



## **PLANNING STATEMENT**

**KNOLLE PARK (FORMER ST. GABRIEL'S CONVENT)**

**BEACONSFIELD ROAD, LIVERPOOL**

**ON BEHALF ST. GABRIEL'S (LIVERPOOL) LTD**

**OCTOBER 2015**

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## 1.0 Introduction

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- 1.1 This Planning Statement supports a full planning and listed building consent application submitted by **St Gabriel's (Liverpool) Ltd** for selective demolition and residential development at Knolle Park (the site of the former St. Gabriel's Convent) off Beaconsfield Road, Woolton.

- 1.2 **Planning permission** is sought for :

*Demolition of the German Wing extension, Gardener's Cottage and Taylor House, and all other unlisted buildings; the repair, refurbishment, change of use and extension of St. Gabriel's House to create 35 apartments in total (7 in the existing listed building [5 x 2-bed and 2 x 3-bed] and 28 within an extension [24 x 2-bed and 4 x 3-bed] with subterranean car parking beneath); the repair, refurbishment, change of use and extension of the listed gatehouse (St. Gabriel's Lodge) to create a single dwelling; the creation of a dwelling using the remains of the Orangery building; the erection of 11 attached villas (each 4 bedrooms, 2 storeys); the erection of 4 detached houses (each 5 bedrooms, 3 storeys); the formation of new and reconfigured internal access roads, paths and maneuvering areas; hard and soft landscaping (including means of enclosure); closure of western vehicular access on Beaconsfield Road; minor reconfiguration of eastern vehicular entrance on Beaconsfield Road; and reuse, widening and reconfiguration of existing access via Church Road; and creation of 137 car parking (or garage) spaces in total (of which 73 will be subterranean).*

- 1.3 **Listed Building Consent** is sought for :

*Conversion and alterations of main house to form apartments (including new garden terrace over car parking); demolition of German Wing and construction of new apartment block; restoration, conversion and extension of lodge (including demolition of later extensions) to form single house; demolition of The Hollies; construction of new house on base of former conservatory; partial demolition, alteration and restoration of boundary and garden walls; and associated ancillary works.*

- 1.4 The proposal has been formulated to respect heritage, local context and the exclusive setting of this site, and to respond positively to the City Council's corporate objective to increase the proportion of high value homes in the city. Our client's vision for the development is set out below :

*Knolle Park – Restoring Woolton's heritage*

*We view Knolle Park as a site with exceptional character and potential. Our aim is to deliver a thoughtful and sympathetic development that respects both its architectural and natural assets.*

*We want to restore and enhance a neglected gem and deliver a development that will bring the site back to its original glory, and contribute positively to the life of Woolton and the wider city.*

*The development vision seeks to create a new residential community within a parkland setting that fuses sensitively restored heritage buildings with bold and confident modern architecture.*

*The development embraces the spirit of Liverpool's fine residential parks, in a radical and contemporary way.*

*We envisage a development that will set future standards for design, quality and sustainability, but more than anything will be a great place to live.*

Peter McInnes  
Director  
**St Gabriels Liverpool Ltd**

- 1.5 The proposal has been discussed at pre-application stage with the LPA and other officers of the City Council, and the advice received has been broadly positive, subject to ongoing consideration of heritage factors and associated design refinements (most of which have been made). All issues are recorded elsewhere in this Planning Statement and in the remainder of the supporting information.
- 1.6 This Planning Statement acts as an 'umbrella' document to support the application. It is intended to bring all key planning-related issues together in one place, and, to assess the proposal against relevant planning policies. However, it is important that this Planning Statement is not read in isolation. It forms only one part of a comprehensive package of documents and drawings which – considered together – support the planning application.
- 1.7 The combined planning and listed building application comprises the following :
- Application forms and certificates;

- Application fee of £19,279 (based on 52 residential units);
- This Planning Statement (Roman Summer Associates Ltd);
- Design and Access Statement (Bridge Architects);
- Transport Statement (including MASA) (DTPC);
- DTPC 'Access Layout' [drawing ref: J534/Access/Fig 1]
- Travel Plan Framework (DTPC);
- Heritage Assessment (Woodhall Conservation);
- Arboricultural Implications Assessment (ROAVR);
- Arboricultural Method Statement (ROAVR);
- Protected Species Survey Report (Bats) (Ecology Services);
- Extended Phase 1 Habitat Survey Report (Ecology Services);
- Appendix 1 of above report - Merseyside BioBank Biodiversity Information Report 17/08/2015 (MBB reference: 1635-EcologyServices);
- Protected Species Surveys for Reptiles (Ecology Services)
- Sustainability Statement (E2S Consultancy) [to follow the initial submission];
- Statement of Community Involvement (Archetype);
- Flood Risk Assessment (Weetwood);
- Foul Drainage Strategy (Weetwood);
- Topographical and Measured Building Surveys (Survey Solutions) – drawing refs: 15763cv-01 to 06;
- Landscape Statement (Landscape Projects);

- The following landscape drawings (by Landscape Projects):

Landscape proposals	458.001	A1/A3	1:500 /1:1000	A	B
Hard landscape proposals	458.002	A1/A3	1:500 /1:1000	A	B
Soft landscape proposals	458.003	A1/A3	1:500 /1:1000	A	B
Tree removals	458.010	A1/A3	1:500 /1:1000	A	
Landscape mitigation proposals	458.011	A1/A3	1:500 /1:1000	A	
Tree works & protection	458.012	A1/A3	1:500 /1:1000	A	

- The following architectural drawings (by Bridge Architects) :

Drawing Name	Drawing Number
Location Plan and Ex. Site Plan	al(05)100
Ex. Church & Beaconsfield ele's	al(05)101
Knolle House existing plans	al(05)102
Knolle House existing elevations	al(05)103
German Wing - existing plans	al(05)104
Greek Lodge - ex. plans & ele's	al(05)105
Orangery - ex. plans & ele's	al(05)106
Gardeners Cottage - ex. plans & ele's	al(05)107
Proposed site plan	al(05)200
Prop. Church & Beaconsfield ele's	al(05)201
Prop. Site sections EE & FF	al(05)202
Knolle House & apartments - plans	al(05)203
Knolle House & apartments - ele's	al(05)204
Apartment type plans	al(05)205
Orangery - prop. plans and ele's	al(05)206
Greek Lodge - prop. plans & ele's	al(05)207
Attached villas - plans and ele's	al(05)208
Detached house 1 - plans and ele's	al(05)209
Detached house 2 - plans and ele's	al(05)210
CGI's	al(05)211
Proposed Materials	al(05)212

1.8 The remainder of this Planning Statement is structured as follows:

- Section 2.0 describes the site, surroundings, background and proposed development;
- Section 3.0 summarises national and local planning policies relevant to the application;
- Section 4.0 assesses the proposed development against planning policy and addresses other material considerations;
- Section 5.0 sets out our conclusions.

## 2.0 Description of the Site, Surroundings, Proposal & Planning History

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### The Site & Surroundings

- 2.1 The application site is located in Woolton, a suburb of south Liverpool. Woolton is a verdant and relatively affluent suburb with predominantly semi-detached and detached housing.
- 2.2 The site is accessed principally off Beaconsfield Road. The original access was via a listed gateway and lodge at the junction of five roads. This access point is no longer in use.
- 2.3 The site is 2.74 hectares and commonly referred to as St Gabriel's Convent, Church Road, Woolton, Liverpool, L25 6HT [National Grid Reference is 341865,387560]. The site was previously known as Knolle Park, which has been resurrected as the working title of this project.
- 2.4 The building was constructed in 1829 as a private residence, and converted to a children's home in 1909. The main / largest building by far is the Grade II Listed Georgian manor house.
- 2.5 Associated with the main building are two other separately listed structures. Green Lodge, an estate lodge building, located adjacent to the original access off Beaconsfield Road is a Grade II building dating to around 1840. The entrance to Knolle Park, comprising gate piers and flanking railings, are also recorded as Grade II listed structures.
- 2.6 The site does not lie within a Conservation Area or an Archaeological Priority Area.
- 2.7 The site is bordered by a leafy suburban area of Liverpool on all sides :
- **To the North:** Beaconsfield Road. Large detached residential properties set in generous plots, with views from the existing Knolle Park buildings generally screened and filtered by mature trees and a high stone garden wall.



- **To the East:** Church Road. Large detached residential properties set in generous plots, with views from the existing Knolle Park buildings generally screened and filtered by mature trees and a high stone garden wall.
- **To the South:** Views from Knolle Park into the reservoir beyond are generally screened and filtered by mature trees.
- **To the West:** Large detached residential properties set in generous plots, accessed via Baroncroft Road (off Beaconsfield Road).

2.8 The site undulates towards its centre and slopes downwards from south to north. The site is broadly level toward the western boundary and is populated by large mature specimen trees.

2.9 In addition to the main access point via Beaconsfield Road, there are two additional access points. A second access at the western end of Beaconsfield Road, and a historic (unused) access from Church Road (to be resurrected via this proposal).

## PROPOSAL

2.10 The **planning application** proposes the following works :

- *Demolition of the German Wing extension*
- *Demolition of Gardener's Cottage*
- *Demolition of Taylor House*
- *Demolition of all other unlisted buildings (aside from sub station)*
- *The repair, refurbishment, change of use and extension of St. Gabriel's House to create 35 apartments in total (7 in the existing listed building [5 x 2-bed and 2 x 3-bed] and 28 within an extension [24 x 2-bed and 4 x 3-bed] with subterranean car parking beneath the extension and under covered deck to rear of main building);*
- *The repair, refurbishment, change of use and extension of the listed gatehouse (St. Gabriel's Lodge) to create a single dwelling;*

- *The creation of a dwelling using the remains of the Orangery building;*
- *The erection of 11 attached villas (each 4 bedrooms, 2 storeys);*
- *The erection of 4 detached houses (each 5 bedrooms, 3 storeys);*
- *The formation of new and reconfigured internal access roads, paths and maneuvering areas; hard and soft landscaping (including means of enclosure);*
- *The closure of the western vehicular access on Beaconsfield Road;*
- *The minor reconfiguration of eastern vehicular entrance on Beaconsfield Road; and reuse, widening and reconfiguration of the existing access via Church Road;*
- *The creation of 137 car parking spaces in total comprising :*
  - *73 will be subterranean [13 of which accessible spaces];*
  - *2 outside NE wing of main house*
  - *11 attached villas – 2 spaces each in front + 1 in garage of each house*
  - *4 detached houses – 2 spaces in front + 2 in garage of each house*
  - *Orangery bespoke house – 2 in front (no garage)*
  - *Greek Lodge bespoke house – 2 in front (no garage)*
  - *3 visitor spaces in north west corner of site*
  - *6 visitor spaces by main house*

2.11 A total of 52 dwellings are proposed to be developed on site.

2.12 All of the new build homes have been designed to achieve a high sustainability rating. This will raise the bar in Liverpool in respect sustainability, and should be seen as an exemplar project in those terms.

2.13 The design of the buildings should also, we suggest, be considered to be outstanding and exemplar. There is no comparable project anywhere in Liverpool.

The new build elements of the proposal are bold and modern in appearance, but at the same time have been sensitively formulated having close regard to the site's heritage and context. The amenities of all surrounding neighbours have been duly respected through the introduction of interface distances which exceed normal standard.

- 2.14 The proposal seeks to deliver the City Council's longstanding aspiration to increase the proportion of high value properties.
- 2.15 In total, 15 trees are to be removed (none of which of particularly high classification). These will be replaced on a 2 for 1 basis (ie 30 new trees, of which 6 will be 'Extra Heavy Standard', 20 'Heavy Standard' and 4 at 2m height).
- 2.16 In addition to the 30 replacement trees, a further 25 trees will be planted. These will be semi mature trees and a mix of sizes 20-25cm & 30-25cm.
- 2.17 In total, therefore, 55 new trees will be planted (and 15 removed).
- 2.18 Furthermore, within the 11,450 m<sup>2</sup> of communal landscape areas, there will be 4,620m<sup>2</sup> of shrub planting (including underplanting to existing trees). Assuming an average of 1 plant / m<sup>2</sup>, this will equate to around 4,620 new shrub plants.
- 2.19 In terms of open space provision, private gardens (soft landscape / green planted areas) will cover some 6,200m<sup>2</sup>, while communal landscaping areas (ie soft landscape / green planted areas) will cover some 11,450m<sup>2</sup>. These areas are considerably in excess of the Council's usual policy demands.
- 2.20 The application for **Listed Building Consent** proposes :
- *Conversion and alterations of main house to form apartments (including new garden terrace over car parking);*
  - *Demolition of German Wing and construction of new apartment block;*
  - *Restoration, conversion and extension of lodge (including demolition of later extensions) to form single house;*
  - *Demolition of The Hollies;*

- *Construction of new house on base of former conservatory;*
- *Partial demolition, alteration and restoration of boundary and garden walls;  
and*
- *Associated ancillary works.*

