of the application.

- 1.6 This document should be read in conjunction with the suite of documents submitted in support of the planning application.

FORMAT

- 1.7 The remainder of this document is structured as follows:
- Chapter 2 – The Site & Surrounding Area.
 - Chapter 3 – Planning History.
 - Chapter 4 – Statutory & Other Designations.
 - Chapter 5 – The Proposed Scheme.
 - Chapter 6 – Pre-Application Consultation.
 - Chapter 7 – Documents Submitted in Support of the Planning Application.
 - Chapter 8 - The Development Plan.
 - Chapter 9 – Other Material Considerations.
 - Chapter 10 – Summary of Benefits and Conclusions.

2. THE SITE & SURROUNDING AREA

SITE LOCATION

- 2.1 The application site can be found approximately 8km to the south east of Liverpool city centre, and less than 1 km from the village centre of Woolton.
- 2.2 The site itself forms a rectangular plot of land on the eastern side of Acrefield Road, close to the roundabout which links the main thoroughfares of Acrefield Road, Rose Brow and Gateacre Brow. The site's location is shown below for reference purposes.

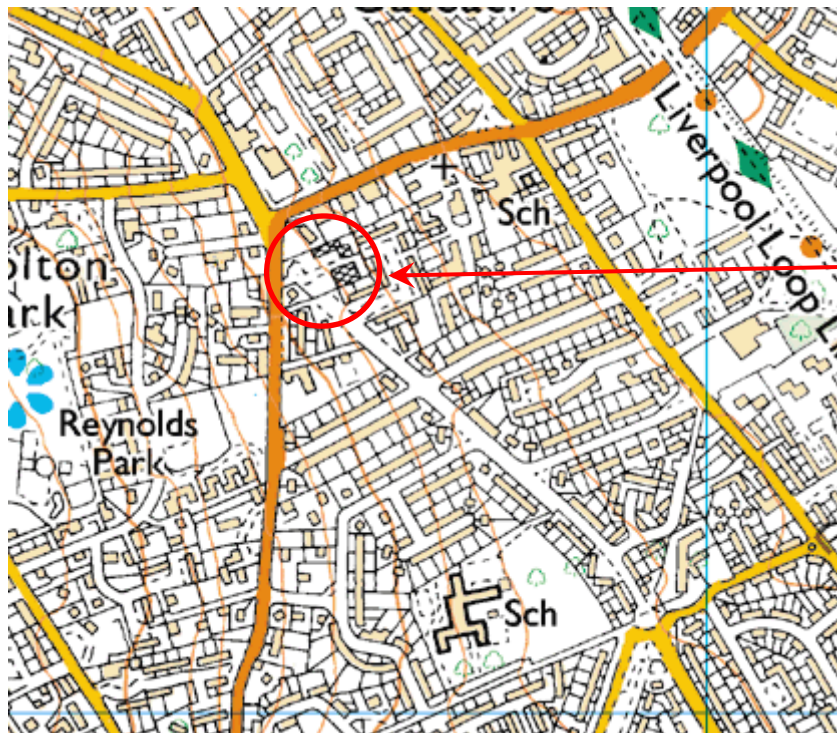


Fig. 2.1 Approximate Site Location (denoted in red).

- 2.3 The development site is 120m from the nearest bus stop (route no. 75, 81 and 672) which takes passengers to Liverpool, Halewood, Liverpool John Lennon Airport and Speke approximately every 10-15 minutes. The bus stop also services a school bus route running Monday to Friday only to St Francis Xavier's College to the west of the site (route no: 610). The nearest train station, Liverpool South Parkway, is approximately 3.20km to the south of the site.

SITE DESCRIPTION

- 2.4 The application site extends to an area of approximately 0.55 ha and comprises previously developed land – the former Gateacre Garden Centre has recently been vacated. The main garden centre building is sited towards the front of the site, and this comprises a single storey

building made from brick, timber and glazing materials. Located towards the rear of the site are a number of temporary structures and outbuildings which were previously used for the display and storage of gardening materials and planting. The whole of the site is covered in hardstanding, previously providing areas for car parking, deliveries and for the display of goods. There are no trees within the site area, but there are a number of trees located on the site perimeter (but outside the application site area and the applicant's ownership) which have an impact on the proposed layout due to their proximity. This is discussed in more detailed later in this Statement.

- 2.5 The site is bounded on all sides by residential properties, apart from the western boundary which fronts Acrefield Road. Two residential streets culminate to the rear of the site as shown in the aerial image below, Hunts Cross Avenue and Glenville Close.



Fig. 2.2 Site Location (site edged red for reference purposes only).

- 2.6 As mentioned above the site falls away from Acrefield Road. As shown on the submitted topographical survey, there is a difference in site levels of approximately 5m. The proposed residential scheme has taken account of, and been informed by, the topography of the land to have due regard to the potential impact of development on the nearest residential properties.
- 2.7 There are eleven trees located adjacent to the site along the boundaries; their siting is denoted on the proposed site layout. These trees, particular the two closest to Acrefield Road along the north and south boundaries are considered site-specific features which have been integral in the revisions which have been incorporated into the proposed scheme.
- 2.8 Currently, the site is bound by a mixture of wood panelled fencing, sandstone wall, existing buildings and trees. Access to the site is taken from Acrefield Road and denoted by a break in the Sandstone brick wall facing the road. Access is currently restricted by a padlocked gate

(which provided security for the previous use). The existing access arrangements have informed the proposed vehicular and pedestrian access points which will serve the proposed development, in conjunction with discussions with the local highways authority.

SUMMARY

- 2.9 The site is located within a predominantly residential area in a sustainable location with access to public transport links, local shops and services. In principle, it is considered that the residential development of the site would be complementary to the site and surroundings and would comprise sustainable development, contributing to the local community in this part of Liverpool.
- 2.10 Pre-application discussions with the Council have confirmed (verbally) that the principle of residential development should be acceptable at the application site, but it is incumbent upon the applicant to demonstrate that any proposal has due regard to relevant planning policies and other material considerations.
- 2.11 The following Chapters will now explain how the site specific constraints have influenced and informed the proposals, and thereafter it will be demonstrated that the proposals accord with the provisions of the Development Plan and other material considerations indicate that planning permission ought to be granted.

3. PLANNING HISTORY

INTRODUCTION

- 3.1 The Council's online database for planning applications shows that the site has been the subject of 6 planning applications, the details of which are described below.

PLANNING APPLICATION REFERENCE: 09F/2879

- 3.2 Full planning permission was granted on 11 February 2010 for the retention of 7no. storage containers associated with the former garden centre for a temporary period. Condition 1 of the Decision Notice confirms that the planning permission was granted for a limited period of 2 years; the permission expired on 11 February 2012.

PLANNING APPLICATION REFERENCE: 07F/2093

- 3.3 Full planning permission was granted on 10 December 2007 for the retention of 7no. storage containers for a limited period. Similar to the aforementioned planning permission, the use of the containers was associated with the former garden centre use. Condition 1 of the decision notice confirms that planning permission expired on 13 July 2009.

PLANNING APPLICATION REFERENCE: 06F/0432

- 3.4 Planning permission was granted on 05 May 2006 at the former garden centre for the erection of a covered open sided timber structure at rear (following demolition of 3no. glasshouses) and erection of open sided covered walkway from existing building to new timber structure.

PLANNING APPLICATION REFERENCE: 04F/1882

- 3.5 An application for full planning permission submitted and validated on 21 May 2004 for residential development comprising of 38 no. units in the form of flats and dwellinghouses, creation of a new access to Acrefield Road and layout new access road from Glenville Close and associated car parking and landscaping residential development comprising 28no. 2 bedroom apartments, 8no. dormer houses and 2no. three storey houses. At that time, the site was described as 'Williams Nursery'.
- 3.6 The applicant for the application was David Wilson Homes and the application was withdrawn on 22 November 2004. There are no application documents available to view online associated with this planning application.

PLANNING APPLICATION REFERENCE: 02F/0848

- 3.7 Full planning permission was granted for the erection of open sided timber pergola at rear (in place of a polytunnel approved under permission 99P/1757). Permission was granted with conditions on 25 April 2002.

PLANNING APPLICATION REFERENCE: 99P/1757

- 3.8 An application for the erection of an extension to the existing garden centre was granted full planning permission on 7 December 1999.

