

# Statement of Case

Land off Woolton Road, Allerton, Liverpool

On behalf of Redrow Homes NW and  
Allerton Priory LLP

December 2016

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**Our reference**

REDM2039

**LPA reference**

16O/1191

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# 1. Introduction

1.1 This Statement of Case has been prepared by Turley on behalf of Redrow Homes NW and Allerton Priory LLP (“the Appellant”).

1.2 It sets out the Appellant’s grounds of appeal relating to the decision of Liverpool City Council (LCC) to refuse a planning application for outline permission for residential development on land off Woolton Road, Allerton, Liverpool (“the site”).

1.3 The description of the development is:

*“Outline planning application for up to 160 no. dwellings and open space with all matters reserved except for access.”*

1.4 The planning application (LPA ref. 16O/1191) sought outline planning permission to establish the principle of developing the site for residential and related development, and to agree details of the access arrangements into the site. All matters are reserved aside from three points of access into the site from Woolton Road (x 2) and Allerton Road. While the application is accompanied by an illustrative masterplan, all detailed design matters, including house types and landscaping, are to be subject of subsequent reserved matters applications.

1.5 The planning application was submitted to LCC on 18 May 2016 and validated on 20 May 2016.

1.6 The planning application was accompanied by a single-topic Environmental Statement (ES) to consider the potential for the proposed development to give rise to significant environmental effects on built heritage. The ES was prepared following the adoption of a screening opinion by LCC on 4 March 2016.

1.7 LCC resolved to refuse the planning application at the meeting of the Planning Committee on 20 December 2016 for the following reasons:

1. *The proposal represents an inappropriate and unjustified form of development within designated Green Wedge which will cause an intrusive and urbanising impact on the landscape, affecting the predominantly open character of the Green Wedge and will physically and visually reduce the Calderstones - Woolton Green Wedge between existing built up areas. As such the proposal is contrary to saved policy OE3 of the Liverpool Unitary Development Plan and paragraphs 7, 8, 17, and 152 of the National Planning Policy Framework.*
2. *The proposal represents an inappropriate and unjustified form of development within designated Green Space which cannot be accommodated without material harm to its recreational function and visual amenity value. As such the proposal is contrary to saved policies OE11 and OE12 of the Liverpool Unitary Development Plan and paragraphs 7, 8, 17, and 152 of the National Planning Policy Framework.*

3. *The proposal would adversely affect the setting of the Grade II\* listed Allerton Priory and Grade II listed Priory Lodge and would fail to preserve the setting and important views of the buildings contrary to saved policy HD5 of the Liverpool Unitary Development Plan and paragraphs 128 and 132 of the NPPF.*
4. *The application contains insufficient information to demonstrate that the site ecology would not be adversely impacted upon by the proposed development. As such the application fails to demonstrate that the proposal complies with saved policies OE3, OE5, OE6 and OE7 or that the requirements of paragraph 118 of NPPF have been met. Furthermore, without clear evidencing and despite the applicant's proposed mitigation strategies, the impacts of the development on the site's ecological quality, including trees, would be unacceptably impacted upon, contrary to saved policies OE3, OE5, OE6, OE7 and HD22 of the Liverpool Unitary Development Plan and paragraphs 17, 61, 109, 118, 152, and 203 of the NPPF.*
5. *The proposal involves development that cannot be reconciled with in that the proposed works to create the 3no. accesses would result in an unacceptable loss of category A and B protected trees and associated detriment to visual amenity contrary to saved policy HD22 of the Liverpool Unitary Development Plan and paragraphs 109 and 118 of the National Planning Policy Framework.*

1.8 At the time that the application was refused, the application comprised of, or was accompanied by, the following documents (some of which had been amended during the course of the determination period):