## **PLANNING HISTORY**

2.21 Our investigations reveal that site has been subject to various planning applications, namely :

- B7543 (1955) - To extend Convent (first floor bedroom) (approved without conditions);
- B7345 - To extend dwellinghouse by conversion of arch into bedroom;
- B14621 (1961) - To extend convent within existing curtilage (nursery block) (Approved without conditions);
- B16165 (1962) - To erect chimney (Approved without conditions);
- L241438 (1975) - To erect external fire escape and canopies over two external doors in South Wing of building (Approved with conditions);
- L244812 (1977) - To erect single storey extension to existing nursery unit at community home (Approved with conditions);
- L258495 (1982) - To erect three storey extension (incorporating lift and fire escape) linking main convent building to south wing following demolition of existing fire escape link (Approved with conditions);
- LB/L958240 (1982) - To reduce height of chimney stacks (Approved with conditions);
- LB958494 (1982) - To erect three storey extension (Approved with conditions);

- 87L/1774 - To erect housing on roof for lift machinery (Approved with conditions);
  - 89P/1217 - To erect enclosed staircase to replace existing external fire escape (Approved with conditions);
  - 95L/2126 and 95P/2127 – To alter first floor roof and carry out internal alterations to facilitate provision of disabled persons lift (Withdrawn);
  - 97L/1120 and 97P/1119 - To provide wheelchair access to front elevation (Approved with conditions) Taylor House (Day Care Centre), St. Gabriel's Convent, Beaconsfield Road, Liverpool, L25;
  - 08F/0511 - To use part of existing vacant residential children's care home as a non-residential day care facility for adults (Class D1) and install 3 no. disabled access ramps. (Approved with conditions) Knolle Park Nursery, Church Road/Beaconsfield Road, Liverpool, L25s;
  - 05F/2422 - To use former childrens residential unit as childrens nursery for 25 children (24hr operation) and erect fencing to play area (Approved with conditions);
  - 07F/1173 - To vary condition No. 3 attached to planning permission;
  - 05F/2422 (to use part of premises as a day nursery) so as to increase number of places from 25 to 58 (Withdrawn);
  - 07F/3401 - To vary condition No 3. attached to planning permission; and
  - 05F/2422 (to use part of premises as day nursery) so as to increase number of places from 25 to 58 and carry out ancillary external works including provision of 2 additional car parking spaces (Approved with conditions).
- 2.22 More recently, and more relevant to this submission, two applications have been submitted by the former owner. The first of these (ref: 12F/0196) was withdrawn on 13<sup>th</sup> February 2012.

- 2.23 The second application (ref: 12F/1571) was approved on 1<sup>st</sup> November 2012 and will expire on 1<sup>st</sup> November 2015. That application promoted various alterations to the listed building, including partial demolition, to develop an elderly care village (see masterplan below).



- 2.24 The main components of the proposal were to comprise :

- i) Refurbishment and conversion of St Gabriel's House (block B) to form 7 extra care apartments with associated facilities & lift extension at the rear;
- ii) Demolition of the existing German wing extension and the erection of a part3/part 4 storey building with raised central roof containing 49 extra car apartments with associated facilities linked to St Gabriel's House (block C);
- iii) Erection of a 3 storey building (block E) incorporating basement element containing a 60 bed care home with 17 suites for convent/staff accommodation;
- iv) Creation of a communal leisure facility (block D) constructed into the landscape with low level glazed light wells and communal pavilion structure

over;

- v) Refurbishment of St Gabriel's Lodge (block A);
- vi) Refurbishment and alterations to the Gardeners Cottage (block G);
- vii) Erection of a new orangery (block F) in the location of the original with potting shed at the rear;
- viii) Associated car parking, landscaping and other ancillary works.
- ix) Continued use and reconfiguration of the two existing vehicular access points from Beaconsfield Road, and the resurrection / use of the historic access from Church Road.

2.25 It is worth highlighting how officers reported that application positively to Planning Committee, including comments from statutory consultees, as summarised below :

- No internal consultees, such as Highways, objected to the scheme.
- English Heritage did not object.
- The Divisional Manager considered that The German wing, although more institutional in character *'is not without architectural merit and represents a significant step in the development of the principal listed house.'* Notwithstanding that, its demolition was deemed acceptable :

*'On the whole, whilst the extension acknowledges the evolution of the house, the significance of the extension to the principal house is low. As such, it is considered that the demolition of the German wing would not create substantial harm on the special historic character to the main listed house.'*

*It is considered that in the present scheme there is added public benefit in the future use continuing to be a care facility and, on balance, the loss of the German wing would be mitigated by the public benefits of the development.'*

- The Georgian Group advised that there are no objections to the loss of the twentieth century 'German' wing and other detached buildings, as it would be beneficial to the setting of the main listed villa. Whilst they did not object to the principle of replacement buildings with high quality modern development, there

were concerns about the design, scale and massing of the proposed extension (block C) to the principal listed house. They considered that the proposed block would be highly damaging to the character and setting of the villa.

- In terms of other heritage assets, it was explained that St Gabriel's Lodge (referred to as Block A) was to be subject to essential like for like repairs to the building, although 'a long term viable use for the building is unlikely given the restricted internal layout and space.' It was therefore anticipated that it would be used for storage or as an area where objects/pictures associated with the historic use of the site will be displayed. The Divisional Manager Planning welcomed the repair and recognised the difficulties of finding a long term. This new application does of course identify a viable long term use for this listed lodge.
- In terms of Gardeners Cottage (referred to as Block G), it was suggested that this small single storey pedimented building has been extended, but its historic character and plan form is still evident. The Divisional Manager welcomed the removal of the existing unsympathetic modern extensions to this building together with its refurbishment. Its use as a free-standing unit of accommodation was proposed to be maintained.
- In respect of the former Orangery (referred to as Block F), the application proposed to erect a new glazed single-storey structure in a traditional form constructed on an existing plinth (which is all that currently remains of the original historic structure). The lean-to brick potting shed to its rear would have been refurbished and re-used. The Divisional Manager welcomed the erection of this new orangery as it would reinstate historic features of the site.
- Concerning the adjacent Grade II\* listed building, Cedarwood, it was suggested that the building has no historic relationship to the application site and in relation to its setting, this is considered to be confined purely to its own curtilage. As such, it was considered that the proposal, and in particular the erection of the proposed care home (block E), would not adversely affect the setting of this listed building.



- The scheme proposed to erect a part three/part four storey building (block C) which would sit at the side of the principal listed house, to replace the German wing, to comprise 49 extra care apartments. The Divisional Manager Planning considered that the extension took the form of a fairly functional, brick built building, with a tripartite horizontal sub-division, lifted at the front by the addition of an almost full-height porch or port cochere structure that is canted. It was suggested that this front element would give a strong contemporary twist to the building whilst fitting with the scale and mass of the existing listed building. Whereas the existing German wing projects significantly forward of the principal listed house, the proposed extension (block C) would have sat behind its principal façade, thereby enabling it to be retained as the focus of attention for the site. This was considered to be a welcome improvement to the setting of the house.
- Considering the largest new build element – a Care Home (block E) - the application proposed the demolition of the unlisted, modern adult care home, known as Taylor House, and the erection of a three-storey care home comprising a 60 bed care home with 17 suites for convent/staff accommodation located on the western part of the site, the area where the former kitchen garden would have been historically located. This care home would be three storeys in height above ground and was described interestingly as 'having an institutional and overtly functional layout.'
- The design changes that had been made were welcomed as a more contemporary building that responds better to the suggestion of an 'organic' or garden building, involving the use of timber cladding and sedum roof relating directly to the landscape setting.
- In terms of the proposed Leisure Facility (Block D), this was to be a third single-storey building, but constructed in a way which would conceal its appearance from all other building except the proposed care home (E) by being set within the slope of the ground which is higher here than elsewhere in the site or wider area.

- In overall terms, the Divisional Manager Planning is satisfied that the new build elements of the scheme had been carefully designed in terms of their siting, design, scale and massing in order to avoid competing with the main listed house and to ensure that it remains as the primary focus of attention on the site. As such, he considered that the proposal is in accordance with policies HD5 and HD18 of the adopted UDP.
- It is interesting to highlight here the differences between the approved scheme and that now proposed by our client. The table below demonstrates the extent to which the proposed scheme will contain substantially less new build footprint, floorspace and volume than that approved, and that its medium and maximum heights are also much lower:

	Approved	Proposed
New Build Footprint	5,078 sqm	4,816 sqm
New Build Gross Habitable Floorspace	11,219 sqm	9,348 sqm
New Build Above Ground Volume	32,954 cum	32,692 cum

- Considering the key UDP Policy OE11 (Greenspace), we comment in considerable detail on this Statement, but it is interesting to note that the Divisional Manager drew ostensibly the same positive conclusions in respect of the approved scheme as we have drawn when considering the policy's key 'tests' – in spite of the fact that the approved scheme is larger in all dimensions than the proposed scheme. Our analysis is set out in Section 4.0, and the Divisional Manager's – in assessing the larger scheme - is below :

#### **Recreational Function**

Due to the fact that the existing site is currently private land and has no recreational use, the value of the land for a recreational function is limited.

#### **Visual Amenity**

The visual amenity value of the green space is limited from Beaconsfield Road

and Church Road as a result of the dense mature tree coverage on these boundary frontages.

The Divisional Manager Planning acknowledged that views across the site from Baroncroft Road would be affected. However, he considered that these would be limited to the western part of the site where some modern development i.e. Turner House has already occurred. It was acknowledged that the proposed new care home was much larger in scale, massing and footprint than the existing development, and would result in the loss of an area of the green space. However, it was suggested that this would be limited to the western part of the site in order to maintain the important landscape setting of the main listed house.

Whilst it was suggested that the land is important to the historic setting of the application site, he maintained that the green space concerned does not form part of an open space network, given that the site is privately owned and does not appear to have any rights of way across it.

#### **Links to other Green Spaces**

It was suggested that the proposed development would not have a material impact on the visual links and open character to other green spaces.

#### **Nature Conservation Value**

It was acknowledged that the site does not have a formal nature conservation value. However, the Council's Nature Conservation Officer had considered the impact of the proposed development on the existing wildlife value and the application was accompanied by an Ecological survey which looked at the presence of various wildlife species on the site. In light of its findings, bat emergence surveys had been undertaken to ascertain the status of bats on the site and the presence of bat roosts within the buildings which were proposed for demolition or conversion. The results of the surveys revealed that the only bat species observed on the site was common pipistrelle and there was no emergence or return to roost behaviour was recorded. The bats were seen to use the darker, woodland trees and garden habitats for foraging and commuting purposes.

In overall terms, whilst the Divisional Manager Planning accepted that there would be some loss of green space as a result of the proposed development, he was satisfied that such loss would be sufficiently outweighed by the conservation benefits associated with the retention and enhancement to the landscape setting to the main listed building and its grounds.

*'As such, this aspect of the proposal may be contrary to policy OE11 however it is not considered that the proposal constitutes a departure to the UDP.'*

- United Utilities did not object subject to the site being drained on a totally separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the surface water sewer located near to the junction of Blackwood Avenue and the flow may be required to be attenuated to a maximum discharge rate determined by United Utilities.
- Environment Agency did not object, and confirmed that the site is in Flood Zone 1, and that there is low risk of fluvial/tidal flooding.

#### **PRE-APPLICATION DISCUSSION & COMMUNITY ENGAGEMENT**

- 2.26 The proposal has been discussed at some length with the LPA, and has been shaped to reflect the comments made.
- 2.27 The proposal has also been shared with the local community and key stakeholders. The extent of that, and the response received is set out in more detail in the *Statement of Community Engagement* submitted with the application. But, in brief, it is evident that there is a desire within the local community for the site to be put to active use and not fall into further disrepair. During the community consultation events there were many positive comments regarding the proposed use of the site for low density, 'parkland' style housing, and no negative comments regarding the proposed use.
- 2.28 As well as separate meetings with local societies and others, it will be noted that The main means of engagement were through the distribution of 800 consultation brochures circulated to circa 400 homes in the immediate vicinity of the site and

through public buildings and community meeting spaces to the wider community. In addition, an article about the project and the public consultation exhibition was included in the Woolton Society newsletter distributed across Woolton in the two weeks before the event. The exhibition was also publicised via the media with a news item and interview with Cllr Colin McAlley on BBC Radio Merseyside.

- 2.29 It is also important to draw attention to the input of an independent design review undertaken by *Places Matter!*. The letter from *Places Matter!* is reproduced in full in the Design and Access Statement, and it is very evident that that organisation warmly embraced the quality and thoughtfulness of the design approach taken.

### 3.0 Overview of Planning Policy

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- 3.1 This section summarises the planning policy context against which the application falls to be considered. These policy strands will then be considered further in Section 4.0 of this Statement.

#### NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 3.2 The NPPF was published on 27 March 2012.
- 3.3 Paragraph 12 makes it clear that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an *up-to-date* Local Plan should be approved, whilst development that conflicts should be refused, unless other material considerations indicate otherwise. Paragraph 2 confirms that the NPPF is a material consideration in planning decisions.
- 3.4 Paragraph 187 states that :
- 'Local planning authorities should **look for solutions rather than problems**, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should **work proactively with applicants** to secure developments that improve the economic, social and environmental conditions of the area.'*
- 3.5 From the outset, the NPPF asserts that development that is sustainable should go ahead **"without delay"**, and that a presumption in favour of sustainable development should be the basis for every planning decision.
- 3.6 Paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development. This is elaborated in paragraph 7, which suggests that there are three dimensions to sustainable development: **economic, social and environmental**. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

3.7 Paragraph 14 reinforces the message about 'sustainable development'. It states that the presumption in favour of sustainable development lies at the heart of the NPPF, and describes this 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; and
- where the development plan is absent, silent or relevant policies are **out-of-date**, granting permission unless any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**, when assessed against the policies in the Framework taken as a whole.