SUMMARY

- 3.9 There are limited documents available to view in relation to the planning history associated with the garden centre, which is now vacant, and it is clear that the majority of proposals were associated with this former use.
- 3.10 Whilst the planning history has limited value in respect of the current proposals it does indicate that development in general has been found to be acceptable. Coupled with the 'without prejudice' verbal pre-application advice, it is considered that the principle of the residential redevelopment of this previously developed site should be found to be acceptable by the Council.

4. STATUTORY AND OTHER DESIGNATIONS

HERITAGE DESIGNATIONS

- 4.1 The site is not within or adjoining a World Heritage Site and is not a designated Scheduled Ancient Monument (SAM).
- 4.2 The site does not contain any listed buildings, but it is noted that there are a number of Listed Buildings located in the vicinity of the site, all of which are Grade II Listed.



Fig. 4.1 Location of surrounding Listed Buildings - reference purposes only.

- 4.3 The two closest Listed buildings are Crawfordsburn (building ID: 214156) to the west of the site and no. 2 Gateacre Brow (building ID: 214137) north of the eastern edge of the application site although clearly the proposals would not affect the setting of any listed building.
- 4.4 The site also adjoins, in part, the Gateacre Village Conservation Area, as shown in Figure 4.2 below and this has been taken into account in the design of the scheme to ensure a high quality environment which not only complements and respects the character and appearance of the neighbouring Conservation Area, but represents a significant visual improvement to the local vicinity and in particular, along the main road frontage as well as views into and out of the Conservation Area.

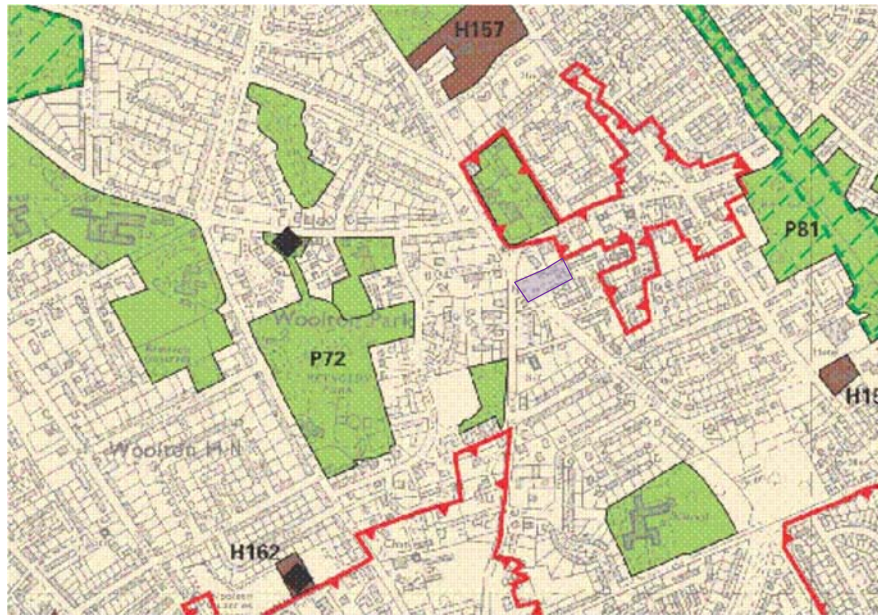


Fig. 4.2 Conservation Area (edged in red) adjoins part of the application site boundaries. The approximate site boundaries are indicated in purple.

FLOOD RISK AND DRAINAGE

- 4.5 The site is within Flood Zone 1 and is not considered to be at risk of flooding as the land has a less than 1 in 1,000 annual probability of river or sea flooding.
- 4.6 A Drainage and Flood Risk Statement has been submitted with the application and confirms that the subject site is suitable for residential development in accordance with the Framework and Technical Guidance.
- 4.7 The findings of the report and the impact of the development on issues of drainage risk are discussed in more detail in Chapter 8 (Development Plan) of this Planning Statement.

ECOLOGY

- 4.8 The site is not subject to any statutory ecology related designations; there are no National Nature Reserves, Ramsar sites, Special Protection Areas, Special Area of Conservation or Sites of Special Scientific Interest within 1km.
- 4.9 An Extended Phase 1 Survey has been carried out at the site by Aserta, and comprises an assessment of the potential for the site to support protected species. Recommendations of potential work to satisfy current wildlife legislation and to encourage biodiversity are included in the submitted report, and are discussed in more detail in Chapter 8 (Development Plan) of this Planning Statement.

TREE PRESERVATION ORDERS (TPO)

- 4.10 Part of the site is covered by TPO no. 107 relating to land at Sandfield Road/Gateacre Brow and having been made in October 1972. Whilst there are no individual trees identified in the First Schedule of the TPO, the TPO makes explicit reference to the protection of trees specified by reference to an area. Figure 4.3 below shows the area marked by a dotted black line and entitled as 'A.1.'. The First Schedule confirms that *'The several trees of whatever species situated within the area numbered A.1. on the map'* are subject to the TPO:

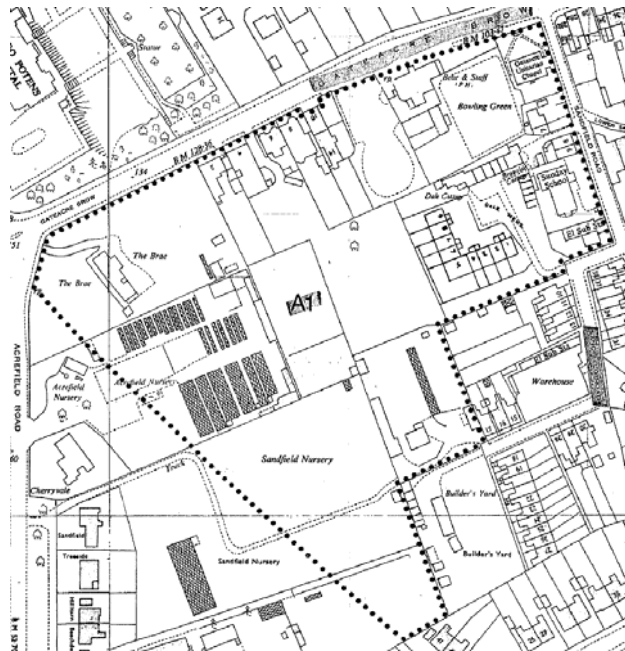


Fig. 4.3 **Location of TPO area.**

- 4.11 It is noted that the area of protection includes circa two thirds of the application site area, excluding the portion of the site which fronts Acrefield Road. There are no trees located within the site boundaries, however there are a number of trees and groups of trees adjacent to the site which have directly influenced the proposals. The submitted Arboricultural Impact Assessment prepared by Aserta addresses the impact the development would have on the existing arboricultural position, with recommendations for additional landscaping as part of the proposals and the implementation of tree protection measures in relation to the existing trees.
- 4.12 The scheme takes due regard of the presence of these trees and special attention has been paid to ensure that appropriate distance requirements have been met as outlined in Supplementary Planning Guidance Note 10. The scheme has been carefully designed so that the proposed built form does not have an unacceptable impact on existing protected trees, and furthermore takes account of the planting of new trees and their future growth.

PUBLIC RIGHTS OF WAY

- 4.13 There are no Public Rights of Way which affect the application site.

AIR QUALITY MANAGEMENT AREA

- 4.14 The Council has declared the entire city of Liverpool as an Air Quality Management Area (AQMA) for exceedance of the annual mean objective for nitrogen dioxide (NO₂), and therefore the proposals would be located within an existing AQMA. Following pre-application discussions with the Environmental Protection department at the Council and, having regard to existing traffic movements and those associated with the proposed 10no. dwellings, it has been concluded that the proposals would have a beneficial impact on local air quality.
- 4.15 Submitted with the planning application is a Statement provided by Wardell Armstrong which concludes that given the scale of the proposed development, the beneficial impact on local air quality and the relatively low background pollutant concentrations, air quality is not considered to be a significant issue affecting the redevelopment of the site.

SUMMARY

- 4.16 In summary the key constraints to the development of the site are considered to be proximity to the Gateacre Village Conservation Area and the presence of protected trees surrounding the site boundaries. It will be demonstrated in the proceeding chapters that these constraints have been appropriately addressed by our client's carefully designed scheme and that the proposals comprise high quality development which have due regard to the statutory designations.

5. THE PROPOSED SCHEME

DESCRIPTION OF DEVELOPMENT

5.1 This application seeks full planning permission for the following:

“Demolition of existing buildings, structures and outbuildings and erection of 10 no. detached residential properties with car parking and associated works on land at the former Gateacre Garden Centre.”