- The duly completed application forms, certificates and notices
- Plans and documents for approval:
  - Site Location Plan (Turley drawing no. 10\_1 Revision 1)
  - Parameters Plan (Turley drawing no. 3501 Revision 00)
  - Proposed Site Access Arrangements – Woolton Road (SCP drawing no. SCP/15365/F02 Rev A)
  - Proposed Site Access Arrangements – Allerton Road (SCP drawing no. SCP/15365/F03)
- Plans and documents for illustrative purposes only:
  - Illustrative Layout Plan (Turley drawing no. 4001 Revision 00)
- Environmental Statement, comprising:
  - Environmental Statement, prepared by Turley
  - Environmental Statement: Non-Technical Summary, prepared by Turley
- Accompanying documents, comprising:
  - Design and Access Statement, prepared by Turley
  - Planning Statement, prepared by Turley Planning

- Heritage Statement, prepared by Turley Heritage
- Ecological Assessment, prepared by TEP (ref. 5171.01.001 Version 2.0)
- Landscape and Visual Impact Assessment, prepared by TEP (ref. 4729.005)
- Geo-environmental Appraisal, prepared by Sirius (ref. C6069 Rev B)
- Gas Assessment Letter Report, prepared by Sirius (ref. C6069A/GH/7125 RevA)
- Flood Risk Assessment & Drainage Strategy, prepared by Waterco (ref. w1637-160422-FRA)
- Noise Impact Assessment, prepared by REC (ref. 90625R3)
- Transport Assessment, prepared by SCP (ref. CR/15365/TA/3)
- Technical Note [on highways matters], prepared by SCP (ref. JA/CR/15365/TN02)
- Travel Plan, prepared by SCP (ref. LB/15365/TP/1)
- Tree Survey Report, prepared by TBA (ref. MG/4815/TSR/REV B)
- Tree Survey and Root Protection Areas (TBA drawing nos. 4815.01 Rev B and 4815.02 Rev B)
- Air Quality Assessment, prepared by REC (ref. AQ100787R4)
- Statement of Community Engagement, prepared by Turley Engagement
- Arboricultural Impact Assessment, prepared by TBA (ref. MG/4815/AIA/REV B/SEP16) including Overlay of Tree Survey and Masterplan Sketch (Rev B) (TBA drawing no. 4815.03 Rev B)
- Archaeological Desk Based Assessment, prepared by L-P: Archaeology
- Geophysical Survey Report, prepared by L-P: Archaeology
- Letter from Anna Noble, Turley to Paul Vertigen, LCC (dated 27 September 2016)
- Letter from Elizabeth Seal, TEP to Rachael Rhodes, MEAS (dated 25 November 2016) and associated enclosures:
  - Indicative Planting Strategy (TEP drawing no. IN4729.081A)
  - Habitat Management Prescriptions (TEP document no. 5171.01.003)
- Letter from Anna Noble, Turley to Paul Vertigen, LCC (dated 28 November 2016)

- 1.9 During the course of the LPA considering the application, further information relating to highways, trees, ecology and archaeology was submitted to address various matters raised by consultees.
- 1.10 On 20 September 2016, the Appellant submitted an associated application to LCC for Listed Building Consent to alter the existing boundary wall around the site to create the three points of access (LPA ref. 16L/2392). The wall is curtilage listed by virtue of its connection to the Grade II\* listed Allerton Priory.
- 1.11 This Statement presents the case on behalf of the Appellant as to why the application should have been approved by the Local Planning Authority (LPA) and the appeal should be allowed. Where relevant, reference is made to responses to the application made by internal LCC consultees, statutory consultees and interested parties.
- 1.12 A draft Statement of Common Ground (SoCG) has been prepared by Turley on behalf of the Appellant and has been submitted to LCC for comments. The Appellant will seek to

agree the contents of the SoCG in advance of the inquiry, so as to reduce the scope of evidence required. An initial draft of the SoCG is submitted alongside this appeal.