3.8 Paragraph 17 states that, within the overarching roles that the planning system ought to play, 12 core land-use planning principles should underpin both plan-making and decision-taking. These include (with our emphasis) :

- Planning should not simply be about scrutiny, but instead be **a creative exercise** in finding ways to **enhance and improve** the places in which people live their lives

- Planning should ***proactively drive and support sustainable economic development*** to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- Planning should always seek to secure ***high quality design*** and a good standard of amenity
- Planning should support the transition to a ***low carbon future*** in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources
- Planning should encourage the effective use of land by ***reusing land*** that has been previously developed (***brownfield land***)
- Planning should promote ***mixed use*** developments
- Planning should actively ***manage patterns of growth*** to make the ***fullest possible use of public transport, walking and cycling***

3.9 Paragraph 19 confirms that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. ***Planning should operate to encourage and not act as an impediment to sustainable growth.*** Therefore significant weight should be placed on the need to support economic growth through the planning system.

3.10 Paragraph 22 suggests that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The previous use of this site was, at least in part, for employment purposes (ie as a care / nursing facility, albeit with an associated residential use), and as such this part of NPPF is applicable (although we acknowledge that the site is not *allocated* for employment uses). The Framework suggests that land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for an allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Again, we acknowledge that the site is not allocated for employment use, but the principles behind this policy are clear, and can be applied to this site – ie the former quasi-employment use failed, and it would not be appropriate to resist an alternative proposal for that reason.



3.11 Crucially, paragraph 47 states that to '**boost significantly**' the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

3.12 Paragraph 49 suggests that ***housing applications should be considered in the context of the presumption in favour of sustainable development***, and that ***relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites***. In this case, the site's greenspace designation is clearly a policy that seeks to

restrict housing, in the same way as open countryside and Green Belt policies are widely recognised to be.

3.13 Paragraph 50 makes it clear that councils should look to deliver ***a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.***

3.14 Paragraph 56 carries forward the sentiment of previous policy statements that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

3.15 Paragraph 60 confirms that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

- 3.16 Paragraph 70 states that, to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- 3.17 Paragraph 128 of the NPPF states that, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 3.18 Paragraph 129 advises local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 3.19 Paragraph 131 states that, in determining planning applications, local planning authorities should take account of:
- the desirability of **sustaining and enhancing the significance of heritage assets** and putting them to viable uses consistent with their conservation;
  - **the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality**; and
  - the **desirability of new development making a positive contribution to local character and distinctiveness**.

- 3.20 It is worth noting here that Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* makes the following provision :

*'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

**National Planning Practice Guidance (NPPG)**

- 3.21 On 6 March 2014 the Department for Communities and Local Government launched its new Planning Practice Guidance web-based resource. This was accompanied by a Written Ministerial Statement, which included a list of the previous planning practice guidance documents cancelled when this site was launched.
- 3.22 The PPG echoes the NPPF in stating that good quality design is an integral part of sustainable development and 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. In particular, the Guidance states that the following key issues should be considered in development:
- local character (including landscape setting)
  - safe, connected and efficient streets
  - a network of greenspaces (including parks) and public places
  - crime prevention
  - security measures
  - access and inclusion
  - efficient use of natural resources
  - cohesive & vibrant neighbourhoods

### THE DEVELOPMENT PLAN [LIVERPOOL UDP]

3.23 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”. These statutory provisions concerning the dealing of applications and appeals are acknowledged in paragraphs 11, 12 and 196 of the NPPF.

3.24 The development plan comprises the saved policies of the Liverpool UDP.

3.25 The UDP was published in November 2002, with many of its policies ‘saved’ in 2007 in preparation of the publication of the Council’s LDF (now referred to as the Local Plan). The Saving Direction was issued on 18<sup>th</sup> September 2007, and that makes it clear that the policies were being saved on the basis that they were to be ‘*replaced promptly*’:

*‘The exercise of extending saved policies is not an opportunity to delay DPD preparation. LPAs should make good progress with local development frameworks according to the timetables in their local development schemes. **Policies have been extended in the expectation that they will be replaced promptly** and by fewer policies in DPDs. Maximum use should be made of national and regional policy especially given the development plan status of the Regional Spatial Strategy.*

*Following 27<sup>th</sup> September 2007 the extended policies should be read in context. Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 Housing and Strategic Housing Land Availability Assessments in relevant decisions.’*

3.26 Given that over 8 years has passed since the Saving Direction was issued, it is evident that there has been no ‘prompt’ replacement of the policies.

3.27 Some very limited progress has been made towards the production of a new Local Plan for Liverpool, but there is some way to go, and as such the UDP remains in force. However, the UDP is now 13 years old, and much has changed since its adoption, both locally and nationally.

- 3.28 That raises obvious questions about how relevant / up to date certain policies are, and the extent to which the UDP complies with the NPPF and its drive towards sustainable economic growth / development.
- 3.29 Paragraphs 214 and 215 of the NPPF explain that, for 12 months from the day of publication of the NPPF (March 2012), decision-takers could continue to give full weight to relevant policies adopted since 2004, even if there was a limited degree of conflict with the Framework.
- 3.30 That 12 month period expired well over 3 years ago, and in that regard NPPF paragraph 215 explains that - following that 12 month period – “*due weight*” should be given to relevant policies in existing plans “*according to their degree of consistency with this Framework*”. In other words, the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. We note that the UDP has not been formally assessed against the provisions of the NPPF to establish its degree of consistency, but it is self evident that, since its adoption 13 years ago (and counting), a good deal has changed in Liverpool and nationally, which raises the questions about the weight that can now be attached to many of the UDP’s policies.
- 3.31 We note that essentially the same conclusion was drawn by the Secretary of State in his Call In decision letter of 15 January 2015 in respect of appeal reference APP/Z4310/V/13/2206519 (Welsh Streets, Liverpool). At paragraph 6 he wrote :
- ‘The Secretary of State notes that he Council is currently preparing a Local Plan but that this is at an early stage. As any proposals are liable to change, he attributes very limited weight to the emerging Plan ...’*
- 3.32 The above scenario triggers paragraph 14 of NPPF, which states that - where relevant policies of the development plan are **out-of-date** - granting permission for sustainable forms of development (**‘without delay’**) unless any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**, when assessed against the policies in the Framework taken as a whole.
- 3.33 The above then is the starting point when considering this application.

3.34 The application site is designated as '*Green Space*', and as such the principal UDP policies are OE11 (Protection of Green Space) and OE12 (Enhancement of Green Space).

3.35 OE11 states that planning permission will not be granted for built development on part or all of designated Green Space unless it can be accommodated without material harm to:

- i) the recreational function of the green space unless:
  - the development is ancillary to the use of the site for active or passive outdoor recreation and enhances its value for these activities;
  - the site does not lie in an area of open space deficiency or its development would not create an area of open space deficiency;
  - a replacement facility of at least equal quality and suitable size is provided at an appropriate location to ensure that an area of open space deficiency would not otherwise be created;
  - in the case of green space in educational use, the development is specifically required for educational purposes and that suitable and convenient alternative recreational facilities are available.
- ii) the visual amenity value of the green space in terms of:
  - important vistas into and across the site;
  - key frontages which are visible from a main road; and
  - important trees and landscape features, and the character of the site within the surrounding area; or its importance as open land in an otherwise closely developed area;
- iii) its relationship to adjoining green spaces, particularly whether the development might destroy a valuable link between areas of green spaces; and
- iv) any known nature conservation value as identified in policy OE5.

**Policy OE5 (Protection of Nature Conservation Sites and Features)**

3.36 This policy indicates that the City Council will seek to protect the conservation interest of open land and the water environment in the City by not permitting any development which would:

- destroy, fragment or adversely affect directly or indirectly a designated or proposed Special Protection Area (SPA), Ramsar site, or Site of Specific Scientific Interest (SSSI), unless the City Council is satisfied that there is no alternative solution and there are imperative reasons of overriding public interest;
- destroy, fragment or adversely directly or indirectly affect a Site of Nature Conservation Value as identified by the City Council unless it can be clearly demonstrated that there are reasons for the proposal including benefits to the community, which outweigh the need to safeguard the substantive nature conservation value of the site;
- destroy, fragment or adversely affect, directly or indirectly, a Regionally Important Geological / Geomorphological Site (RIGS) unless it can be demonstrated that the benefits of the proposal to the community outweigh the need to safeguard the geological value of the site;
- have an adverse affect on legally protected wildlife species; or
- destroy, fragment or adversely affect, indirectly or directly, sites with known conservation value in a neighbouring authority area.

**Policy OE6 (Development and Nature Conservation)**

3.37 This policy states that, as part of any development permitted on or adjacent to any sites covered by Policy OE5, the City Council will look to minimise potential damage by:

- requiring developers to undertake a site investigation to identify the nature conservation interest of the site
- requiring developers to set out proposals for the protection and management of the nature conservation value of the site; and



- considering the use of conditions and/or planning obligations to safeguard the nature conservation interest and/or provide compensatory measures for any nature conservation interest damaged or destroyed during the development process.

**Policy OE12 (Enhancement of Green Space)**

3.38 This policy states that the Council will seek to enhance the overall stock of green space by:

- improving the quality and management of existing parks, playing fields, golf courses and cemeteries
- pursuing opportunities for new recreational provision in areas of local open space deficiency as identified in this Plan, particularly on green spaces surplus to the City Council requirements for other purposes; and
- providing new parks as identified on the Proposals Map.

**Policy OE14 (Open Space in New Residential Developments)**

3.39 This policy suggests that, when proposals for new residential developments exceed 25 dwellings (as in this case), the Council will require developers to make appropriate provision for recreational space, on the basis of 50 square metres per dwelling, as on site provision laid out in one plot. If this cannot be achieved the Council will consider off-site provision or a commuted sum to enhance green space situated within walking distance of the proposal site. The policy is subject to conditions or a Section 106 agreement to ensure compliance.

3.40 Adherence to this policy suggests that an area of 52 dwellings x 50 sqm = **2,600 sqm** is required to satisfy the policy demand.

#### **GEN 4 (Housing)**

- 3.41 This policy promotes good quality living for all of Liverpool's residents by :
- ensuring that provision is made for 23,100 additional dwellings between 1986 and 2001 as required through Strategic Guidance for Merseyside;
  - 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.
- 3.42 The policy makes clear that housing developments are a large part of the City's economy and that the Council recognises the need to provide a range of housing to meet the requirements of all who wish to live in the City. It notes that the policy is also about economic regeneration and equal opportunities.
- 3.43 **HD1 (Listed Buildings)** states that the City Council will take positive action to secure the retention, repair, maintenance and continued use of listed buildings and will relax planning and other City Council policies in order to secure the retention of a building of special architectural or historic interest, subject to reasonable standards of health and safety being ensured.
- 3.44 **Policy HD4 (Alterations to Listed Buildings)** states that consent for development will not be granted for:
- extensions, external or internal alterations to, or the change of use of, or any other works to a listed building that would adversely affect its architectural or historic character
  - applications for extensions, alterations to, or the change of use of, a listed building that are not accompanied by the full information necessary to assess the impact of the proposals on the building; and
  - any works which are not of a high standard of design in terms of form, scale, detailing and materials.

- 3.45 **Policy HD5 (Development Affecting the Setting of a Listed Building)** states that planning permission will only be granted for development that affects the setting of a listed building, which preserves the setting and important views of the building. This will include, where appropriate, control over design and siting of new developments, control over the use of adjacent land and the preservation of trees and landscape features.
- 3.46 **Policy HD18 (General Design Requirements)** identifies several design-related criteria, with which all applications will be required to comply :
- a. The scale, density and massing of the proposed development relate well to its locality
  - b. The development includes characteristics of local distinctiveness in terms of design, layout and materials.
  - c. The building lines and layout of the development relate to those of the locality
  - d. External boundary and surface treatment is included as part of the development and is of a design and material which relates to its surroundings
  - e. All plant machinery and equipment are provided within the building envelope or at roof level, as an integral part of the design
  - f. The development pays special attention to views into and out of any adjoining greenspace
  - g. The development has regard to and does not detract from the city's skyline, roofscape and local views within the city
  - h. The satisfactory development or redevelopment of adjoining land is not prejudiced
  - i. There is no severe loss of amenity or privacy to adjacent residents
  - j. Adequate arrangements are made for the storage and collection of refuse within the curtilage of the site, and provision of litter bins where appropriate
  - k. The exterior of the development incorporates materials to discourage graffiti
  - l. Adequate arrangements are made for pedestrian and vehicular access and for parking.
- 3.47 **Policy HD19 (Access for All)** states that the City Council will ensure that consideration is given to the need to ensure ease of access and movement for disabled people between and within public areas by the careful provision, siting and

design of parking areas, paths, dropped kerbs, pedestrian crossings, street furniture and open space. It states that access to and from buildings and their surroundings will be improved.