5.2 The proposed layout is shown on drawing reference GL-SL01 Rev E and comprises the siting of 10 no. detached properties (of which 9no. will be 4 bedroom and 1no. will be 5 bedroom) to be served by an internal road which forms a ‘spine’ through the centre of the site. Each of the properties would be provided with a double garage, which would be either detached or integrated into the main dwellinghouse building, and a private driveway.

5.3 The layout shows that each dwelling would be provided with private front and rear garden space with additional planting to be provided in front and to the rear of the built form.

DEVELOPMENT CONCEPT

5.4 The proposed scheme comprises a bespoke scheme of 10no. bedroom family homes with an arts and crafts approach to the external appearance. The schedule of accommodation comprises:

Housetype	No. of bedrooms	Size (sqm)	Quantity
A1	4	233	1
A2	4	233	2
B1	4	209	3
Buckingham	4	181	1
Canterbury	4	178	3
TOTAL		2,042	10

5.5 This application is supported by a Design and Access Statement which clearly sets out how the design of the proposals have been influenced by the surrounding urban context, the adjoining heritage designation, the topography of the site and surroundings, and the important arboricultural considerations.

TECHNICAL CONSIDERATIONS

5.6 The application is accompanied by a series of technical assessments and surveys in anticipation of those matters which are pertinent to the determination of this planning application. In addition

to this Planning Statement which considers the proposals against the requirements of the Planning and Compulsory Purchase Act 2004, the following matters are worthy of note:

HIGHWAYS

- 5.7 A Transport Statement (TS) has been prepared by CBO Transport and is submitted following a series of discussions with the Local Highways Authority at pre-application stage. The Transport Statement comprises an assessment of the existing conditions, the impact the development would have on local highway network and the sustainability of the site in relation to local amenities and public transport options. The TS also contains a detailed site access design. The contents of the TS are discussed in further detail in Chapter 8 (Development Plan) of this Statement.

TREES

- 5.8 The submitted Tree Survey and Arboricultural Impact Assessment will be discussed in Chapter 8 (Development Plan), however in summary, the arboricultural assessment concludes that the protection and management of trees both within and on the boundary of the site (in land outside the applicant's ownership), can adequately be dealt with by way of standard planning conditions. The proposals include the removal of two groups of trees, (G3 and G5) which comprise low quality Elder, Holly, Privet & Rhododendron and Cypress specimens, and a significant amount of new planting to ensure there is an appropriate balance between built form and soft landscaping in this location having regard to the principles of good urban design.

ECOLOGY

- 5.9 An Extended Phase I Ecological Assessment has been carried out by Aserta. The submitted report confirms that two Local Nature Reserves were identified within a 2km radius of the application site, however due to the distance between the survey area and these designated sites, as well as the lack of water bodies and wildlife corridors connecting them it is not considered that the proposed development will have any direct or indirect impact on any designated wildlife sites.
- 5.10 Following review of ecological records and undertaking a site survey there are several priority species that have the potential to occur within the vicinity of the site. However, in summary the report confirms:
- It is deemed very unlikely that the proposed development will impact on any great crested newts.
 - No signs of badgers were recorded on site and the presence of this species is deemed unlikely within the survey area due to the lack of suitable habitat within the site and in the surrounding landscape for sett building and foraging.
 - No potential bat roosting sites within the trees on site were identified.

- Similarly, the buildings are not considered to offer suitable bat roosting sites.
- Although the site is situated within a highly urbanised area, habitats within the site have potential to act as commuting corridors.
- The habitats on site offer potential foraging and nesting sites for breeding birds.
- The site is considered to be unfavourable for reptiles due to the lack of suitable foraging habitat, basking and refuge sites.

5.11 No other species such as common toad, hedgehogs, dormouse, or brown hare were observed during the habitat survey or noted during the desk study. Therefore, further ecological constraints from those already discussed in the report are not anticipated. In accordance with the recommendations of the Ecological Assessment by Aserta, trees will be retained where possible and new planting will form part of the proposals to aim to maximise food as well as nectar sources for the benefit of local wildlife.

5.12 There are no ecological or biodiversity reasons why the site should not be redeveloped for residential purposes.

GROUND CONDITIONS

5.13 The application submission includes a Geoenvironmental Investigation and Risk Assessment which details the work undertaken to assess the ground conditions at the site and the potential pollutant linkages. Two intrusive investigations have been completed in areas around the current buildings and structures. These investigations confirmed that:

- The ground conditions comprised tarmac over made ground underlain by natural gravelly sand and / or sandy gravelly clay.
- No groundwater was encountered.
- Traditional shallow foundations were considered possible.
- One elevated arsenic and seven lead concentrations were identified in the made ground. One slightly elevated level of lead was identified in the natural ground.
- No volatile contamination or significant source of hazardous gas was identified.

5.14 The Site Investigation recommends a number of remediation measures associated with the proposed residential development should planning permission be granted. Upon implementation of these measures there is no technical reason relating to ground conditions why the proposed development cannot be completed

DRAINAGE

- 5.15 Environmental Agency mapping detail confirms that the application site is within Flood Zone 1 – land assessed as having a low probability of flooding.
- 5.16 The Drainage and Flood Risk Statement by Ironside Farrar confirms that both foul and surface water will be linked into the existing systems and that the risks of flooding are considered to be low. As such, there are no technical constraints to development in terms of flood risk and drainage.

NOISE

- 5.17 A Noise Assessment has been completed to assess noise levels across the development site. The results of the noise assessment indicate that for noise mitigation measures would need to be incorporated into the residential proposals to ensure that the required noise levels are achieved within the outdoor living areas, internal living rooms and bedrooms. These measures would include recommended glazing, acoustic ventilation and fencing.
- 5.18 The dominant noise source is road traffic on Acrefield Road and Gateacre Brow. The results of the noise survey and assessment indicate that to achieve the limit of 55dBLAeq in outdoor living areas, acoustic mitigation would be required for those areas located nearest to, and with a direct line of sight to Acrefield Road to the west. However, where gardens are located on the screened sides of dwellings and/or further into the site, it is unlikely that any further noise mitigation will be required.
- 5.19 The implementation of the recommended glazing should ensure that internal noise levels are met in living rooms and bedroom areas across the majority of the development with the windows closed.
- 5.20 Acoustic ventilation would need to be incorporated within bedrooms located nearest to, and with a direct line of sight to Acrefield Road, to enable the windows to remain closed whilst allowing necessary ventilation. The facades of the properties further into the site will be protected by the buildings themselves and/or screened by other buildings.
- 5.21 The required noise levels could be achieved in the garden areas located with a direct line of sight to Acrefield Road (plots 1, 2 and 3), by the erection of 1.8 m high close boarded fencing along the western and northern site boundaries as shown in Appendix B of the Noise Assessment report.
- 5.22 The details of the final mitigation measures can be controlled by planning condition in any planning permission. Based on the assessment undertaken it is considered that noise is not a technical constraint on development that cannot be mitigated.

AIR QUALITY

- 5.23 Following pre-application discussions with the Environmental Protection department at the Council and, having regard to existing traffic movements and those associated with the proposed 10no. dwellings, it has been concluded that the proposals would have a beneficial impact on local air quality.
- 5.24 Submitted with the planning application is a Statement provided by Wardell Armstrong which concludes that given the scale of the proposed development, the beneficial impact on local air quality and the relatively low background pollutant concentrations, air quality is not considered to be a significant issue in the redevelopment of the site.

SUMMARY

- 5.25 In summary it is considered that if the Council were to grant planning permission a high quality residential development could be delivered. There are no technical matters which preclude the proposed scheme for 10 no. dwellings and associated works.