## 2. Site Context and Proposal

### Site Context

- 2.1 The Appellant will describe the appeal site including a detailed description of its relationship with the surrounding environment. This will include consideration of the wider site context.
- 2.2 The Appellant will demonstrate the physical and functional relationship of the site in the south Liverpool context; describing, in particular, the range and proximity to facilities such as shops, employment and community facilities, and the means of accessing those from the site by non-car modes.
- 2.3 The Appellant will demonstrate that the site is a sustainable location for the scale and form of development proposed, by reason of its accessibility profile and measures that will be introduced as part of the development and, where appropriate, pursuant to conditions and planning obligations. It will be demonstrated that the appeal proposal represents sustainable development.
- 2.4 The Appellant's evidence will make reference to a number of the documents submitted as part of and in support of the outline planning application to describe the inter-relationship of the site with surrounding uses and how that impacts on the developable area and design parameters.
- 2.5 In particular, the Appellant's evidence will describe the relationship of the site with the nearby listed buildings including Allerton Priory and Allerton Lodge and demonstrate that the proposed development would preserve the significance of the relevant heritage assets.
- 2.6 The Appellant will endeavour to agree with LCC a detailed description of the appeal site and the surrounding area with a view to including this in the Statement of Common Ground. In the event that agreement cannot be reached, the Appellant will provide a full description in evidence as necessary.

### The Proposal

- 2.7 The Appellant will provide a detailed explanation of the residential development and extensive areas of open space proposed, together with a description of the access arrangements into the site for which detailed approval is sought.
- 2.8 By reference to the application documents and information subsequently submitted to LCC, it will be demonstrated that the following features have been or can be, through detailed design, incorporated in the development in response to site constraints and influences:
  - Up to 160 residential dwellings, the layout and arrangement of which can be satisfactorily accommodated on the site to ensure that relevant LCC standards for development are met and the dwellings will have satisfactory levels of residential amenity.

- The development would preserve those aspects of setting that make a positive contribution to the significance of the adjacent heritage assets.
- Access arrangements directly from Woolton Road and Allerton Road, for vehicular traffic, cycle and pedestrians. It will be shown that the access arrangements are appropriate for the scale of development proposed.
- A significant area of publicly available on-site open space, of a quantum and composition that exceeds local planning policy expectations and will be of wider local benefit in the area of the development.
- Retention of landscape features on the site and its boundaries, and the provision of additional landscaping, and
- Other measures which can be secured under the provisions of Section 106 of the Town and Country Planning Act or through the application of planning conditions which can ensure the satisfactory implementation of the development in respect of relevant planning policy, guidance and advice.

2.9 The Appellant will explain how the development proposals evolved through the pre-application process, including through engagement with LCC and consultees.

2.10 The Appellant will explain how the design parameters will define and control the development proposals, providing a clear framework for detailed design. The Appellant will describe the range of benefits that would flow from the proposal.



### 3. Planning & Environmental Policy

- 3.1 A summary of the relevant planning and environmental policy documents is set out at Section 2 of the draft Statement of Common Ground. It is expected that the documents and relevant policies which set the context for the appeal will be agreed with LCC.

#### **Legislation**

- 3.2 The Appellant will refer to The Planning (Listed Buildings and Conservation Areas) Act 1990, in particular Section 16, in relation to the physical alterations to the boundary wall around the site, and Section 66 concerning the setting of any listed buildings and structures affected by the proposed development.

#### **National Policy**

- 3.3 The Appellant will refer to the National Planning Policy Framework (“the Framework”); in particular:
- the presumption in favour of sustainable development
  - strong support for a pro-active and positive approach to decision making
  - the weight to be attached to the policies of the adopted development plan
  - the consequences of the absence of a 5-year housing land supply
  - the importance of providing sufficient housing to meet local needs
  - the desire to help achieve economic growth by proactively supporting an economy fit for the 21st Century to create jobs and prosperity by taking a positive approach to sustainable development
  - the objective of high quality and inclusive design
  - promotion of sustainable transport and only refusing development where the residual cumulative impacts are severe
  - promoting healthy communities
  - recognising the importance that access to public open space makes to the health and well-being of communities, and
  - conserving the natural and historic environment.
- 3.4 The Appellant’s evidence will demonstrate how the appeal proposals are consistent with key objectives of Government policy for housing development as a main contributor to economic growth.