- 3.48 **Policy HD22 (Existing Trees and Landscaping)** states that, in order to protect and integrate existing trees and landscape features within new developments, the City Council will require the retention of key ecological and site features, such as trees, hedges, walls and ponds. Tree surveys will be required to accompany development proposals. Proposals that result in unacceptable tree loss will not be approved. Landscape plans must allow adequate spacing between existing trees and buildings, taking account of the potential size of new and existing trees. Trees must be protected during construction by preventing all works within the branch spread of trees.
- 3.49 **Policy HD23 (New Trees & Landscaping)** states 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, proposals should provide high quality landscaping and boundary treatment and should promote nature conservation through the use of native species and the creation of wildlife habitats where appropriate.
- 3.50 **Policy T12 (Car Parking Provision in New Developments)** outlines that any new development which 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.
- 3.51 **Policy H5 (New Residential Development)** outlines that the City Council will grant permission for new residential developments in cases where the following criteria have been met:
- 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

- the highway and parking provision ensures a safe, attractive, convenient and nuisance-free highway environment for pedestrians, cyclists and drivers.

3.52 It states that new developments will need to accord with Policy HD18 (General Design Guidance) and OE14 (Provision of New Open Space). Alongside this, the policy suggests that the Council will welcome residential schemes include an element of local community facilities.

### **The Emerging Local Plan**

3.53 The ***Submission Draft Core Strategy*** is the most recent version of the Liverpool Core Strategy, and was subjected to consultation from 22 March 2012 to 10 May 2012. The Council has since declared that the Core Strategy will not be submitted as a separate DPD, but will instead form the framework for the new ***Local Plan*** for Liverpool (not yet published).

3.54 Notwithstanding the fact that it currently possesses very little weight, it is worth considering the content of the Submission Draft Core Strategy (SDCS), as (while it has not been adopted and is the subject of unresolved objection) this is a fairly recent corporate statement of intent.

3.55 The SDCS contains eight 'strategic objectives' which aim to ensure that, by 2028, Liverpool will have :

- A strong economy
- Residential neighbourhoods that meet housing needs
- Vital and viable shopping centres
- An attractive and safe city with a strong local identity
- High quality green infrastructure
- Efficiently used resources
- More sustainable accessibility
- Improved social inclusion and equal opportunities

3.56 The central approach of the SDCS is to capitalise on Liverpool's assets and resources to achieve urban and economic growth, prioritising those areas of the City with the

greatest development potential. It aims to stimulate, support and deliver economic growth and address regeneration needs.

- 3.57 The approach aims for a balance in new housing growth between the *City Centre / Urban Core (70%)* and the **outer Suburban Areas (30%)** across the whole 15 year plan period.
- 3.58 The SDCS states that, despite the City Centre being the main focus of new residential development, suburban areas will also see an increased emphasis on growth and development.
- 3.59 The Strategy builds on the Core Strategy 'vision', and takes account of the key issues within Liverpool. A number of strategic objectives have been identified for the City.
- 3.60 ***Strategic Objective 2 (Create residential neighbourhoods that meet housing needs)*** states that, within Suburban Areas, there will be a focus on ensuring that attractive residential areas remain stable and successful.
- 3.61 ***Strategic Objective Four (Attractive and Safe City with a Strong Local Identity)*** notes that the Core Strategy seeks to protect and enhance the City's unique historic and architectural environment, including Listed Buildings. The Core Strategy should also ensure that all new development achieves high quality and inclusive design to ensure an attractive, distinctive, healthy and sustainable City for those who live in, work in and visit Liverpool.
- 3.62 ***Strategic Policy 1 (Sustainable Development Principles)*** states that, to ensure the sustainable growth of the City new development, should be located and designed so that resources are used prudently. New development should :-
- As a first priority, be located on previously-developed land and buildings ahead of greenfield sites
  - Improve accessibility, reduce the need to travel by motorised transport and where travel is necessary, enable convenient and safe access by sustainable transport modes
  - Deliver high quality design
  - Protect and enhance environmental and heritage assets

- Be adequately supported by infrastructure and, where necessary, be phased to enable essential infrastructure to be brought forward

3.63 **Strategic Policy 9** (on the location and phasing of new housing) notes that the provision of new housing will be managed to, *inter alia*, broaden housing choice and improve the sustainability of existing residential neighbourhoods in the city.

3.64 **Strategic Policy 26** aims to protect green infrastructure from inappropriate development. Where development is considered to cause likely harm to a site it will not be supported unless the benefits outweigh its loss as greenspace taking account of its recreational function, visual amenity, biodiversity, historical and structural quality and value.

### **Other Policy Considerations**

#### **‘ENSURING A CHOICE OF TRAVEL’ (SUPPLEMENTARY PLANNING DOCUMENT)**

3.65 Published in March 2010, the Ensuring a Choice of Travel SPD was introduced by the LPA and Merseytravel to provide consistent guidance to developers on access and transport requirements for new development across the wider Merseyside area.

3.66 The objectives of the SPD are to ensure that there is reasonable access to new developments, via a reasonable choice of transport methods; to reduce the environmental impact by our travel choices; to improve road safety; promote healthier lifestyles and reduce the level of traffic growth and congestion, encouraging opportunities to improve the quality of new development proposals by better use of space through less car parking spaces where appropriate.

3.67 Issues regarding transport are covered in more detail in the Transport Statement accompanying this planning application

### **Supplementary Planning Guidance Note 10 - New Residential Development**

- 3.68 This SPG was adopted at the same time as the UDP. It is therefore dated and was produced overwhelmingly to regulate traditional forms of housing.
- 3.69 The SPG states that all new residential developments are expected to have reasonable levels of privacy and amenity, and that each development will be assessed on its merits.
- 3.70 The SPG recognises that the use of standards as 'blueprints' for design is unlikely to produce interesting or innovative layouts. It therefore encourages designers to respond with a variety of design solutions, and indicates that the Council will be prepared to be flexible where carefully designed and imaginative layouts are proposed.
- 3.71 The SPG continues by confirming that the Council does not operate a strict density policy, and that the appropriate density of a particular scheme will rather be dictated by, *inter alia*, the density and character of the surrounding area, particularly regarding the space about buildings.

### **Design for Access for All (Supplementary Planning Document)**

- 3.72 This SPD was adopted in 2011. It seeks to ensure that inclusive design principles are integrated into development proposals, promoting a high quality and inclusive environment for all, irrespective of age, gender, mobility or impairment.
- 3.73 Somewhat confusingly, the SPD cross refers to the LDF, which - as explained above - does not in fact exist.
- 3.74 It suggests that all new housing should enable the needs of a household to be met over its lifetime. Additionally, it indicates that 10% of all new dwellings must be wheelchair accessible.
- 3.75 The LPA have indicated that the accessible units must be built to Lifetime Homes standard. This includes 16 criteria, which cover parking; the approach to dwellings from parking areas; the approach to entrances, communal stairs and lifts; internal doors and hallways; circulation space; entrance level living space; potential for



entrance level bed-space; entrance level WC and shower drainage; WC and bathroom walls; stairs and potential through-floor lifts; potential for fitting hoists in bedrooms and bathrooms; bathrooms, glazing and window handles; and location of service controls.

### **New Housing Development (Supplementary Planning Document)**

- 3.76 The New Housing SPD was adopted in July 2005 to guide new residential development in Liverpool. It was framed largely around the HMRI Programme that was in place at that time.
- 3.77 Paragraph 1.10 states that the City Centre and surrounding inner areas of Liverpool ***urgently require urban renaissance*** and pledges to adopt a concerted and comprehensive approach to influencing housing supply ***across all tenures and values*** in the interests of improving the quality of housing stock.

### **Evidence Base**

#### **Strategic Housing Market Assessment May 2011**

- 3.78 The SHMA notes that Liverpool is characterised by a high proportion of terraced properties (45.8%) and semi-detached properties (28.5%). Detached properties account for only 6.9% of the total housing stock which is significantly below the regional (17.6%) and national (22.5%) averages.
- 3.79 The SHMA states that to achieve the economic aspirations of Liverpool, specifically achieving a higher level of household containment within the city, the development of additional family-sized housing is required.
- 3.80 Current migration flows out of the City and daily commuting patterns into the City largely comprise economically active persons seeking aspirational housing in good quality neighbourhoods with access to good schools and services. This is evidence of a clear mismatch between the economic role of the City and its housing offer to the extent that high income households are leaving Liverpool and having to commute into the City on a daily basis for employment. In response, there is a pressing need

to increase the stock of high quality family housing in attractive parts of the City to reverse this trend.

## 4.0 Planning Assessment

4.1 The key planning policy issues arising in this case are summarised in Section 3.0. The purpose of this section is to consider these further and to present the land use planning benefits likely to arise from the development. Each of the key issues will be addressed in turn, namely :-

- Five Year Housing Supply;
- Status of, and Compliance with the Development Plan (UDP);
- Principle of Housing;
- Sustainable Development;
- Heritage;
- Design Quality and Townscape / Landscape Considerations;
- Compliance with the NPPF;
- Section 106 Issues;
- Transportation & Parking Issues;
- Ecology;
- Trees; and
- Flood Risk & Drainage.

### FIVE YEAR HOUSING SUPPLY

4.2 There is currently no up-to-date assessment of 'Full Objectively Assessed Needs' (FOAN) for housing in Liverpool that is fully in accordance with the NPPF and NPPG.

4.3 In the absence of a FOAN, the Council continues to use the target figures set out in Regional Strategy (RS) for the purposes of calculating the housing requirement and five year supply. That required an average of 1,950 dwellings per annum with a base date of March 2003 (approaching 13 years ago).

4.4 Alternatively, the emerging Local Plan (which carries negligible weight in view of its lack of progress) applies the same annual requirement of 1,950 (re-based to 2011), plus an additional 3,510 dwellings to 2018 reflecting the city's Growth Point status.

4.5 On either measure Liverpool is unable to demonstrate a deliverable 5-year land

supply.

- 4.6 Within eight of the ten years since the base date of RS, the City has failed to achieve its annual target figure and in many cases net completions have fallen significantly below this figure. This has resulted in a net shortfall in excess of 6,000 dwellings since the RS base date (see table below).

Net Housing Completions :

Year	RSS Requirement	Net Completions	Shortfall/ Surplus
2003/04	1,950	1548	- 402
2004/05	1,950	1225	- 725
2005/06	1,950	1517	- 433
2006/07	1,950	2104	+ 154
2007/08	1,950	1486	- 464
2008/09	1,950	2278	+ 328
2009/10	1,950	924	- 1,026
2010/11	1,950	228	- 1,722
2011/12	1,950	942	- 1,008
2012/13	1,950	896	- 1,054
<b>Total</b>	<b>19,500</b>	<b>13,148</b>	<b>- 6,352</b>

- 4.7 The above calculation uses the 'Sedgefield' method of applying the entire shortfall to the five year requirement to 'boost significantly' the supply of housing in accordance with paragraph 47 of the Framework and the guidance in PPG. If the alternative 'Liverpool' approach is adopted and the shortfall is spread over the remaining years of the (RS) plan period to 2021 the annual requirement falls to 3,134 and the number of years supply rises marginally to 4 years.
- 4.8 As noted elsewhere, the City Council is at the early stages of preparing a new development plan with a base date of 2011. The following calculation only applies the shortfall that has accrued since the new base date, and applies a 5% flexibility allowance for robustness :

Annual Requirement	= 1,950 (draft Core Strategy)
Annual requirement x 5 years	= 9,750
5% Flexibility Allowance	= 486
Shortfall 2011-2013	= 2,062 (see table above)
Growth Point additional requirement	= 3,510 (see above)
<b>Total Requirement</b>	<b>= 15,808 (9,750 + 486 + 2,062 + 3,510)</b>
Average Annual Requirement	= 3,161 (15,808 ÷ 5% buffer)
Claimed Supply	= 12,681 (Cabinet update)
Shortfall	= 3,127
<b>No. of years supply</b>	<b>= 4 years (12,681 / 3,161)</b>

4.9 The above calculations represent, we suggest, the very best position for the City Council since they accept in full their claimed deliverable housing supply, including windfalls. In reality, the position is likely to be significantly worse, as the supply includes a number of large sites and apartment schemes and a windfall allowance which we contend has not been justified. Furthermore, in view of the undeniably poor performance in achieving the annual target over the past decade, a 20% buffer should be applied. That would have the effect of reducing the supply still further.

4.10 Failure to demonstrate a robust 5YS is very important, because the NPPF (para 49) tells us that, in such circumstances :

*‘Relevant policies for the supply of housing **should not be considered up-to-date** if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’*

4.11 In that regard, UDP policy OE11 (Green Space) must be seen as a housing restraint policy, as it has the effect of restricting housing on the site.