6. PRE-APPLICATION CONSULTATION

DISCUSSIONS WITH LIVERPOOL CITY COUNCIL

- 6.1 Formal pre-application discussions have not taken place with the local planning authority, however a telephone conversation was held with Catherine Kelly (Planning Officer) on 7 January 2015. Ms Kelly confirmed that a formal pre-application enquiry had been submitted to the local planning authority in early 2014 by a previous applicant. The pre-application enquiry related to the residential redevelopment of the site, and Ms Kelly confirmed that a meeting had not been held with the previous enquirer and therefore pre-application feedback was not provided by the Council in relation to that scheme.
- 6.2 The applicant for this current application, Macbryde Homes, has had sight of the previous draft pre-application stage proposals, following detailed discussions with another party who had interests in the application site. The scheme submitted today comprises a different scheme to that previously submitted to the Council (at pre-application stage), with a reduction in the number of dwellings being proposed.
- 6.3 Verbal advice provided by Ms Kelly in January 2015 confirmed that the redevelopment of the site for residential purposes should be acceptable in principle, providing that the details of scheme had due regard to planning policies and other material considerations. Ms Kelly also confirmed that the proposals would comprise 'major development' as the scheme include the erection of 10 dwellings, and that the application would be subject to a number of planning obligations in accordance with adopted policy.
- 6.4 In conclusion, whilst this particular scheme has not be the subject of formal pre-application discussions with the local planning authority, it is considered that the scheme should be found to be acceptable as the development takes full account of the relevant planning policy contained in the UDP, accompanying Supplementary Planning Guidance / Document's and other material considerations. In addition, the consultant team has discussed the scheme with other departments in the Council in relation to technical matters (including highways and environmental), and these discussions have informed and influenced the details of the scheme.

7. DOCUMENTS SUBMITTED IN SUPPORT OF THE PLANNING APPLICATION

7.1 As guided by the Validation Criteria (December 2013), the required submission documents have been collated to create an appropriate suite of application documents. Accordingly the following documents are submitted in support of the detailed planning application:

- Application Form, Certificates and Notice.
- Planning Statement with Draft Heads of Terms.
- Design and Access Statement.
- Lifetime Homes Checklist.
- Report on Ecological Issues.
- Arboricultural Impact Assessment.
- Noise Report.
- Transport Statement including Minimum Accessibility Standard Assessment (MASA).
- Air Quality Assessment.
- Drainage and Flood Risk Statement.
- Drawings:
 - Site Location Plan – GL-LP01.
 - Proposed Site Layout – GL-SL01_Rev H and GL-S02_Rev H
 - Access Elevation and Partial Plan – GL-SS02
 - Canterbury – Floor Plans GL-Can-PL01;
 - Canterbury – Elevations GL-Can-PL02;
 - Buckingham – Floor Plans GL-Buc-PL01;
 - Buckingham – Elevations GL-Buc-PL02;
 - B1 House Type – Floor Plans GL-B1-PL01;
 - B1 House Type – Elevations GL-B1-PL02;
 - A1 House Type – Floor Plans GL-A1-PL01;
 - A1 House Type – Elevations GL-A1-PL02;
 - A2 House Type – Floor Plans GL-A2-PL01;
 - A2 House Type – Elevations GL-A2-PL02.
 - A2 House Type – Elevations GL-A2-PL03
 - Garage Details – ARW-GD.01, 02, 03, 04, 05, 06.
- Housetypes CGI's and Materials Schedule.
- Indicative Street Scene Plot 7 - 10.

8. THE DEVELOPMENT PLAN

INTRODUCTION

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

“where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

8.2 In this instance, the Development Plan comprises:

- Liverpool Unitary Development Plan (UDP) (November 2002) (saved policies).

LIVERPOOL CITY COUNCIL UNITARY DEVELOPMENT PLAN

8.3 The saved policies of the Liverpool City Council Unitary Development Plan (UDP) (adopted November 2002) which are relevant to the proposed development are detailed below and an assessment of the proposals against these policies has been undertaken to demonstrate that the development is policy compliant.

SITE SPECIFIC POLICY DESIGNATIONS

8.4 The application site is not allocated for a specific use, nor is it safeguarded from development. The site is located within a Primary Residential Area and the aforementioned Gateacre Village Conservation Area is located just to the north and east of the site boundaries. The site comprises white land within the urban area where proposals for development should be considered on their merits.

8.5 The site is identified by the purple circle on the Proposals Map extract shown overleaf at Figure 8.1:

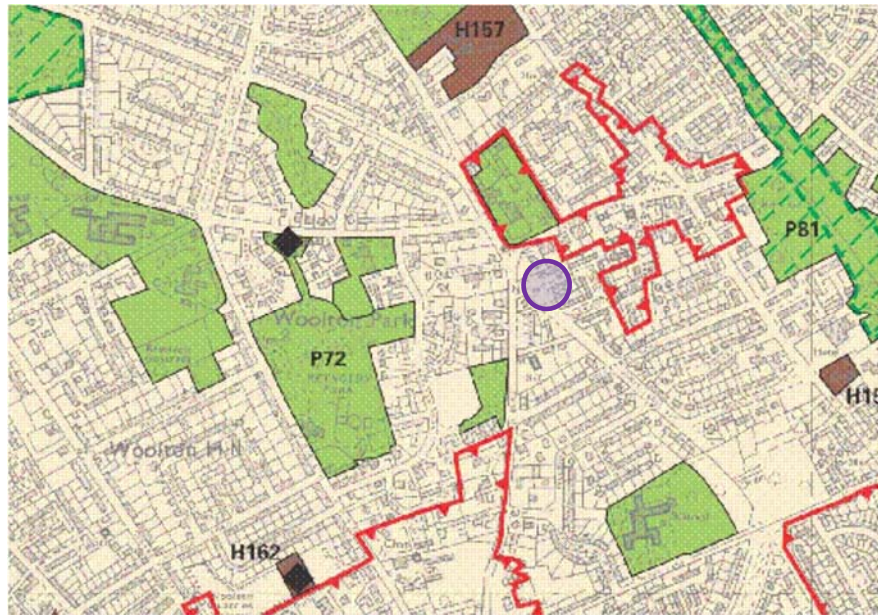


Fig. 8.1 Liverpool City Council Adopted Proposals Map Extract (site location circled in purple).

GENERAL POLICY CONSIDERATIONS

POLICY GEN4 - HOUSING

- 8.6 **Policy GEN4** aims to promote a good quality living environment by ensuring that provision is made for additional dwellings, by improving the living environment of existing housing areas, and considering carefully the design and layout of housing proposals, in particular for those with special needs, including the elderly and the disabled.
- 8.7 The site is located in a sustainable location within the urban area. The proposal comprises the development of 10no. high quality family-sized dwellings which would contribute to the mix and type of dwellings in the locality. In this regard, the proposals would redevelop a vacant site within the urban area therefore contributing to, and improving, the living environments of the surrounding housing areas in Woolton and Gateacre.
- 8.8 Careful consideration has been paid to the design of the scheme to ensure that not only will future residents enjoy a high quality environment, but that the new dwellings would not have an unacceptable impact on the amenities of the existing residential properties which surround the site. This will be discussed in further detail in relation to other policies contained in the UDP, and is addressed in the accompanying Design and Access Statement.
- 8.9 The development proposals would comply with Policy GEN 4.

POLICY HD12 – NEW DEVELOPMENT ADJACENT TO CONSERVATION AREAS

- 8.10 **Policy HD12** states that development on land adjacent to a Conservation Area will only be permitted if it protects the setting of the Conservation Area and important views into and out of it.
- 8.11 The proposals for development have been designed to be sympathetic in design, scale, location and use of materials to ensure that the resultant scheme represents a high quality product. The appearance of the dwellings has been inspired by and makes reference to the locality, including those buildings located within the designated Conservation Area.
- 8.12 The development proposals would comply with Policy HD12.

POLICY HD18 – GENERAL DESIGN REQUIREMENTS

- 8.13 **Policy HD18** states that when assessing proposals for new development, the Council will require applications to comply with the criteria set out in the following table (where appropriate), to ensure a high quality of design. The supporting text to the policy confirms that new development should respect, complement and contribute to the character of the area, and make an improvement to areas where this is required; the policy requires certain basic standards of design that should be adhered to in any development.
- 8.14 The table below sets out how, in summary, the proposals address each of the criterion detailed in the policy. The following table should be read in conjunction with the Design and Access Statement and other associated drawings submitted as part of the proposals.