- 3.5 The Appellant will test the appeal proposals against the definition of sustainable development set out in paragraphs 18 – 219 of the Framework, and in particular the social, economic and environmental roles of the development.

### **The Development Plan**

- 3.6 The adopted Development Plan for Liverpool comprises the saved policies of the Liverpool Unitary Development Plan (November 2002) and the Joint Merseyside and Halton Waste Local Plan (July 2013).
- 3.7 The Appellant's evidence will contain a full summary of the relevant 'saved' development plan policies as set out in Section 2 of the draft Statement of Common Ground. It will assess the weight that should be attached to them having regard to the Framework and demonstrate that the proposal generally accords with the relevant policies and objectives of the adopted development plan which remain up-to-date and to which material weight can be attached. The Appellant will show that, to the extent it could be concluded there is any conflict with the policies of the development plan, the weight that can be given to those policies is reduced due to the Framework.
- 3.8 In particular, evidence will be presented to demonstrate that:
- Policies relevant to the supply of housing in the development plan are out-of-date, and the weight to be attached to them is limited having regard to paragraphs 14, 47 and 49 of the Framework, and
  - Policy HD5 of the UDP is not wholly consistent with heritage policy contained in the Framework and guidance prepared by Historic England (previously known as English Heritage). HE guidance provides detail on how to define and assess setting and the associated impact of any changes arising from a development. It confirms that setting is not a heritage asset, nor a heritage designation, rather the importance of setting lies in what contributes to the significance of the relevant heritage asset itself.

### **Emerging Development Plan**

- 3.9 Reference will be made to the emerging development plan together with the associated evidence base.
- 3.10 The Appellant will demonstrate that the emerging development plan documents carry limited weight due to the early stage of preparation; the plan has yet to be published, let alone submitted or examined.

### **Other Policy Documents**

- 3.11 The Appellant will refer to other relevant non-statutory local policies, Ministerial Statements and other guidance. The weight to be attached to those documents will be assessed having regard to the Framework and any change in circumstances since they were published.

## 4. Appellant's Case

- 4.1 The appeal is made against the decision of LCC to refuse the planning application for outline permission. The application was refused for five reasons, as follows:
1. *The proposal represents an inappropriate and unjustified form of development within designated Green Wedge which will cause an intrusive and urbanising impact on the landscape, affecting the predominantly open character of the Green Wedge and will physically and visually reduce the Calderstones - Woolton Green Wedge between existing built up areas. As such the proposal is contrary to saved policy OE3 of the Liverpool Unitary Development Plan and paragraphs 7, 8, 17, and 152 of the National Planning Policy Framework.*
  2. *The proposal represents an inappropriate and unjustified form of development within designated Green Space which cannot be accommodated without material harm to its recreational function and visual amenity value. As such the proposal is contrary to saved policies OE11 and OE12 of the Liverpool Unitary Development Plan and paragraphs 7, 8, 17, and 152 of the National Planning Policy Framework.*
  3. *The proposal would adversely affect the setting of the Grade II\* listed Allerton Priory and Grade II listed Priory Lodge and would fail to preserve the setting and important views of the buildings contrary to saved policy HD5 of the Liverpool Unitary Development Plan and paragraphs 128 and 132 of the NPPF.*
  4. *The application contains insufficient information to demonstrate that the site ecology would not be adversely impacted upon by the proposed development. As such the application fails to demonstrate that the proposal complies with saved policies OE3, OE5, OE6 and OE7 or that the requirements of paragraph 118 of NPPF have been met. Furthermore, without clear evidencing and despite the applicant's proposed mitigation strategies, the impacts of the development on the site's ecological quality, including trees, would be unacceptably impacted upon, contrary to saved policies OE3, OE5, OE6, OE7 and HD22 of the Liverpool Unitary Development Plan and paragraphs 17, 61, 109, 118, 152, and 203 of the NPPF.*
  5. *The proposal involves development that cannot be reconciled with in that the proposed works to create the 3no. accesses would result in an unacceptable loss of category A and B protected trees and associated detriment to visual amenity contrary to saved policy HD22 of the Liverpool Unitary Development Plan and paragraphs 109 and 118 of the National Planning Policy Framework.*

The case presented below addresses these issues.