**STATUS OF, AND COMPLIANCE WITH, THE DEVELOPMENT PLAN**

- 4.12 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined *"in accordance with the plan unless material considerations indicate otherwise"*. This is acknowledged in paragraphs 11, 12 and 196 of the NPPF.
- 4.13 The development plan comprises the saved policies of the Liverpool UDP. That was adopted in 2002. 13 years ago. It was clearly based on information compiled in excess of that timeframe.
- 4.14 We outlined the relevant policies of the adopted development plan in section 3.0, and acknowledge that the proposal might be seen – at least on the face of it - as contrary to the site's locational policy designation ref: OE11 (which restricts building houses in designated Greenspace). However, that involves more in depth analysis of the key tests enshrined in that policy and how the proposal responds to those (as set out below).
- 4.15 It is incumbent on the applicant to present any other matters which are a sufficient material consideration to outweigh / balance any 'starting point' policy objection.
- 4.16 In this case, we suggest that the material considerations that carry considerable weight in this case are :
- The Council does not have a 5 year supply of housing land.
  - The development plan is therefore, in those terms, out of date.
  - In turn, the development conflicts with the NPPF, which seeks to **boost significantly** housing supply and tells all councils that they must have in place a minimum 5 year supply of deliverable housing land at any one time;
  - The fact that the precedent of substantial development (which we contend is less well designed and more intrusive and harmful to heritage than the scheme we propose) has been established;
  - The appropriateness of the Greenspace designation and the extent to which the site reflects the aims and objectives of the policy;
  - The benefits of delivering much needed housing on an accessible site (partly brownfield) that will help to deliver a longstanding corporate objective to

increase the proportion of high value properties in the city, in turn attracting those working in the city to stay here;

- The exemplary design quality presented;
- The exemplary sustainability principles enshrined by the development;
- The introduction of wider access into the site (albeit restricted / controlled) where none currently exists;
- The heritage benefits of the proposal;
- The reduction in pressure build houses on far more sensitive sites elsewhere in this part of Liverpool.

4.17 The site is located as part of an area of 'Green Space' (see Proposals Map extract on following page) under **UDP Policy OE11**.

4.18 Notably, paragraph 8.140 of the policy's supporting text explains (with our emphasis) that :

*'No qualitative assessment was carried out when identifying green space and as such green space is a descriptive term which does not ascribe functions or values to each space. Some open spaces have recreational value, nature conservation value, visual value or structural value, or a combination of any of these - which all form part of its "overall" amenity value. The overall value of the site and the importance of the various elements within it are also likely to change with time ...'*

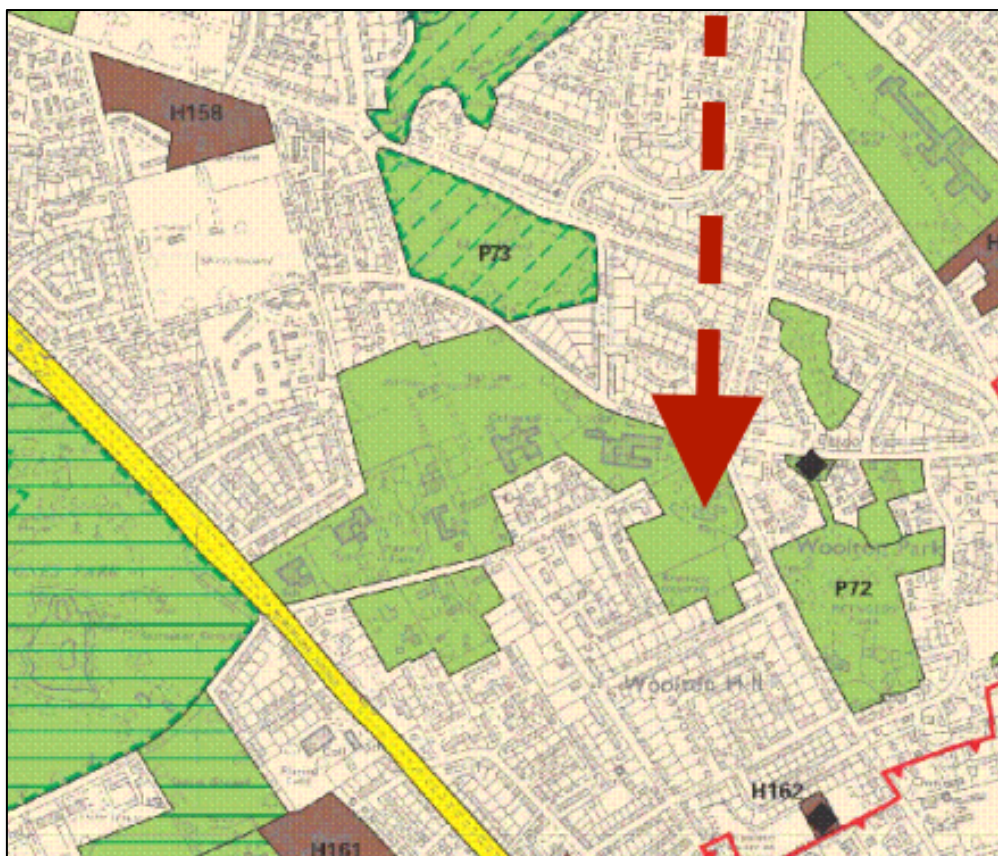
4.19 In that regard, we note the provisions of paragraph 109 of NPPF, which discusses the protection of "valued" landscape. "Valued" landscapes can of course only be those that are capable of being identified on an objective and rational basis in order that they are protected having regard to the value identified. Not every landscape can be 'valued'. This is clear from Paragraph 113 of NPPF that requires distinctions to be made in a hierarchy of designated sites and protection afforded :

*"commensurate with their status and gives appropriate weight to their importance."*

4.20 Paragraphs 47 and 49 of the NPPF set out clear objectives for LPAs to take positive steps to 'boost significantly' the supply of housing, including an added presumption in favour of granting planning permission for new housing where an LPA is unable to

demonstrate a deliverable 5-year land supply and relevant housing policies in the development plan are, therefore, out-of-date.

- 4.21 It is clear on any assessment (as we summarise above) that LCC is unable to demonstrate a deliverable 5-year housing land supply. The very best position, we suggest, is that there is a 4-year supply. However, even that is highly questionable and the extent of shortfall upon detailed interrogation is likely to be significantly greater.



*UDP Proposals Map Extract (site identified by red arrow)*

- 4.22 In addition, the supply of high quality housing to meet the wider economic aspirations of the city is severely constrained. In the circumstances, paragraphs 47 and 49 of the Framework apply as a significant material consideration to be weighed in the balance of the open space protection policies in the UDP.
- 4.23 By virtue of the fact that OE11 applies to the majority of green spaces in the city, this is clearly a 'development restraint' policy (as termed in the NPPF) and performs a



similar function to the settlement boundary policies in more rural locations. There is a considerable body of appeal decisions since publication of the NPPF which confirm that such policies may be considered out-of-date in the context of NPPF paragraph 49 and a shortfall of housing land supply.

- 4.24 Policy OE11 states that planning permission will not be granted for built development unless it can be accommodated without “*material harm*” to four ‘tests’. We consider each of these in turn below. Immediately beneath our commentary on each ‘test’, we reproduce the Planning Manager’s own assessment of the approved care village scheme (in *green text*), which the table below demonstrates was larger in every dimension than that proposed by this application :

	Approved	Proposed
New Build Footprint	5,078 sqm	4,816 sqm
New Build Gross Habitable Floorspace	11,219 sqm	9,348 sqm
New Build Above Ground Volume	32,954 cum	32,692 cum

***OE11 Test 1 - The recreational function of the Green Space***

- 4.25 The entirety of the application site is under private ownership. There are no public rights of access whatsoever. As such, the proposed development cannot and will not result in any harm (material or otherwise) in this regard. In those terms, there is clearly no conflict with this policy criterion.
- 4.26 It is worth highlighting that the proposed development will introduce an element of recreational function. It will of course involve restored and well managed grounds (with additional planting) to cater for the needs of those living in the development. That recreational function (which does not currently exist) is clearly very important, and reflects OE11.
- 4.27 It is also worth adding (having regard to the clauses of this part of policy OE11) that the site does not lie in an area of open space deficiency, and this proposal would

have no bearing on that factor. Indeed, two formal parks (including Calderstones Park, Woolton Woods and the adjacent Woolton Park) are within easy walking distance of the site, with others (such as Camp Hill and Springwood Park in relatively close proximity). Indeed, it is difficult to conceive of an area in the whole of Liverpool better blessed in terms its range of beautiful parks.

- 4.28 The proposal is therefore not at odds with this policy test. The Divisional Manager – in assessing the much larger approved scheme – concluded :

***Recreational Function***

***Due to the fact that the existing site is currently private land and has no recreational use, the value of the land for a recreational function is limited.***

***OE11 Test 2 - The Visual Amenity of the Green Space***

- 4.29 This part of policy OE11 considers the impact on important vistas into and across the site; key frontages which are visible from a main road; important trees and landscaping features; the character of the site within the surrounding area; and (where relevant) its importance as open land in an otherwise densely developed area.
- 4.30 Aside from glimpsed views through the main site access on Beaconsfield Road and from the upper floors of adjacent houses (ie private aspects), views into and across the site are negligible.
- 4.26 The site and the proposed built development will be well screened by the tall boundary walls, trees and shrubs, and set away from the road frontages. The second access point onto Beaconsfield Road will be closed and the wall rebuilt (using matching stone) to further reduce views into this site from this part of the road.
- 4.27 Efforts have been made to restrict the scheme's height, massing and footprint whilst creating a viable development and respecting and reflecting the past use, heritage and greenspace credentials of the site and its surroundings.
- 4.28 The quality, uniqueness and sensitivity of the development will provide an interesting and charming addition to this part of Liverpool, creating valuable and the highest quality housing in a unique setting. It will not impact on any open views or

vistas across the city, which are in any case severely restricted by the existing tall boundary wall and mature trees/vegetation. We therefore conclude – as endorsed by the LPA - that the proposed will not result in harm to the predominately open character of the Green Wedge. And the overall perception of 'openness' will be largely retained when viewed from the public domain.

- 4.29 The proposal is therefore not at odds with this policy test. The Divisional Manager – in assessing the larger approved scheme – concluded :

***Visual Amenity***

***The visual amenity value of the green space is limited from Beaconsfield Road and Church Road as a result of the dense mature tree coverage on these boundary frontages.***

***The Divisional Manager Planning acknowledged that views across the site from Baroncroft Road would be affected. However, he considered that these would be limited to the western part of the site where some modern development i.e. Turner House has already occurred. It was acknowledged that the proposed new care home was much larger in scale, massing and footprint than the existing development, and would result in the loss of an area of the green space. However, it was suggested that this would be limited to the western part of the site in order to maintain the important landscape setting of the main listed house.***

***Whilst it was suggested that the land is important to the historic setting of the application site, he maintained that the green space concerned does not form part of an open space network, given that the site is privately owned and does not appear to have any rights of way across it.***

***OE11 Test 3 - The relationship to adjoining Green Space, particularly whether the development might destroy a valuable link between areas of Green Spaces***

- 4.30 The site forms a small part of a larger area of Green Space and Green Wedge. In spite of the proposed built development, much of that green link and connection will remain. The scheme allows for substantial retention of green open space and vegetation (including considerable new planting). The proposal will not materially

reduce or harm any linkages to adjacent spaces, and certainly no more so than the approved Care Village scheme supported by the Council three years ago.

- 4.31 The 'hard' elements of the scheme will be largely hidden amongst existing and additional trees and landscaping, and there will certainly be no 'destruction' of any link.
- 4.32 The Divisional Manager – in assessing the larger approved scheme – concluded:

***Links to other Green Spaces***

***It was suggested that the proposed development would not have a material impact on the visual links and open character to other green spaces.***

***OE11 Test 4 - Any known nature conservation value as identified in policy OE3***

- 4.33 Our client's ecologist, Ecology Services, has undertaken extensive surveys of the site and considered the proposal against those. The reports produced by Ecology Services (submitted in support of the application) conclude that there is in fact little of particular note in terms of ecological value. It does, however, possess an intrinsic ecological value by virtue of its verdant, largely undeveloped condition. This will not materially alter as a result of the development, particularly given that the overwhelmingly majority of trees and landscaping will be retained, to be supplemented by additional trees and shrub planting selected to maximise biodiversity value.
- 4.34 The ecological benefits will be governed by a robust landscape/woodland/ecology management system, which can be covered by condition. Our client is committed to all of the above elements, which combined represent a noteworthy positive contribution to the ecological value of the site. There is therefore no conflict with criterion (iv) of UDP policy OE11.
- 4.35 Having considered the proposal against all of the criteria ('tests') of policy OE11, we contend that there is no conflict whatsoever arising – in respect of the key tests – from this proposal. Returning to the wording of the policy, that states that :

*'Planning permission will not be granted for built development on part or all of green space unless the proposed development can be accommodated without material harm to ... [the 4 tests outlined above]'*

4.36 We contend that there will be no material harm arising in respect of any of those key tests, and that the application therefore accords with Policy OE11. But in the event that the LPA take a contrary view, we have set out the material considerations elsewhere which must be recognised and balanced against any claimed non compliance with OE11.

4.37 The Divisional Manager – in assessing the larger approved scheme – concluded:

***Nature Conservation Value***

*It was acknowledged that the site does not have a formal nature conservation value. However, the Council's Nature Conservation Officer had considered the impact of the proposed development on the existing wildlife value and the application was been accompanied by an Ecological survey which looked at the presence of various wildlife species on the site. In light of its findings, bat emergence surveys had been undertaken to ascertain the status of bats on the site and the presence of bat roosts within the buildings which were proposed for demolition or conversion. The results of the surveys revealed that the only bat species observed on the site was common pipistrelle and there was no emergence or return to roost behaviour was recorded. The bats were seen to use the darker, woodland trees and garden habitats for foraging and commuting purposes.*

*In overall terms, whilst the Divisional Manager Planning accepted that there would be some loss of green space as a result of the proposed development, he was satisfied that such loss would be sufficiently outweighed by the conservation benefits associated with the retention and enhancement to the landscape setting to the main listed building and its grounds.*

***Overall Conclusions on OE11***

4.38 In overall terms, we contend that the proposal is in accordance with OE11. While we agree with the overall assessment of the approved care village application by the

Planning Manager (albeit the application was approved), we do not agree with his overall conclusion :

*‘As such, this aspect of the proposal may be contrary to policy OE11 however it is not considered that the proposal constitutes a departure to the UDP.’*

- 4.39 We do not agree because, if the policy tests are satisfied, the proposal cannot be said to be contrary. If the Care Village complied, with its substantially greater footprint, floorspace, volume and height, then the proposal now presented by our client also complies.