POLICY HD18: ASSESSMENT OF PROPOSALS AGAINST POLICY	
i. The scale, density and massing of the proposed development relate well to its locality	
Compliance with Policy	The proposed dwellings are reflective of the size, scale and massing of dwellings to the immediate east, however the local area is not dominated by one particular sized property. As there is a mix of sizes and styles, the proposals will complement this mixed character. The proposed density of 18 dph relates well to the existing, surrounding residential properties.
ii. The development includes characteristics of local distinctiveness in terms of design, layout and materials	
Compliance with Policy	The proposal includes the retention of the existing stone wall to the frontage, a feature which is distinctive on this main road. The internal road creates a central 'spine' through the site with the dwellings facing inwards to create an active frontage. The Materials Schedule proposes a mixture of brickwork, render and timber boarding with tile roofs. Figure 5 of the Design and Access Statement clearly

demonstrates the existing mix of materials in the local vernacular. The proposals would reflect this mixture, whilst being complementary.
iii. The building lines and layout of the development relate to those of the locality
<p>Compliance with Policy</p> <p>The building lines either side of the internal road replicate the building line of existing properties on Glenville Close thereby picking up on the character of the area. The space about the dwellings is appropriately proportioned for the proposed detached dwellings, whilst respecting the distances between key elevations in the surrounding existing residential properties.</p>
iv. External boundary and surface treatment is included as part of the development and is of a design and materials which relate well to its surroundings
<p>Compliance with Policy</p> <p>The proposed layout demonstrates that the hard and soft landscaping will be of the same high quality as the new dwellings. The existing sandstone wall at the front of the site will be retained as the wall is considered to be a key feature of the site which makes a significant contribution to the visual amenity on the main road. The boundary treatment and surfacing will be significantly improved from the current situation to be consistent with the high quality external materials to be used in the construction of the dwellings.</p>
v. All plant machinery and equipment are provided within the building envelope or at roof level as an integral part of the design
<p>Compliance with Policy</p> <p>N/A</p>
vi. The development pays special attention to views into and out of any adjoining green space, or area of Green Belt
<p>Compliance with Policy</p> <p>N/A</p>
vii. The development has regard to and does not detract from the city's skyline, roofscape and local views within the city
<p>Compliance with Policy</p> <p>The design of the scheme pays due regard to the topography of the site to ensure that the new dwellings will not be dominant or overbearing on the surrounding residential roofscape.</p>
viii. The satisfactory development or redevelopment of adjoining land is not prejudiced
<p>Compliance with Policy</p> <p>N/A</p>
ix. There is no severe loss of amenity or privacy to adjacent residents
<p>Compliance with Policy</p> <p>The site comprises previously developed land where a garden centre was open to the general public every day during the week. The associated noise, traffic, lighting and general use of the site was therefore not insignificant. The new residential use would complement the surrounding existing residential uses and would result in a less intensive use, especially in relation to traffic and noise. The layout has given careful consideration to the minimum standards set out in the Development Plan and other material considerations (SPG's) to ensure that the development would not result in severe loss of amenity or privacy to adjacent residents.</p>

x. In the case of temporary buildings, the development is of a suitable design and not in a prominent location
Compliance with Policy N/A
xi. Adequate arrangements are made for the storage and collection of refuse within the curtilage of the site and the provision of litter bins where appropriate
Compliance with Policy There will be adequate space for refuse bins provided within the curtilage of each dwelling. A dedicated area will be provided within the site, so that bins can be positioned in an appropriate location on refuse collection days. The details of this are included in the Transport Statement and shown on the proposed site layout.
xii. The exterior of the development incorporates materials to discourage graffiti
Compliance with Policy The existing sandstone wall will be kept as existing and is unlikely to be attractive for graffiti.
xiii. Adequate arrangements are made for pedestrian and vehicular access and for car parking
Compliance with Policy The layout provides 2no. car parking spaces per detached dwelling in accordance with the minimum standards set out in the Development Plan. See the Design and Access Statement for more details.

POLICY HD 18 – CONCLUSIONS

- 8.15 The above table has demonstrated that the detailed proposals address each of the criteria set out in Policy HD18. Careful consideration has been paid to the existing characteristics of the site, and the site-specific constraints and every attempt has been made to ensure that the scheme comprises high quality design, adjacent to a Conservation Area in a sustainable location. Further explanation is contained in the submitted Design and Access Statement.
- 8.16 For the above reasons it is considered that the proposals fully comply with Policy HD18.

POLICY HD19 – ACCESS FOR ALL

- 8.17 **Policy HD19** requires that consideration is given to the need to ensure ease of access and movement for disabled people. The supporting text confirms that the Council ‘wishes to encourage’ the provision of houses constructed to Lifetime Homes Standards wherever this is reasonable and realistic.
- 8.18 A Lifetimes Homes checklist has been completed by the applicant (who is a housebuilder) and is submitted with the planning application. The Checklist confirms that in the main, the proposed housetypes would comply with the contents of the schedule. It is therefore considered that the proposed dwellings and layout have been designed to be Lifetime Homes compliant, and therefore the proposals comply with Policy HD19.

POLICY HD21 – ENERGY CONSERVATION

- 8.19 This policy expects developers to minimise the overall demand for energy arising from proposed development by taking into account the need for energy sensitive siting, orientation and layout in design.
- 8.20 The Design and Access Statement addresses the issue of energy efficiency in Section 4.0 demonstrating that efforts have been made by the applicant to incorporate a commitment to sustainable development. The development proposals have taken into account the existing topography and site levels have been generated in order to minimise earthwork arising, reducing the volume of waste disposed to landfill. Existing trees and hedges on the boundaries will be retained, managed and enhanced as required in accordance with the landscape proposals.
- 8.21 Having regard to Building Regulation requirements, measures incorporated into the fabric of the design of the buildings will maximise the efficiency of the dwelling, are built in for the life of the dwelling, add value and limit the emissions of carbon dioxide to the atmosphere arising from the operation of the dwellings and their services. The development therefore accords with Policy HD21.

POLICY HD22 – EXISTING TREES AND LANDSCAPING AND

POLICY HD23 – NEW TREES AND LANDSCAPING

- 8.22 **Policy HD22** makes it clear that trees and landscaping make an important contribution to the city's environment and that visually, trees can be attractive in their own right and soften an otherwise harsh urban environment. The Policy confirms that in order to protect and integrate existing trees and landscape features within new developments the Council will:
- i. require the retention of key ecological and natural site features, such as trees, hedges, walls and ponds;*
 - ii. require the submission of a full independent tree survey to enable the effect of the proposal on the trees to be fully assessed;*
 - iii. refuse planning permission for proposals which cause unacceptable tree loss, or which do not allow for the successful integration of existing trees identified for retention following consideration of the tree survey;*
 - iv. require layouts to provide adequate spacing between existing trees and buildings, taking into account the existing and potential size of trees and their impact both above and below ground level; and*

- v. *require retained trees and woodland to be protected and managed during construction, preventing all site works within the branch spread of any retained tree.*

8.23 In relation to protected trees, the Policy further confirms that the Council will only allow the removal of any protected tree in exceptional circumstances, such as where the tree is a danger to public safety or is diseased, and on condition that appropriate replacement planting takes place. In addition, reviews of existing Tree Preservation Orders will be carried out.

8.24 **Policy HD23** confirms that all new development proposals should make proper provision for the planting and successful growth of new trees and landscaping, including any replacement planting provided as compensation for the loss of any trees due to development. In particular, new planting should:

- i. *provide high quality landscaping and boundary treatment including the submission of such details as part of any full planning application; and*
- ii. *promote nature conservation through the use of native species and the creation of wildlife habitats where appropriate.*

8.25 These two policies will be considered together below.

8.26 The applicant instructed Ascerta to carry out a survey of the trees within and immediately adjacent the applicant site and to assess the potential impact of the development as proposed on trees within / adjacent the site. The submitted report by Aserta notes that trees at the front of the site are not protected, there is a Tree Preservation Order (Area wide designation) that extends across a large part of the rear of the site (TPO 107, Sandfield Brow / Gateacre Brow, 1972). The effect of this Order is that any tree that was growing at the time the Order was made, will have the benefit of statutory control.

8.27 The Tree Survey submitted with this application confirms that the trees proposed for removal are those included in groups G3 and G5. As seen overleaf in the extract from the Aserta Report and the photograph of G5, these trees are overgrown and comprise low quality specimens:

Tree(s) to be removed	Reason for removal
G3 & G5	Low quality / overgrown and to facilitate the proposed development.