### Principle of Development

- 4.2 The Appellant will evidence that the proposed development is consistent with a key objective of the development plan to ensure that good quality housing, appropriate to

people's needs, is available for all those who wish to live in the City. This key objective accords with the Framework.

- 4.3 Having regard to the significant shortfall against the five year housing requirement in the City, the Appellant will demonstrate that the development will make an important contribution towards meeting the short-term housing need and improving the range and quality of housing available in the city. The appeal should, therefore, be considered within the context of Paragraph 47 of the Framework which aims to *“boost significantly the supply of housing”* and relevant policies for the supply of housing should be afforded limited weight.
- 4.4 The Appellant will demonstrate that while the appeal site is identified as green space and is located within the defined Green Wedge on the proposals map to the UDP, it has no current recreational use, is not publically accessible and is physically and visually separated from adjacent areas of green space. Any harm to the objectives of green space and Green Wedge policy is very limited and needs to be considered in the wider context of the development plan.
- 4.5 Careful consideration has been given to the setting of the listed buildings which are located within close proximity to the site. The development will preserve those elements of setting that contribute to the significance of the listed buildings.
- 4.6 The development proposals are capable of meeting all of the relevant requirements of other technical / development management policies to which material weight can be attributed.
- 4.7 The Appellant will address all other relevant material considerations, and demonstrate that these weigh further in favour of the proposal.
- 4.8 The Appellant will address all relevant planning-related objections raised by third parties in correspondence.
- 4.9 The Appellant will present consideration of the ‘planning balance’ and evidence conclusions that the balance weighs clearly in favour of planning permission being granted.

### **Sustainable Location**

- 4.10 The Appellant will evidence the appropriateness of the site's location for accommodating development of the scale and character proposed. This will address site-specific issues; these are principally covered by the topics below. It will also set out the strategic context, including the suitability of the site to provide high quality family housing to broaden the range and type of residential accommodation in the city.
- 4.11 It will be shown that the appeal site would represent a suitable and sustainable development in the city.

## **Housing Need and Provision**

- 4.12 Housing delivery and boosting the supply of housing is a critical component of achieving sustainable development. The Framework recognises within its Core Planning Principles that the planning system should, *inter alia*, proactively drive sustainable economic development to deliver the homes that the country needs, make every effort to identify and meet the housing needs of an area, and develop a clear strategy for allocating sufficient land for development taking into account residential needs (Paragraph 17).
- 4.13 In respect of the five year housing supply, the Appellant will demonstrate that there is not a deliverable five years of supply in Liverpool, but in any event it will be shown that the proposal will make a notable contribution to meeting the needs identified within the emerging development plan within the next five years.
- 4.14 The Appellant will refer to the findings of the Council's SHMA that identify a need to increase the range and quality of housing in the city, and the contribution that the appeal proposals will make towards this objective.
- 4.15 Overall, the Appellant will show that the site is suitable, viable and achievable to deliver family housing in the short term. This is a benefit that should be afforded significant weight in the determination of the appeal in light of the Council's adopted and emerging policies and development priorities.

## **Site Status and Designation**

- 4.16 The Appellant will acknowledge that the appeal site is located on land identified as a Green Wedge and green space in the adopted development plan. However, those policies do not preclude all development and the proposals need to be considered against the policies and objectives of the development plan as a whole. The weight to be attached to site specific policies will be analysed in terms of the Framework.

## **Built Heritage**

- 4.17 By reference to documentation within the application, the Appellant will demonstrate that the proposed development has been informed by a thorough understanding of the significance of the relevant heritage assets and that great weight has been given to the conservation of their significance.
- 4.18 It will be demonstrated that the significance of Allerton Priory and Allerton Lodge would be preserved by the proposed development.
- 4.19 The former grounds of Allerton Priory would be changed by the proposed development. However the Appellant will argue that the special architectural and historic interest of the relevant listed buildings would not be harmed by the proposed changes.
- 4.20 Overall, it will be demonstrated that the proposed development is not considered harmful to the significance of the heritage assets within proximity of the site. It will, therefore, be concluded that the appeal proposals are consistent with the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant sections of the Framework and local planning policies.