#### **COMPLIANCE WITH OTHER DEVELOPMENT PLAN (UDP) POLICIES**

- 4.40 With regards to Policy OE5 and the protection of important geomorphological sites, we contend that the site is located sufficiently enough away from such sites, such that the development will have no impact.
- 4.41 We contend for the above reasons that the development is line with UDP Policy's OE5.
- 4.42 Policy OE14 (open space in new residential developments) states that developments with more than 25 dwellings will need to consider the provision of open space. In this case, all of the new build terraced villas and detached houses will have ample private gardens and roof terraces (in excess of normal standards) as well as access to well maintained ornate and verdant grounds (as will residents of the flatted element). In addition, we have already noted the site's close proximity to some of Liverpool's finest parks and gardens. The application therefore complies with OE14.
- 4.43 The site contains a Grade II listed Georgian manner house, the listed lodge and the listed entrance. As such, Policies HD4 and HD5 apply.
- 4.44 Policy HD4 states that extensions, external or internal alterations to, the change of use of, or any other works to listed buildings will not be permitted if they have an adverse affect on the character of the building. In considering this policy we defer to the separate work of Woodhall Conservation, which has formed the centrepiece of the formulation of the presented design and layout. Woodhall support the

proposal and maintain that it will not result in harm to the character of the listed buildings or their setting. The application therefore accords with HD4.

- 4.45 The proposal includes extensive and high quality landscaping and management, using native species that are complementary to that of the local area. This is explained in more detail in the landscape details presented by Landscape Projects and in the associated section of the Design & Access Statement. We therefore contend that the proposal is consistent with Policy HD5.
- 4.46 We of course recognise the characteristics and qualities of the local area, and this development will be sensitive to its green nature. Policies HD22 and HD23 are concerned with the protection of existing trees and the provision of new trees. Certain trees need to be removed for good arboricultural reasons, and the best trees (and their root protection zones) have been avoided. The new landscaping will supplement the existing incorporate the planting of substantial new trees and shrubs. The proposal therefore complies with Policies HD22 and HD23.
- 4.47 We also suggest that the proposal is consistent with Supplementary Planning Guidance Note 10 - New Residential Development. The SPG states that all new residential developments are expected to have reasonable levels of privacy and amenity. This is achieved by the proposal.
- 4.48 The SPG recognises that the use of standards as 'blueprints' for design is unlikely to produce interesting or innovative layouts. It therefore encourages designers to respond with a variety of design solutions, and indicates that the Council will be prepared to be flexible where carefully designed and imaginative layouts are proposed. Again, the proposal responds positively to this.
- 4.49 The SPG continues by confirming that the Council does not operate a strict density policy, and that the appropriate density of a particular scheme will rather be dictated by, *inter alia*, the density and character of the surrounding area, particularly regarding the space about buildings. Again, the proposal is compliant, by efficiently and effectively utilising the site, but maintaining very generous spaces.
- 4.50 The ***Submission Draft Core Strategy*** is the most recent version of the Liverpool Core Strategy, and was subjected to consultation from 22 March 2012 to 10 May 2012.

The Council has since declared that the Core Strategy will not be submitted as a separate DPD, but will instead form the framework for the new **Local Plan** for Liverpool (not yet published).

- 4.51 Earlier in this Statement we noted the conclusion drawn by the Secretary of State in the Call In decision letter of 15 January 2015 in respect of appeal reference APP/Z4310/V/13/2206519 (Welsh Streets, Liverpool). At paragraph 6 he wrote :

*'The Secretary of State notes that he Council is currently preparing a Local Plan but that this is at an early stage. As any proposals are liable to change, he attributes very limited weight to the emerging Plan ...'*

- 4.52 Notwithstanding the fact that it currently possesses practically no weight, it is worth considering the content of the Submission Draft Core Strategy (SDCS), as (while it has not been adopted and is the subject of unresolved objection) this is a *fairly* recent corporate statement of intent.

- 4.53 The SDCS contains eight 'strategic objectives' which aim to ensure that, by 2028, Liverpool will have :

- A strong economy
- Residential neighbourhoods that meet housing needs
- Vital and viable shopping centres
- An attractive and safe city with a strong local identity
- High quality green infrastructure
- Efficiently used resources
- More sustainable accessibility
- Improved social inclusion and equal opportunities

- 4.54 The central approach of the SDCS is to capitalise on Liverpool's assets and resources to achieve urban and economic growth, prioritising those areas of the City with the greatest development potential. It aims to stimulate, support and deliver economic growth and address regeneration needs.



- 4.55 The approach aims for a balance in new housing growth between the *City Centre / Urban Core (70%)* and the **outer Suburban Areas (30%)** across the whole 15 year plan period.
- 4.56 The SDCS states that despite the City Centre being the main focus of new residential development, suburban areas will also see an increased emphasis on growth and development.
- 4.57 The Strategy builds on the Core Strategy's 'vision', and sets out a number of strategic objectives for the City.
- 4.58 ***Strategic Objective 2 (Create residential neighbourhoods that meet housing needs)*** states that, within suburban areas, there will be a focus on ensuring that attractive residential areas remain stable and successful.
- 4.59 ***Strategic Objective Four (Attractive and Safe City with a Strong Local Identity)*** seeks to protect and enhance the City's unique historic and architectural environment, including Listed Buildings. The Core Strategy looks to ensure that all new development achieves high quality and inclusive design to ensure an attractive, distinctive, healthy and sustainable City for those who live in, work in and visit Liverpool.
- 4.60 ***Strategic Policy 1 (Sustainable Development Principles)*** states that, to ensure the sustainable growth of the City new development, should be located and designed so that resources are used prudently. New development should :-
- As a first priority, be located on previously-developed land and buildings ahead of greenfield sites
  - Improve accessibility, reduce the need to travel by motorised transport and where travel is necessary, enable convenient and safe access by sustainable transport modes
  - Deliver high quality design
  - Protect and enhance environmental and heritage assets
  - Be adequately supported by infrastructure and, where necessary, be phased to enable essential infrastructure to be brought forward

- 4.61 **Strategic Policy 9 (the location and phasing of new housing)** notes that the provision of new housing will be managed to, *inter alia*, broaden housing choice and improve the sustainability of existing residential neighbourhoods in the city.
- 4.62 **Strategic Policy 26** aims to protect green infrastructure from inappropriate development. Where development is considered to cause likely harm to a site it will not be supported unless the benefits outweigh its loss as greenspace taking account of its recreational function, visual amenity, biodiversity, historical and structural quality and value.
- 4.63 Setting aside that the draft Plan carries no really weight, we see nothing in the above policies that suggests that this application should be resisted.
- 4.64 It is squarely in line with *Strategic Objective 2* in helping to ensure that attractive residential areas remain stable and successful.
- 4.65 *It is consistent with Strategic Objective Four in its* protection, enhancement and efficient reuse of two fine listed buildings (the former convent and the entrance lodge), and achieves high quality, distinctive and inclusive design.
- 4.66 *It is consistent with Strategic Policy 1 in its promotion of* sustainable growth of the and the prudent use of an underused, accessible resources.
- 4.67 It is consistent with *Strategic Policy 9* by broadening housing choice and improving the sustainability of an existing residential neighbourhood.
- 4.68 It is consistent with *Strategic Policy 26* and its aim to protect green infrastructure from inappropriate development. This policy puts in place a balancing test, where any likely harm to a site is to be set against the benefits, having regard its recreational function, visual amenity, biodiversity, historical and structural quality and value. This policy is effectively a mirror image of UDP Policy OE11, which we addressed in detail above.
- 4.69 So, even if material weight could be ascribed to the emerging Plan (which the Secretary of State has recently indicated can be only '*very limited*'), the proposal complies with its core policies. And certainly we contend that the proposal is

consistent with the saved policies of the UDP.

#### THE PRINCIPLE OF HOUSING

- 4.70 Our starting point is that the site's most recent (and lawful) use is for predominantly residential purposes (albeit as a residence for nuns and childcare). It is important not to lose sight of that factor in considering this alternative residential proposal.
- 4.71 The proposed development will help to deliver the housing objectives of the NPPF, which confirms that a key goal of the Government is to ensure that ***everybody has the opportunity of living in a decent home, which they can afford, in a community where they want to live.***
- 4.72 The NPPF promotes good housing design, and suggests that this is fundamental to the creation of sustainable, mixed communities. It encourages developers to make effective use of land and **existing infrastructure**, with priority being previously developed land (in particular vacant and derelict sites and buildings).
- 4.73 In Section 3.0, while questioning the status / currency of the UDP, we set out a number of relevant UDP policies and also drew attention to the emerging Core Strategy policies. Both sets of policies seek economic growth and regeneration.
- 4.74 This application addresses all of these key policy aims and objectives: good (indeed exceptional) quality, sensitive design; making efficient use of existing infrastructure (including unused listed buildings); and building the community in a sustainable, balanced fashion. In that regard, our client looks to provide housing for the upper end of the market, providing homes for affluent purchasers who wish to work and live in the City. This reflects a longstanding corporate policy that seeks to increase the proportion of high value homes, and will in itself stimulate economic growth.
- 4.75 We commented on housing supply earlier, so will not repeat that here. But in brief, we maintain that the Council does not have in place a robust 5 year supply (as required as an absolute minimum by NPPF). This is a very important contextual point.
- 4.76 The NPPF tells us all that the City Council should be ***'significantly boosting'*** housing supply to kickstart the economy and to provide the homes that people need and

aspire to. The priority is to redevelop accessible vacant brownfield sites and to deliver mixed use, balanced and sustainable schemes - just like this one.

- 4.77 In terms of Liverpool's Strategic Housing Market Assessment (SHMA), that is now well over 4 years old. It was produced in a different economic climate and produced before the NPPF was published. It tells us that, in terms of the **quality of the City's housing stock**, in 2009, 5.7% of the city's housing stock was classified as unfit (compared to the national average of 4.2%) and 40% failed to meet the Decent Homes Standard. Stock quality problems are prevalent across all tenures, but are particularly acute within the private rented sector, where 15.6% of stock is unfit (compared to 10.9% nationally) and 52% of dwellings fail to meet the decent homes standard. This proposal will help to address this deficiency by providing high quality residential dwellings.
- 4.78 The SHMA tells us that Liverpool continues to play an important economic role within the wider Liverpool City Region, representing a hub of employment opportunities. Analysis of journey to work statistics reveals that 74% of Liverpool's residents work within the city, and suggests that the housing market is relatively well contained on this measure. However, looking at the labour market from the perspective of employment within Liverpool, the 115,559 residents who also worked within Liverpool comprised only 56% of all employment in the city. This suggests that **44% of the jobs within Liverpool are taken by persons residing outside the city**, with the surrounding authorities in the City Region providing the majority of this labour force. This relationship is an important one as it indicates that a substantial part of the City's workforce choose to live outside the City. Providing a high quality residential development in a well established suburban area that can cater for new residents' everyday needs, will play a part in reducing the level of out commuters, creating associated benefits and opportunities for sustainable economic growth in Liverpool.
- 4.79 The SHMA suggests that there is an economic benefit, and therefore a need, for upper market, owner-occupied housing. It states that owner-occupied households are then more likely to remain within the City, reinforcing that owner-occupied

housing is an aspirational tenure, and that these residents are likely to make a positive contribution to the City's economy. Paragraph 6.72 states :

*"in order for the economic aspirations of the Council to be met and the underlying assumptions behind the economic-led moderated Household Projection to be achieved, namely the aspiration to achieve a higher level of containment within the city, the evidence suggests that demand will need to be sustained by the development of additional family-sized housing. Current migration flows out of the city, and indeed daily commuting flows, focus in a large part on households seeking aspirational housing in good quality neighbourhood surroundings including good schools and services. It is therefore important that the types of housing required by current households in Liverpool are met in the future in the context of improved neighbourhoods, and those residents that would otherwise choose to move out and commute are captured and retained within the city."*

4.80 This suggests that the City needs to capture those who wish to work and live in the City in order to meet the Council's economic aspirations. This can be achieved by the development of new upmarket homes such as those proposed by this application.

4.81 The SHMA identifies that there is a need for large family housing within the city and states that :

*"The greatest shortfall appears to be in terms of traditional family accommodation represented by semi-detached properties. This trend is reflected in every sub-area, with the exception of the Eastern Fringe where a relative balance appears to exist. In terms of detached properties there also exists evidence to suggest a moderate shortfall, although this is likely to have been tempered further by the economic and financial climate at the time the research was undertaken."*

4.82 The SHMA also makes a number of references to the fact that limited progress has been made in increasing the proportion of Liverpool's high end value properties, a key aspiration for the borough.