Fig 8.1 Extract from page 8 of the Aserta Report, and photograph of the trees included in Group G5 – Cypress (conifer)

- 8.28 The Tree Survey Assessment advises that, whilst the removal of trees can sometimes be considered a negative impact on the local landscape, the wider benefits of the development as proposed, which includes the planting of a significant number of new trees and shrubs to create a more diverse landscape structure, together with the conversion of existing hard landscaped areas to soft areas, outweigh the relatively short term benefits of retaining those trees proposed for removal.
- 8.29 There are a number of trees located around the boundary of the site, but within land outside of the application site and outside the applicant's land ownership. These trees make a positive contribution to the screening of views and can be complemented by the planting of new trees and shrubs such as to filter views and integrate the development into the surrounding landscape. To protect these trees, the Tree Survey notes that in terms of trees T1, T2, G1-G4, suitable measures will be implemented to safeguard them during construction as, the absence of such appropriate controls could result in root damage from excavation works or compaction of soils.
- 8.30 On the basis of the proposed layout and those trees proposed for retention, a tree protection drawing is included in the proposals showing preliminary recommendations for the physical protection of retained trees throughout the construction phase. The report by Aserta also accounts for suitable mitigation measures where proposed new buildings encroach within, or are located immediately adjacent Root Protection Areas of retained trees. In particular, the report recommends in relation to Plot 10 and the impact of development on tree T2 (Table contained at Section 7.1):

'Use porous surfaces where possible and build levels up from sub-base to existing surfaces.'

- 8.31 Careful attention has been given to the impact of the proposed layout on existing trees and the likely long term spatial constraints. The Assessment by Aserta concludes that the proposed layout is such that there is generally adequate space between new buildings and trees to limit the potential for future pressure to remove trees. Whilst it is not possible to predict what actions future residents will seek to take in respect of trees within or adjacent their properties, the proposed existing layout is considered acceptable from a design perspective and contributes to a balanced landscape, together with preliminary comments in respect of potential measures to safeguard those trees.

POLICY HD22 AND HD23 – CONCLUSIONS

- 8.32 Mature trees in urban and suburban areas add significant value and environmental benefits to properties, however it is acknowledged that some residents are averse to living in close proximity to trees. Whilst efforts can be made to minimise the impact from shading by trees it is almost inevitable that in some situations trees will shade parts of gardens or properties during part of the day. Aserta has concluded that in the main, any shade cast from trees will be for relatively short periods and entirely acceptable given the accepted co-existence of large trees in an urban context. In these circumstances, it is considered that shade will not be a particular issue across the site given the proposed layout and its relationship to retained trees, and that there is no indication that the relationship between trees and existing properties is a cause for concern.
- 8.33 The submitted scheme includes an illustrative landscape proposal and it is considered that detailed landscaping and planting matters can be agreed through the use of suitably-worded planning conditions, should planning permission be forthcoming. In general however, it is envisaged that provision will be made for the planting of a mixture of native, as well as ornamental trees, shrubs and hedges.
- 8.34 In conclusion, it is considered that the proposals comply with Policies HD22 and HD23.

POLICY H4 – PRIMARILY RESIDENTIAL AREAS

- 8.35 Within the Primary Residential Areas (as shown on the Proposals Map), Policy H4 confirms that planning permission will be granted for, amongst other things, new housing development that satisfies other Plan policies (Criterion i.).
- 8.36 Clearly, as the proposals comprise the redevelopment of previously developed land within the urban area and a primary residential area, the proposals wholly comply with Policy H4. It will be shown in this Planning Statement that the detailed design complies with other Plan policies (as required by Policy H4).

POLICY H5 – NEW RESIDENTIAL DEVELOPMENT

- 8.37 **Policy H5** sets out the criteria which proposals for residential development must accord with in order to be found acceptable to the Council:

NEW RESIDENTIAL DEVELOPMENT	
H5	
1. Planning permission will be granted for new residential development which accords with the following criteria:	ii. the highway and parking provision ensures a safe, attractive, convenient and nuisance-free highway environment for pedestrians, cyclists and drivers.
i. the density, design and layout respects the character of the surrounding area, and maintains levels of privacy and amenity for existing and future residents; and	2. Proposals for new residential development will be expected to comply with the provisions of policies HD18 on General Design Requirements, and OE14 regarding the provision of new open space.
	3. The City Council will welcome residential schemes which include an element of local community facilities, particularly where existing facilities would be rendered inadequate as a result of an increase in population arising from the development.

- 8.38 The supporting text to the Policy confirms that the Policy must be read in conjunction with Supplementary Planning Guidance (SPG) Note 10 (New Residential Development) which provides information and advice to developers on the standards of layout, design and open space expected in new residential developments. This SPG will be discussed in the following Chapter 9 (Other Material Considerations), but in the following paragraphs it will be demonstrated how the proposals comply with the relevant criteria of Policy H5; it should be noted that criterion 3. is not relevant to these proposals as no community facility is included in the scheme.

H5-1.i. DENSITY, DESIGN AND LAYOUT

- 8.39 This issue has been discussed at length in relation to the detailed criteria contained in Policy HD18. The table at paragraph 8.13 above, demonstrates that the proposals comply with both Policy HD18 and Criterion 1.i. of Policy H5.

H5-1.ii. HIGHWAYS AND PARKING PROVISION

- 8.40 The Transport Statement (TS) prepared by CBO Transport confirms that the site is highly accessible, being located in a sustainable location with numerous schools, shops and local facilities all located within a maximum of 1.2 km to 2 km of the site. There are also nearby cycle routes and high frequency bus services in close proximity to the site.
- 8.41 The internal site layout meets the standards of a private access, with refuse being collected from a dedicated area within the application site boundaries.

- 8.42 The proposed parking provision also meets the Councils parking standards of 2no. spaces per detached dwelling.
- 8.43 The TS has undertaken an assessment of the existing traffic and highways conditions compared with the impact of the proposed development on the current highway situation. The TS concludes that the proposed development would result in a considerable reduction in traffic flows at the site and as a result the proposal will have a beneficial impact on traffic flows in the area and the safe and efficient operation of the local highway network.
- 8.44 The TS includes a detailed vehicular access drawing having regard to issues of visibility and highway safety. The access and proposed visibility details have been discussed with the local highway authority, with the highway authority confirming that the technical details are satisfactory. Having regard to the lack of an existing accident record at the current site access, which incidentally provides less visibility than the proposed site access which would have been associated with significantly more traffic (in relation to the previous garden centre use), it is considered that the proposed access layout and visibility provision is sufficient to safely and efficiently serve the proposed development.
- 8.45 In this regard, it is considered that the proposals accord with the provisions of criteria 1.ii. of Policy H5.

H5-2.ii – POLICY HD18 AND POLICY E14

- 8.46 Policy HD18 has been discussed at length above in Paragraph 8.13, and is further detailed in the accompanying Design and Access Statement. It has been shown that the proposals accord with this Policy. Similarly, Policy OE14 (Open Space in New Residential Developments) is not relevant as this Policy relates specifically to proposals comprising 25 or more family dwellings.

POLICY H5 – CONCLUSIONS

- 8.47 The objective of Policy H5 is to encourage high quality residential development within the City, having regard to the character of the local area and the existing surrounding built form. It has been shown at length that the proposals have been carefully thought through to ensure that the new dwellings make a positive contribution to the streetscene and would not have an unacceptable impact on surrounding residents. It is therefore considered that the development proposals comply with Policy H5.

POLICY T12 – CAR PARKING PROVISION IN NEW DEVELOPMENTS

- 8.48 **Policy T12** is clear that new development generates a demand for car parking will be required to make provision for car parking on site, to meet the minimum operational needs of the development.

- 8.49 The Transport Statement prepared by CBO Transport consultants confirms that the site is highly accessible, being located in a sustainable location with numerous schools, shops and local facilities all located within a maximum of 1.2 km to 2 km of the site. There are also nearby cycle routes and high frequency bus services in proximity to the site.
- 8.50 The layout provides for 2 car parking spaces per dwelling on a private driveway, in addition to one garage per dwelling. This provision would comply with the minimum standards set out for detached properties in paragraph 41 of SPG Note 10 (which is discussed in further detail at paragraph 9.27 below).
- 8.51 On this basis, the proposals would wholly be in compliance with Policy T12.

POLICY EP1 – VACANT, DERELICT AND NEGLECTED LAND

- 8.52 **Policy EP1** confirms that the Council will promote and encourage the reclamation of derelict land and the restoration of neglected land and will encourage the development of these and other vacant sites for appropriate uses.
- 8.53 The application site comprises previously developed land where the previous use (i.e. the garden centre) has now ceased to operate and the site sits vacant within the urban area. The site is located on a main thoroughfare between Gateacre and Woolton and in a popular Primary Residential Area, adjacent to a Conservation Area. The redevelopment of the site for residential purposes would comprise sustainable development in accordance with the aims and objectives of both national and local planning policy. In this regard, the proposal would comply with Policy EP1.