## **Ecology & Nature Conservation**

- 4.21 It will be shown that the site in general has limited biodiversity value. The proposed development, through parameters set at this stage and detailed design, has the ability to mitigate the loss of any habitats of value on the site.
- 4.22 Issues raised by Merseyside Environmental Advisory Service (MEAS) regarding the potential impact on ecological interests can be satisfactorily addressed through the use of appropriate conditions and / or a commitment to a long-term Ecological Management Plan which can be secured at detailed design stage.

## **Trees**

- 4.23 By reference to documentation within the application, it will be demonstrated that the majority of existing trees on the appeal site will be retained and incorporated into the detailed layout of the development.
- 4.24 The provision of landscaped buffers within and around the perimeter of the site will provide opportunities for significant additional planting and improvements to tree cover to supplement any existing tree cover or vegetation lost as a result of the development.

## **Landscape & Visual Impact**

- 4.25 The Appellant will demonstrate, with reference to documentation within the application, that the appeal site is not located within a landscape that is statutorily designated, and that proposals would not give rise to any significant long-term visual impacts or harm to the landscape character of the surrounding area, or on landscape features including trees within or at the boundaries of the site.

## **Air Quality**

- 4.26 By reference to documentation within the application, it will be shown that the development would have no unacceptable impact on air quality, both during the construction and operational phases.
- 4.27 No air quality issues have been identified arising from either the construction or operation of the development that cannot be satisfactorily mitigated through the imposition of standard planning conditions. The proposed development would provide for adequate levels of amenity for future occupants and not result in harm to surrounding residents.

## **Flood Risk & Drainage**

- 4.28 Technical documents submitted with the application demonstrate that the site lies within an area at low risk of flooding (Flood Zone 1). The development is not at risk of flooding and will not increase the risk of flooding elsewhere as required by local and national policy. It will be shown that there are no technical flood risk or drainage objections to the development, subject to conditions relating to detailed design matters.

## **Ground Conditions**

- 4.29 By reference to documentation within the application, the Appellant will demonstrate that there are no ground conditions or instability risks that would prevent the appeal site being developed for residential purposes. Standard conditions can be applied to secure further assessments and detailed site investigations prior to development commencing. It will be shown that relevant consultees raised no objection in this regard, subject to appropriate conditions.

## **Archaeology**

- 4.30 By reference to the application documents, it will be demonstrated that sufficient measures can be put in place, through standard planning conditions, to ensure that the importance of potential archaeological assets are recorded. It is anticipated that this position will be agreed with LCC in the Statement of Common Ground.

## **Noise**

- 4.31 By reference to documentation within the application, it will be demonstrated that measures to satisfactorily mitigate any potential noise impacts arising from the construction and operation of the proposed development can be secured via planning condition.
- 4.32 It will also be demonstrated that the proposed development would provide a satisfactory level of amenity for future occupants and would not harm the amenity of existing residents of surrounding buildings in terms of noise, during either the construction or operational phase.

## **Residential Amenity**

- 4.33 By reference to documentation within the application, the Appellant will demonstrate that the principle of residential development on the appeal site is compatible with surrounding uses, and would not result in unacceptable impacts on residential amenity.

## **Sustainable Construction & Energy Use**

- 4.34 Whilst the details of the design and construction of the dwellings are not yet known, the Appellant's evidence will demonstrate that all dwellings will be required to meet relevant Building Regulations and will, therefore, be constructed in a sustainable and energy-efficient manner.
- 4.35 The Appellant is also willing to commit to ensuring that all dwellings on the site accord with the Lifetime Home standards, as requested by LCC's Corporate Access Officer in their response to the application.