4.83 One important element to note is that the SHMA recognises that the assessment was undertaken in times of economic recovery, pre-2011 and as a result the actual

need is likely to be greater as the country and Liverpool was experiencing slow economic recovery.

- 4.84 We suggest that this proposal sits neatly against the SHMA framework for the reasons noted above. The proposal for high value housing will help the City to capture more of its workers, reducing the number of people who commute from outside of the City, and in turn boosting economic growth. It is important to note that upper-market housing will also generate generous economic growth for the local area, just through the housing being sold. That equates to sustainable economic growth.
- 4.85 Returning to national policy, a presumption in favour of sustainable development is seen as a golden thread, and it is advised that, in determining applications where the development plan is out of date (which the UDP inarguably is), permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 4.86 The NPPF tells us that alternative use of land and buildings should be considered on their merits, having regard to market signals, and in terms of supporting expanding businesses and sustainable local communities.
- 4.87 Returning to paragraph 49 of the NPPF, that tells us that *'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.
- 4.88 Again, we contend that Liverpool cannot demonstrate a robust and deliverable supply of land with appropriate buffer.
- 4.89 The City has consistently and substantially failed to achieve its housing delivery target over the past decade. If this scheme is approved, work will commence in late early 2016, and the new homes will start to come on stream some time in early 2017. This is a real, financed, deliverable project, which will play its part in remedying the poor delivery performance in the City, helping to address the shortfall in supply. It should be considered in that context.

- 4.90 As a whole, the development will boost the City's housing land supply deficit and help to rectify the inarguably poor delivery performance. The site is located in a highly accessible area that enjoys good public transport links to the City Centre, which reduces the need to drive to work, a factor in favour of sustainable development.
- 4.91 We therefore contend that this proposal complies with the housing policy framework set out in the NPPF.

#### SUSTAINABLE DEVELOPMENT

- 4.92 A central tenet of planning policy (at all levels) is the promotion of sustainable forms of development. We contend that this scheme falls squarely in line with this. The NPPF suggests that there are three core strands / roles relating to sustainable development : *economic, social and environmental*.
- 4.93 In terms of the ***economic*** role, the proposal will assist in supporting sustainable economic growth, through the provision of homes, helping to '*create the thriving places that the country needs*', and contributing to the wider regeneration of Liverpool - a main stay policy of the adopted and emerging development plans. The new homes will provide good quality accommodation not only for existing residents of Liverpool, but also for workers and business leaders looking to inward invest in the City. The provision of good quality housing is central to investment decisions made by such persons and companies, so this application ought to be considered in that global economic context.
- 4.94 Paragraph 19 of the Framework indicates the Government's commitment to ensuring that the planning system does everything it can to support sustainable economic growth and that significant weight should be placed upon it. The lack of housing, infrastructure and services are identified as potential barrier to investment.
- 4.95 The Confederation of British Industry (CBI) in its submission to the construction industrial strategy '*Building Britain's Future: An Industrial Strategy for Construction*' makes it clear that "*the construction sector is a key job creator and contributor to*

*the UK economy employing over 2 million people*" (Source: House of Commons Construction Industry Economic & Statistics Briefing Paper, August 2012).

- 4.96 The construction sector is a diverse sector ranging from international companies to thousands of small businesses offering services such as contracting, house building, consultancy and professional services, and includes manufacturers of construction products. According to the CEBR: The Future of UK Construction – A Report for the Confederation of British Industry (April 2013), the supply chain alone was worth £124.6bn in 2010.
- 4.97 Overall, construction accounted for 6.7% of GDP in 2012. However, the effects of construction activity are certainly felt more widely than this figure suggests, with spending on construction estimated to create growth in the wider economy at a rate of £2.84 wider spend for every £1 spent on construction.
- 4.98 Whilst confidence is returning to some parts of the construction sector, recent forecasting by the Centre of Economic and Business Research (CEBR) suggests that increases in construction output will be slow for much of the next decade without targeted interventions.
- 4.99 Notwithstanding that, housebuilders are benefitting from the gathering pace of the housing market recovery and the revival is already showing signs of boosting construction levels. Government statistics show that building work started on just over 23,000 private homes in England during the first three months of 2013; representing an increase of 18% on the same period a year earlier. The rise in construction predates the launch of the £130 billion Help to Buy in April 2013 aimed at stimulating house building by helping buyers on and up the housing ladder.
- 4.100 For this project, an average of 75 FTE jobs will be generated per annum over the course of an expected 2 year construction period. The scheme is estimated to cost £13m (£250,000 per dwelling) and have a wider economic spend of approximately £12.2m (£233,962 per dwelling).
- 4.101 The scheme has the potential to draw upon local labour for the construction of the new homes. While many of these jobs will be located on the site itself, others will be based in the wider Liverpool area, with some further afield within the construction supply chain. The jobs will also vary in type, from elementary occupations (e.g. site



labourers) to professional and higher skilled technical occupations (e.g. project managers and site surveyors).

- 4.102 Alongside its role in supporting employment creation, the construction industry is a good source of training and skills development, including apprenticeships. This is important at a time when young people face particular problems entering the workforce.
- 4.103 We estimate that the proposal will accommodate an average of at least two people per dwelling. That equates to a population of 104. Each household would be expected to spend a high proportion of their household income in Liverpool. The household expenditure generated by these affluent residents will help to support economic activity locally, including businesses providing household goods and services, transport service providers and the leisure industry. This in turn would have positive knock off effects for employment in the local area, supporting the supply chain of firms benefitting from household expenditure, and consequently the spending of salaries of those employed as a result of spending by new residents.
- 4.104 New home buyers in the UK are more likely to be of working age, and it is assumed that the proportion of working age residents in this proposed development would be higher than average at 80% of the total population. This would give a resident working age population of circa 80, underlining its potential boost to the area's working age population.
- 4.105 The proposals – as an entirely unique and different housing concept within Liverpool - also have the potential to bring new entrepreneurs to the City. Members of higher managerial and professional occupations groups are most likely to start new businesses, which has the potential to benefit the area by increasing employment opportunities for other residents.
- 4.106 The New Homes Bonus commenced in April 2011, and will match fund the additional council tax raised for new homes and properties brought back into use, with an additional amount for affordable homes. The income derived from 52 dwellings houses is a further economic benefit.
- 4.107 There has only been limited research into the local economic benefits of movement in the housing market generated by the sale of new homes, the fit out of those

homes and resulting moves elsewhere in the local area. It is reasonable to assume that some expenditure in the local economy would be generated through the fees for estate agents, surveyors/ conveyancing costs and other transaction fees. In addition, there would be benefits to the suppliers and fitters of fixtures and fittings for new homes.

- 4.108 The average costs for a household move for existing homeowners in the UK stands at around £9,000 and this is understood to cover fees and taxes associated with a move e.g. estate agent fees, stamp duty and legal fees. With new homes requiring a range of furnishing and equipment, it is reasonable to anticipate that the local area will see significant expenditure associated with the inflow of new residents and moves elsewhere in the area.
- 4.109 ***Socially***, the proposal will address the overriding need for more housing in Liverpool and will play a part in rectifying the City's poor performance (in respect of delivery of new housing) over recent years.
- 4.110 Building good quality homes and open spaces / recreational opportunities goes to the heart of the social fabric, and as such we contend that the proposal will help to deliver this facet of the NPPF.
- 4.111 ***Environmentally***, while the site is designated as Greenspace, the existing trees and landscape will be better managed, and areas of new landscaping will be provided, with new planting selected to maximise its contribution to both ecology / biodiversity and visual appearance / softening. Policy in NPPF is to seek to secure improvements. Here we have done so by retention and enhancement of landscape features visual and biodiversity benefit. As noted previously, the houses have been designed to achieve a high sustainability rating. Furthermore, the site occupies a sustainable and highly accessible location, close to local shops, schools and services.
- 4.112 Overall, we contend that the proposal represents sustainable development, which will contribute economically, socially and environmentally. In view of that, the NPPF advises that the presumption in favour of sustainable development should be the basis for every planning decision, and that ***developments that are sustainable should go ahead "without delay"***.

## HERITAGE

- 4.113 The work of Woodhall Conservation – who were appointed at stage one of the process – has informed the evolution of the scheme, such that the entire project has – from start to finish – paid the closest possible regard to matters of heritage note and importance.
- 4.114 The application is supported by a *Heritage Impct Assessment* produced by Woodhall Conservation. That confirms that the main building on the site, together with the lodge and original entrance gates are included within the List of Buildings of Special Architectural or Historic Interest as Grade II. A number of other buildings around the site are also listed.
- 4.115 The assessment considers that some aspects of the proposed development would enhance the special interest of the three listed buildings. The gates, gate piers and flanking sections of railings would be restored. The lodge would also be restored, and the proposed extension to the west has been appropriately designed so that it does not dominate the historic building and allows the extent and form of the original lodge to be clearly appreciated. The exterior and immediate setting of the main house would be partly restored as a result of the demolition of the German Wing, its associated elements, and the nursery building to the south-east. This would allow for greater appreciation of the original setting of the house within its garden. In addition, the principal reception room on the ground floor to the south-west of the entrance hall would be restored as a single space.
- 4.116 It adds that other aspects of the proposed development would result in some harm, although it considered that this would be considerably less than the harm that would be caused by the implementation of the planning permission for the care village. In relation to the approach set out in the Framework, it is considered that this harm would be 'less than substantial'.
- 4.117 In assessing the proposed development against the statutory requirements set out in Sections 16(2) and 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the policies of the Development Plan, this harm needs to be balanced against the enhancements that would also be achieved and the benefit of securing the long-term economic future of Knolle Park. It also needs to be balanced against

the wider public benefits of the proposed development, as set out in this Planning Statement.

- 4.118 We contend that the proposal is consistent with the advice in NPPF which makes it clear that heritage assets should be enhanced and sustained, a sentiment echoed in UDP Heritage Policies.

#### **DESIGN QUALITY & TOWNSCAPE / LANDSCAPE CONSIDERATIONS**

- 4.119 The Design & Access Statement produced by Bridge Architects reinforces the extent of attention that has been paid to design and layout. From the outset, given the Green Space designation and the sensitive heritage context, it was accepted by our client that only outstanding design and architecture would suffice. The architect's brief was therefore to work hand in hand with Woodhall Planning & Conservation and Landscape Projects to deliver a unique, viable and exceptional development.
- 4.120 The design and layout has been formulated with regard to the *UDP Policy HD18 (General Design Requirements)*, with its emphasis on the need to deliver high quality design and architecture, restoring and re-using old locally distinctive buildings and creating a development that is complementary to its local setting.
- 4.121 Such issues, together with a detailed explanation of the background and rationale to the design, is contained in the separate *Design & Access Statement* (Bridge Architects).
- 4.122 The building will contribute towards local character; utilising a vacant Grade II listed building. It will create quality new housing that will supplement and complement the surrounding area. Furthermore, the development is accompanied by a high quality and sensitively designed landscape plan that takes account of existing trees and looks to add native trees that will fit in with the established trees of the area. We therefore suggest that it accords with the design and heritage principles of UDP Policies HD4, HD5, HD18, HD22 and HD23.
- 4.123 The scheme has been presented to the independent design review panel 'Places Matter!' and the feedback received was highly positive (refer to Design and Access Statement for complete letter).

- 4.124 It is therefore considered that the proposal satisfactory reflects and responds to the townscape context and presents an appropriate and respectful design solution, in terms of height, siting, massing, materials and its relationship with existing buildings and spaces.

#### COMPLIANCE WITH THE NPPF

- 4.125 We suggest that the application is consistent with the NPPF, and that there are no considerations that should prevent approval.
- 4.126 The proposal is to create a high quality residential development on a highly accessible and sustainably located site. The development will contribute to the surrounding area by creating large sized housing for aspiring families whom wish to live and work in the City.
- 4.127 The proposal reflects policies designed to 'build communities', delivering a complementary and balanced mix of new homes throughout the City. This will have positive implications for the social, cultural and economic well-being of the area.
- 4.128 The proposed development will help to deliver the housing objectives set out in the NPPF, which confirms that a key housing goal of the Government is to ensure that everybody has the opportunity of living in a **decent home**, which they can afford, in **a community where they want to live**.
- 4.129 The NPPF also promotes good design, and suggests this is fundamental to the creation of sustainable, mixed communities. It encourages developers to make effective use of land and existing infrastructure, with priority being previously developed land (in particular vacant and derelict sites and buildings).
- 4.130 This application addresses all of these key policy aims and objectives: good quality, sensitive high quality design; making efficient use of existing infrastructure; and building the community in a sustainable, balanced fashion. We therefore contend that this proposal complies with the policy framework set out in the NPPF.
- 4.131 A viable and high quality, sustainable development scheme is being promoted. It will create new residential dwellings for aspiring families who wish to live and work in

the City, whom will contribute greatly to economy of the City at a time of slow economic growth.

4.132 In all of the above terms, the proposal constitutes sustainable economic development. The NPPF tells local authorities that development that is sustainable should go ahead **“without delay”**; that a presumption in favour of sustainable development should be the basis for every planning decision; and that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 14 states that, for **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.133 As such, the scheme complies with the NPPF and should be approved accordingly.