CONCLUSIONS

- 8.54 It has been demonstrated above that the proposed development complies with the provisions of the Development Plan.
- 8.55 Commensurate with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the application should be approved unless material considerations indicate otherwise. Other material considerations are dealt with in Chapter 9.

9. OTHER MATERIAL CONSIDERATIONS

INTRODUCTION

- 9.1 Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (*R v Westminster CC ex-parte Monahan 1989* refers).
- 9.2 The Courts are the arbiters of what constitutes a material consideration. All the fundamental factors involved in land-use planning are included, such as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure.
- 9.3 The Courts have also held that the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. These statements cannot make irrelevant any matter which is a material consideration in a particular case. But where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them. If they elect not to follow relevant statements of the Government's planning policy, they must give clear and convincing reasons (*E C Grandson and Co Ltd v SSE and Gillingham BC 1985* refers).
- 9.4 Emerging policies, in the form of draft policy statements and guidance, can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review; and the circumstances which have led to that review may need to be taken into account. In this case the following material considerations are relevant.

THE NATIONAL PLANNING POLICY FRAMEWORK

- 9.5 The Framework was published and came into force on 27 March 2012. In general terms the Applicants consider that the Framework significantly supports the case for granting planning permission for the small scale residential development in a predominantly residential area.

STATUS

- 9.6 Paragraph 1 of the Framework states that:

"The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied."

- 9.7 Publication of the Framework saw the cancellation of 44 planning policy documents, including all extant PPG, PPS⁸, and a number of Circulars and Letters to Chief Planning Officers.
- 9.8 Regard must now be had to the Framework as a material consideration in planning decisions as per Paragraph 2 of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004. Paragraph 14 of the Framework states:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking....*

For decision-taking this means approving development proposals that accord with the development plan without delay”.

- 9.9 The tenet of the Framework could not be clearer. In this instance, the proposals accord with the Development Plan and should, therefore, benefit from the presumption in favour of sustainable development.
- 9.10 Sustainable development is broadly defined in Paragraph 7 of the Framework as having three dimensions; namely economic, social and environmental. In relation to these dimensions we comment as follows:

ECONOMIC

- 9.11 The proposals would make a positive contribution to the quantity and quality of family housing, and housing supply in general, in the Liverpool administrative area. In addition, the proposals would make a contribution towards the economic wellbeing of Liverpool as investment would support construction jobs during the construction phase both on the site itself and in the local supply chain and further afield.
- 9.12 The building of new homes could help to address local unemployment in the construction industry, and provide new apprenticeship and training opportunities for young unemployed people. In addition, in terms of the residual i.e. long term economic benefits, the additional population supported by the development are likely to be of a working age, and therefore have potential to boost to the local labour supply.
- 9.13 The proposal relates to a vacant site within the urban boundary which is within an established residential area well connected to local facilities and amenities, as well as larger conurbations further afield. It has been demonstrated (in the supporting information) that the proposed development is consistent with the aims of the Council by proposing sustainable, high quality family housing.

⁸

Save PPS10 for a limited period

SOCIAL

- 9.14 The proposal will result in the creation of a high quality environment and comprises a compatible use in-keeping with the neighbouring uses in the immediate surrounds of the site.
- 9.15 As outlined earlier in this statement the site lies within walking distance of public transport links to several town and city centres and therefore offers an excellent location close to local services and would promote the use of sustainable transport and reduce reliance on the private car.
- 9.16 The proposed dwellings comprise high quality family homes, and will help to diversity the housing offer within Liverpool and will contribute to the continued promotion of this part of Liverpool as a desirable location to live.

ENVIRONMENTAL

- 9.17 The site is not subject to any statutory ecological designations, nor is it within an area at risk of flooding as defined by the Environment Agency. In accordance with Paragraph 118 of the Framework, the biodiversity of the site will be enhanced by the significant amount of new landscaping proposed. Paragraph 109 of the Framework requires that:

‘109. The planning system should contribute to and enhance the natural and local environment by (amongst other things):

- *Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”*

- 9.18 The proposed development includes the retention of the majority of existing trees, bolstered by significant additional planting which would result in a net gain in biodiversity. The Extended Phase I Habitat Survey illustrates that the development would not have any impact on protected species as there are none present. The proposals present an opportunity to increase the biodiversity benefits with appropriate habitat creation through the introduction of native planting species and the erection of bat and bird boxes.
- 9.19 Taking the above into account, the development represents a net benefit to the environment, in accordance with national planning policy.

THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

- 9.20 Paragraph 14 of the Framework establishes a presumption in favour of sustainable development.
- 9.21 The site would meet current (housing) needs in a manner which does not compromise the ability of future generations to meet their own needs. The proposals comprise sustainable development

and accordingly would benefit from the presumption in favour of such development as stated in Paragraph 14 of the Framework. The Council should therefore grant planning permission without delay having regard to Paragraph 14 of the Framework.

PLANNING PRACTICE GUIDANCE

- 9.22 On 28 August 2013 the government launched its draft Planning Practice Guidance (PPG). The draft PPG was subject to consultation for 6 weeks and was launched on 6 March in its final form. The PPG replaces some 230 planning guidance documents but will result in no amendments to the Framework.
- 9.23 With regards to Design, paragraph ID: 26-001-20140306 reiterates the guidance set out in the NPPF; that good quality design is an integral part of sustainable development. Furthermore, the PPG notes that :
- ‘Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well and will adapt to the needs of future generations’.*
- 9.24 The PPG makes it clear that planning policies and decisions should seek to ensure the physical environment supports the three strands of sustainable development (i.e. economic, social and environmental) and in doing so issues including the promotion of local character; designing safe connected and efficient streets; incorporating a network of greenspaces; promoting cohesive and vibrant neighbourhoods, should all be given careful consideration.
- 9.25 The PPG also reiterates the guidance set out in the NPPF, that both Local Plans and planning decisions should be based upon and reflect the presumption in favour of sustainable development (paragraph ID 21b-006-20140306 and ID 12-011-20140306).
- 9.26 This Planning Statement has shown how the proposals have addressed the key design issues above, and the residential scheme comprises sustainable development.

ADOPTED SUPPLEMENTARY PLANNING GUIDANCE AND ADVICE NOTES

- 9.27 The application takes full account of the following adopted Supplementary Planning Guidance Notes and Advice Notes, specifically the following.

NEW RESIDENTIAL DEVELOPMENT – SPG NOTE 10

9.28 This SPG was adopted by the Council in April 1996 and supplements Policy H5 of the UDP. The SPG is pretty antiquated, in terms of the length of time it has been adopted, however the guidance contained within it is still relevant in relation to principles of good design.

9.29 The SPG confirms that all new residential developments are expected to have reasonable levels (our emphasis) of privacy and amenity, and that:

“Each development will be assessed on its merits using minimum standards as a benchmark.

The Council will therefore be prepared to be flexible where carefully designed and imaginative layouts are proposed.

The principle objective of ensuring adequate privacy and a good standard of environment for existing and future residents will always be expected.”

9.30 Overall, the development complies with the standards set out in the SPG. Where the standards are not met, it is considered that the scheme still represents the highest quality of development and that each dwelling would be achieve above and beyond the ‘adequate privacy and a good standard of environment for existing and future residents’ as set out in the SPG. It is noted that Paragraph 15 of the SPG confirms that proposals ‘will normally be required’ to satisfy the minimum standards for space around buildings, however the SPG further confirms that ‘These standards in practice will vary depending upon the character and spaciousness of the surrounding area’.

9.31 Having regard to the mix, size and types of properties in the surrounding area, it is submitted that the proposals would respect the character of the locality and would not have an unacceptable impact on the residential properties which back onto the site, and that future residents would enjoy a reasonable level of privacy and good quality private and shared amenity spaces.

9.32 In particular, the proposals comprise:

- A low density of aspirational detached properties.
- Design details which take full account of, and are directly influenced by the character of the surrounding built form.
- A layout which has due regard to issues of noise, existing trees, access to the main road, and maximises amenity and visual interest.
- Reasonable separation and spacing distances.

- Front and rear garden areas which take full account of existing trees and hedges situated adjacent to the boundary of the site. The sizes of the gardens are appropriate for the dwellings in this location on this infill site.
- Hard and soft landscaping scheme which complements the proposed built form.
- High quality highway environment with appropriate levels of car parking provided.