## **Highways**

- 4.36 By reference to documentation within the application, it will be demonstrated that the impact of the proposed development on the safety and operation of the local and strategic highway network has been robustly assessed by the Appellant.

- 4.37 The Appellant's evidence will demonstrate that the proposal would not lead to a 'severe' impact on the function and safety of the surrounding highway network when considered on its own merits or cumulatively with any other committed developments in the area.
- 4.38 The Appellant will show that the Local Highway Authority raised no objection to the planning application and were satisfied that the impact of the development could be adequately mitigated.
- 4.39 It will be demonstrated that the proposals are consistent with relevant development plan policies and does not conflict with either the development plan or the Framework in this regard.

### **Open Space, Recreation and Sports Facilities**

- 4.40 The Appellant's evidence will demonstrate that the indicative masterplan for the proposed development includes on-site provision of public open space significantly in excess of the Council's standards. The detailed layout of open space will be determined within future reserved matters applications, and the provision and maintenance of any on-site facilities can be adequately secured via S106 Agreement. In the circumstances, the proposals are consistent with relevant policies of the development plan and the Framework.

### **Sustainable Development**

- 4.41 In light of all of the above, it will be demonstrated that the proposal represents sustainable development. It will be demonstrated that the significant benefits of the proposal outweigh the limited adverse impacts and that, in accordance with Paragraph 14 of the Framework, the presumption in favour of sustainable development is engaged.

### **Matters Raised by Third Parties**

- 4.42 The Appellant will comment upon such other issues as may be raised by third parties prior to and during the Inquiry.

### **S.106 Obligations and Conditions**

- 4.43 Reference will be made to on-going negotiations with the Council in respect of appropriate matters for inclusion within a S106 obligation and conditions, with particular reference to the management and maintenance of on-site open space and biodiversity improvements. The Inquiry will be apprised of the outcome of these discussions and a suitable Obligation will be produced, together with a list of agreed conditions. Any outstanding issues will be identified and commented upon.

### **Overall Planning Balance**

- 4.44 Ultimately, the Appellant will demonstrate that:
- The proposals are consistent with the strategic policies and overall objectives of the development plan to which material weight can be afforded.



- Any limited conflict with the development plan is outweighed by other material considerations, including the Framework, and in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- The significant benefits of the proposal outweigh the limited adverse impacts of the development, and
- The proposal represents sustainable development.

4.45 On the basis of these submissions, it will be respectfully requested that the appeal be allowed and outline planning permission granted.

## 5. Documents

5.1 The following documents may be referred to in evidence (not exhaustive):

- The relevant Planning Acts and Regulations
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework
- National Planning Practice Guidance
- The application and supporting documents
- Consultation responses received during the determination of the application
- Supplementary information provided to the LPA and correspondence with the LPA during the determination of the application
- Relevant legal judgments and appeal / call-in decisions, addressing matters of interpretation and application of policy in Liverpool and elsewhere
- The officer's report to Planning Committee on 20 December 2016
- Relevant Committee Reports / decisions on applications elsewhere in Liverpool
- Saved policies of the Liverpool Unitary Plan
- Relevant Supplementary Planning Documents / Guidance
- The emerging Liverpool Local Plan and associated evidence base, including:
  - Liverpool Strategic Housing Market Assessment (July 2016)
  - Liverpool Strategic Housing Land Availability Assessment (September 2014)
  - Liverpool Open Space Study (November 2005)
  - Strategic Green and Open Spaces Review Board Final Report (October 2016)
- Relevant Government reports and guidance and ministerial statements
- Relevant Historic England guidance, including:
  - Historic Environment Good Practice Advice in Planning Note 2 – Decision-Taking in The Historic Environment (March 2015)
  - Historic Environment Good Practice Advice in Planning: 3 – The Setting of Heritage Assets (July 2015)

- Seeing the History in the View (May 2011).

5.2 The Appellant reserves the right to add to or otherwise to amend the above list in the light of the further discussions with, and evidence submitted by, others or resulting from further research on the part of the Appellant and / or their team.

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