9.33 Having regard to the site-specific constraints, the scheme is considered to comprise high quality redevelopment of a vacant site within a popular part of the city.

TREES AND DEVELOPMENT – SPG NOTE 6

9.34 The SPG supplements Policies 22 and 23 of the UDP, which have been discussed above in detail. The application submission includes a Tree Survey and Arboricultural Impact Assessment which takes full account of the existing arboricultural situation and proposes measure to protect and manage those trees during construction. The arboricultural details and proposed site layout also include for indicative new planting which comprises trees and hedging within both front and rear garden areas. It is considered that the use of planning conditions could control the precise details of planting and landscaping.

DESIGN FOR ACCESS FOR ALL - SPD

9.35 This SPD seeks to draw attention to best practice in the design of the internal and external environment in terms of making buildings and external spaces accessible to, and useable by disabled people.

9.36 In accordance with the supplementary guidance set out in the SPD, which should be read in conjunction with Policy HD19 (discussed in the preceding Chapter), the dwellings would enable the needs of a household to be met over its lifetime. In addition to the details set out in the Design and Access Statement, a Lifetime Homes checklist has been submitted with this planning application. The checklist confirms that the proposed dwellings and layout have been designed to be Lifetime Homes compliant.

9.37 Additionally, 1no. dwelling has been designed to be wheelchair accessible to meet the standards set out in the SPD.

ENSURING A CHOICE OF TRAVEL SPD

- 9.38 The SPD was produced to provide consistent guidance to developers on access and transport requirements for new development. Amongst others, the objectives of the SPD are to ensure a reasonable choice of access by all modes of transport to new development, to reduce the environmental impact of travel choices, and to reduce the level of traffic growth and congestion on the strategic and local road network.
- 9.39 Issues of highways and accessibility have inherently been considered as part of the design of the scheme proposed. The Transport Statement prepared by CBO Transport sets out in detail the anticipated impact of the 10no. new dwellings on the local highway network, and how matters of access and parking have been incorporated into the detailed design.
- 9.40 In addition, and in accordance with the Council's validation checklist, a Minimum Accessibility Standard Assessment (or 'MASA') has been submitted with this planning application as part of the Transport Statement.
- 9.41 It is concluded that, taking into account the fact that the site is highly accessible by sustainable modes of transport, and the detailed design of the proposed layout and vehicular access point onto Acrefield Road, the scheme accords with the principles set out in the SPD.

SECTION 106 PLANNING OBLIGATIONS – PLANNING ADVICE NOTE

- 9.42 This Planning Advice Note sets out the circumstances in which the local planning authority would expect planning obligations to form part of a planning application submission. The City Council's Executive Board in 2005 and 2008 agreed that the short term interim measures included in the Note should be adopted for development control purposes pending the adoption of the emerging Local Plan.
- 9.43 It is clear that the Advice Note precedes the National Planning Policy Framework and Planning Practice Guidance, and therefore there is a need to carry out an exercise to consider whether the contents of the Note are in compliance with current national planning policy. At Paragraphs 204 and 205 the Framework confirms:

'Planning obligations should only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.'

9.44 PPG provides further guidance on the matter at Paragraph 004 Reference ID: 23b-004-20140306:

'Does the local planning authority have to justify its requirements for obligations?

In all cases, including where tariff style charges are sought, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

Planning obligations should not be sought – on for instance, public art – which are clearly not necessary to make a development acceptable in planning terms

The Government is clear that obligations must be fully justified and evidenced. Where affordable housing contributions are being sought, obligations should not prevent development from going forward. Revision date: 06 03 2014.'

9.45 Having regard to the relevant tests for planning obligations and the details set out in the Advice Note, the following obligations are offered in relation to the redevelopment of the former Gateacre Garden Centre:

1. Contribution of £1,000 per dwelling towards the provision of **open space / public realm**. This results in a contribution of **£10,000**.
2. Contribution towards street trees on the basis of 1 tree per 5 dwellings where the cost of a street tree including maintenance is £4,000. This results in a contribution of **£8,000**.
3. Additional charge of 15% of value of the planning application fee to fund the post of a Section 106 Monitoring Officer. This results in a contribution of **£577.50**

9.46 On that basis, the applicant is content to agree to a financial contribution of £18,577.50 to make the proposals acceptable in planning terms having regard to the provisions of Regulation 122 of the Community Infrastructure Levy Regulations.

9.47 No provision is offered in relation to Public Art (which comprises one of the obligations in the Advice Note), as it is not considered that this would be necessary to make the development acceptable in planning terms. The provision of public art is not directly linked to the development

and therefore this obligation would not meet the relevant tests; it is not considered that any provision towards public art is justified.

9.48 Current Government guidance is very clear that Council's should be sufficiently flexible in relation to obligations and that obligations are fully justified and evidenced. The redevelopment of this vacant brownfield site within the primary residential area would bring about provision towards open space / public realm and a contribution towards street trees, to the benefit of the immediate environs and the locality.

9.49 Draft Heads of Terms are included at Appendix 1 of this Planning Statement. A Section 106 Legal Agreement will be agreed and signed by the applicant when there is a resolution to grant full planning permission for the development.

NEW HOMES BONUS

9.50 The New Homes Bonus is paid by the government each year for 6 years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use.

9.51 Using Council Tax Band H as a guide (having regard to the Council Tax Band information in relation to house values taken from the Council's website), and in accordance with the government's online calculator, the development proposed could generate local contributions to Liverpool City Council of £176,158 via the New Homes Bonus. These significant monies are a material consideration having regard to Section 143 of Part 6 of the Localism Act 2011.

SUMMARY

9.52 The site sits in a highly accessible location and will deliver economic, social and environmental benefits to the local area. It has been demonstrated that there are a number of material considerations which should weigh in favour of the application proposals.

10. SUMMARY OF BENEFITS AND CONCLUSIONS

INTRODUCTION

- 10.1 Hourigan Connolly is instructed by Macbryde Homes to prepare this Planning Statement in support of the proposed development at the former Gateacre Garden Centre on Acrefield Road, Woolton, Liverpool.
- 10.2 The short description of development given in the planning application forms is:
- “Demolition of existing building and the erection of 10 no. detached residential properties.”*
- 10.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:
- “where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.*
- 10.4 It has been demonstrated in this Planning Statement that the proposals accord with the provisions of the Development Plan and that there are other material considerations which support the granting of detailed planning permission.

THE BENEFITS OF THE PROPOSALS

- The provision of new high quality family dwellings in a sustainable location.
 - The redevelopment of a prominent, vacant site in a popular area of Liverpool adjacent to a Conservation Area.
 - Contribution to the economy during construction, through the creation of jobs and supporting local trades and suppliers, and afterwards by expenditure in the local economy.
 - New Homes Bonus payments to the Council.
- 10.5 For the reasons set out above we respectfully request on behalf of the applicant that full planning permission be granted for the erection of 10 no. dwellings and associated works at land at Gateacre Garden Centre on Acrefield Road in Woolton, Liverpool.

Hourigan Connolly

29 January 2015

Appendix 1

Appendix 1

Former Gateacre Garden Centre, Acrefield Road, Woolton

Draft Section 106 Agreement Heads of Terms – 29 January 2015

1.1 These Section 106 Heads of Terms have been prepared and submitted by Hourigan Connolly on behalf of the Applicant in support of a full planning application relation to land at the former Gateacre Garden Centre, Acrefield Road, Woolton.

1.2 The description of development is as follows:

“Demolition of existing buildings, structures and outbuildings and erection of 10 no. detached residential properties with car parking and associated works on land at the former Gateacre Garden Centre.”

1.3 The application is made in full.

1.4 Any planning permission would be subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As amended). The provisions therein will be subject to further discussions with Officers during the determination of the application.

Open space / public realm

1.5 A commuted sum to the total of £10,000.00 as contribution to towards the provision of open space / public realm, on the basis of £1,000 per dwelling. Triggers for payment to be agreed.

Street Trees

1.6 A commuted sum to the total of £8,000 as contribution towards street trees on the basis of 1 tree per 5 dwellings where the cost of a street tree including maintenance is £4,000. Triggers for payment to be agreed.

Section 106 Monitoring

1.7 An additional charge of 15% of value of the planning application fee to fund the post of a Section 106 Monitoring Officer. Figure to comprise £577.50. Triggers for payment to be agreed.