#### SECTION 106 CONSIDERATIONS

4.134 The City Council's 'policy' would ordinarily anticipate Section 106 'starting point' contributions as below:

- new or enhanced open space / public realm @ £1,000 per dwelling = **£52,000** [ie 52 units x £1,000]
- the provision of 1 tree per 5 dwellings, or – if that level of tree planting is not realistic – payment of the cost of providing street trees (including their maintenance) at £4,000 per tree. This suggests a requirement for 11 trees, which – if those could not be accommodated on site – would generate a S106 contribution equating to 11 x £4,000 = **£44,000**.
- 15% of the value of the planning application fee to part fund the Council's costs in relation to the implementation of a strategy/programme for the provision of Public Art = 15% x £19,279 = **£2,891.85** [however, we note the statement in

*NPPG that Council's should not be seeking S106 demands in respect of public art.  
As such, the applicant is minded not to offer any public art contribution]*

- To fund the post of a Section 106 Monitoring Officer, an additional charge of 15% of the value of the planning application fee contributions for the Liverpool Construction Initiative = 15% x £19,279 = **£2,891.85**
- **TOTAL = £101,783.70**

4.134 In this case, however, our client is not minded to pay any S106 monies.

4.135 First, there is plentiful open space and gardens to serve the development. As noted in Section 3.0, UDP policy OE14 (Open Space in New Residential Developments) suggests that, when proposals for new residential developments exceed 25 dwellings (as in this case), the Council will require developers to make appropriate provision for recreational space, on the basis of 50 square metres per dwelling, as on site provision laid out in one plot. **If this cannot be achieved**, the Council will consider off-site provision or a commuted sum to enhance green space situated within walking distance of the proposal site.

4.136 So, adherence to this policy suggests that an area of 52 dwellings x 50 sqm = 2,600 sqm is required to satisfy the policy demand. In terms of open space provision, private gardens (soft landscape / green planted areas) will cover some 6,200m<sup>2</sup>, while communal landscaping areas (ie soft landscape / green planted areas) will cover some 11,450m<sup>2</sup>. These areas are massively in excess of the Council's usual policy demands, and as such we are not anticipating that the LPA will be making any S106 requests in respect of open space provision.

4.137 Even if that were not the case, there should be no demand for any public realm enhancements. Woolton is the most attractive, well preserved part of the whole of Liverpool. There is clearly no need to enhance public realm in or close to this location, and we would question how and where any such contribution would be spent in improving public realm.

4.138 Third, the scheme retains most trees, and will provide plentiful new tree and shrub planting. In total, 15 trees are to be removed (none of which of particularly high

classification). These will be replaced on a 2 for 1 basis (ie 30 new trees), of which 6 will be 'Extra Heavy Standard', 20 'Heavy Standard' and 4 at 2m height.

4.139 In addition to the 30 replacement trees, a further 25 trees will be planted (well over double the requirement of 11 trees). These will be semi mature trees and a mix of sizes 20-25cm & 30-25cm.

4.140 In total, therefore, 55 new trees will be planted (and 15 removed).

4.141 Furthermore, within the 11,450 m<sup>2</sup> of communal landscape areas, there will be 4,620m<sup>2</sup> of shrub planting (including underplanting to existing trees). Assuming an average of 1 plant / m<sup>2</sup>, this will equate to around 4,620 new shrub plants.

4.142 Fourth, and as noted above, the NPPG advises that requests should not be made for public art. In this case, we ponder where public art would be located within the vicinity of the site, so we would press the LPA to justify any such request (and any other requests) squarely against the Regulation 122 legal tests (and of course against the advice in NPPG).

4.143 Fifth, if there is no S106 demand, then it will clearly not be necessary for our client to pay any associated legal fees.

4.144 We anticipate further discussion on S106 matters with the LPA during the course of the planning application, but based on the above considerations we do anticipate any requests from the LPA.

#### **TRANSPORTATION & PARKING CONSIDERATIONS**

4.145 The site is located in a highly accessible location within the suburban fringe of Liverpool. It has good public transport connections to the City Centre which reduces the need for people to drive to work.

4.146 Transport considerations are reported in more detail in the Transport Statement (by DTPC). This concludes that the scheme accords with local and national policy to site development adjacent to good transport linkages and other City locations to



minimise trips and share trip movements. It confirms that the site occupies a sustainable location and that the site layout is designed to accord with good practice. It further confirms that there are no operational transport issues that would arise if the development was to proceed, and that the scheme will have little or no impact on the local highway network.

- 4.147 The development makes adequate provision for parking, disabled parking and cycling alike.
- 4.148 The above commitments will be delivered via the Framework Travel Plan (DTPC) which we anticipate will be conditioned as an approved document to ensure ongoing monitoring.
- 4.149 Fundamentally, DTPC conclude that there are no reasons why the scheme should not be approved from a transportation point of view, and they correctly refer to the advice in the NPPF that confirms that :

***'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'***

## ECOLOGY

- 4.150 Ecology Services have produced three reports to accompany the application.
- 4.151 The *Extended Phase 1 Habitat Survey* reports that the site is predominantly surrounded by semi-improved grassland, parkland woodland and scattered trees and is of varying ecological value. Of high value are the scattered trees, park woodland, and neutral semi-improved grassland, dense and scattered scrub. Of lower value are the buildings, semi-improved (species poor) grassland, tall ruderal and introduced shrubs.
- 4.152 It confirms that the development is unlikely to affect the woodland; however, any works near to mature trees should be carried out with adequate provision for root protection and the works should be carried out according to BS 5837:2012 Trees in relation to design, demolition and construction. It suggests that the development plans include extensive post development landscaping however to negate interim

losses ideally several bird boxes of various types should be located within scattered trees on the site.

- 4.153 There are no ponds within 250m of the site that could support breeding amphibians. The site is also isolated by roads and is located in a built environment. Therefore there are no apparent implications with regards to development and amphibians and no further action is required.
- 4.154 No signs of badger were found during the Extended Phase 1 Habitat Survey within the development site or within 30m of the proposed works. Therefore, there are no apparent implications with regards to development and badgers at the time of survey.
- 4.155 The development site provides a range of habitats suitable for birds such as buildings, woodland, scattered trees, scrub, hedgerows, introduced shrub and rank grassland. If works are to be undertaken during the breeding bird season, which runs from March to mid September inclusive, then an assessment by an ecologist for breeding birds should be undertaken prior to works. However, even if breeding birds are found, it is likely that works will have to be delayed until breeding has ceased.
- 4.156 In line with current planning policy new developments should ensure that there is a minimum of no net loss of biodiversity at a site and result in an overall biodiversity gain. The landscape proposals should ensure that there is no net loss of habitats of ecological value, including woodland, scattered trees, scrub and grassland. There is scope to enhance existing ecological features but all loss should be replaced on a like for like basis.
- 4.157 The *Protected Species Survey Report (Bats)* reports that habitats within the immediate and wider survey area are considered to be of high value for bat species. The previous inspection and assessment undertaken in 2011, found Buildings (1a & 1b) 1b to contain to a confirmed common pipistrelle roost. The initial inspection survey undertaken in 2015, revealed that the potential was still present for the buildings to still be used by roosting bats, but unfortunately internal access was not possible so evidence of recent use of the buildings by bats could not be viewed.

4.158 The inspection and assessment survey found the buildings contain varying levels of potential, as follows:-

- Buildings (1a&b) contains a confirmed common pipistrelle roost
- Buildings 2, 3, 5, 6 and 7 were found to contain low to moderate bat roost Potential
- Building 8 was found to contain low bat roost potential.
- Buildings 4a and 4b were found to contain negligible to low bat roost potential.

4.159 The *Protected Species Surveys for Reptiles* reports that the desktop study found no records of reptiles within 1km of the proposed development site. Consideration has been given to the survey findings and the high survey temperatures during survey rounds 1 and 6. It is concluded that, as no reptiles were found during the desktop searches and no evidence of reptiles was found on the remaining five surveys rounds, reptiles are unlikely to be present at the site.

4.160 It is recommended that all works can proceed but contractors should be made aware of the potential for discovering reptiles on site via a toolbox talk. If at any time a reptile is found or suspected during the works, all works must cease and the acting consultant notified for advice. A reptile protection scheme may need to be implemented.

4.161 In view of the above, it is evident that the proposal will not result in any material harm to ecological value. Indeed, the scheme will bring forward a range of ecological benefits, including enhanced bird, bat and other habitat potential, a commitment to on-going ecological surveys as the need arises (as per the above recommendations), and a firm commitment to bringing forward and adhering to a robust a 10 year Habitat Creation & Management Plan (to be the subject of a condition).

#### TREES

4.162 ROAVR Environmental Consultancy have produced both an *Arboricultural Implications Assessment* and an *Arboricultural Method Statement* to accompany the

application. This reports that twenty individual trees, nine groups and one woodland block were surveyed.

- 4.163 Tree cover at St. Gabriel's is a mix of remnant, formal planting and self-set natural regeneration dominated by some magnificent mature beech trees to the north of the house.
- 4.164 Full details of the surveyed trees and groups is included in the appended arboricultural data tables and summarised in the paragraphs below.
- 4.165 The majority of the tree population is mature in nature, highly visible and of high landscape and amenity value. Tree cover on the periphery of the site is still predominantly mature in nature but dense shrubbery and self-set regeneration is present beneath the canopies.
- 4.166 The mature tree cover located within the grass areas north of the house are of high value and have predominantly been graded A1. These trees should be retained and protected and opportunities exist to prolong their safe useful life expectancy by reducing compaction beneath the crowns.
- 4.167 Many dead dying and dangerous trees are scattered through the grounds, this should be considered when laying out the proposals. Some considerable amount of tree safety work is required bordering Beaconsfield Road and Church Road but this is outside the scope of this report. Individual trees in this area may have been downgraded accordingly as a result of their decline.
- 4.168 The separate Landscape Projects drawings ref: 010A and 011A indicate which trees are required to be removed to accommodate the development (all lower Grades B1 and B3), and the extent of replacement planting (ie 30 large new trees of appropriate species) and 25 additional trees (ie 55 new trees in total to replace 15 removals).

## FLOOD RISK & DRAINAGE

- 4.169 Weetwood have produced both a Flood Risk Assessment (FRA) and a Foul Water Drainage Strategy to accompany the application.
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- 4.170 The FRA confirms that According to the EA Flood Map for Planning (Rivers and Sea) the proposed development is located outside of the 1 in 1,000 annual probability flood outline and is therefore defined by the NPPF as being situated within Flood Zone 1. The site is also assessed to be at a low risk of flooding from alternative sources.
- 4.171 As the site is in Flood Zone 1, the flood risk Sequential Test is deemed to have been addressed and the Exception Test need not be addressed.
- 4.172 Surface water runoff from the developed site can be sustainably managed in accordance with the NPPF and local policy. Two drainage strategies are presented, one based on disposal of surface water by infiltration, and one based on disposal to the public sewer network. The proposals provide the opportunity for the inclusion of SuDS elements, ensuring that there will be no increase in surface water runoff from the proposed development.
- 4.173 The FRA has demonstrated that the proposed development may be completed without conflicting with the requirements of the NPPF subject to the following:
- Finished floor levels to be set 150 mm above adjacent ground levels.
  - The detailed drainage design, developed in accordance with the principles set down in this FRA, should be submitted to and approved by the local planning authority prior to the commencement of development.
  - The Foul Water Drainage Strategy reports that the peak foul flow from the development has been estimated to be 0.8 l/s. Public combined gravity sewers are located in Beaconsfield Road and Church Road along the north-west and north-east boundaries of the site.
- 4.174 Furthermore, as demonstrated by correspondence contained in the document, United Utilities (UU) has confirmed that foul flows emanating from the site are

allowed free discharge to the public combined sewerage system.

- 4.175 Site levels indicate that gravity connections to the public combined sewers along Beaconsfield Road and Church Lane may be feasible.

## 5.0 Conclusions

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- 5.1 The application proposes the efficient, sensitive and high quality refurbishment and reuse of currently vacant and deteriorating Grade II listed structures, and the development of excellent quality, sustainable new homes. These will assist in boosting Liverpool's housing supply, responding to the longstanding corporate objective to increase the proportion of high value homes in the City :

*“In order for the economic aspirations of the Council to be met and the underlying assumptions behind the economic-led moderated Household Projection to be achieved, namely the aspiration to achieve a higher level of containment within the city, the evidence suggests that demand will need to be sustained by the development of additional family-sized housing. **Current migration flows out of the city, and indeed daily commuting flows, focus in a large part on households seeking aspirational housing in good quality neighbourhood surroundings including good schools and services.** It is therefore important that the types of housing required by current households in Liverpool are met in the future in the context of improved neighbourhoods, and those residents that would otherwise chose to move out and commute are captured and retained within the city.”* [para 6.72 of Liverpool's SHMA]

- 5.2 The proposal will provide quality new homes and has been formulated with respect to the green and open character of the area, reflecting local distinctiveness, and with utmost regard to the site's heritage and context. It is smaller in scale – in every dimension – and, we suggest, of far superior design quality than the Care Village scheme approved by the City Council three years ago.
- 5.3 In assessing the proposed development against the statutory requirements set out in Sections 16(2) and 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the policies of the Development Plan, the limited extent of harm to heritage interests needs to be balanced against the enhancements to heritage that would also be achieved, and the benefit of securing the long-term economic future of the site and buildings. It also needs to be balanced against the wider planning and public benefits of the proposed development, as set out in this Planning Statement.

- 5.4 The site is designated as 'Green Space' in the Liverpool UDP (Policy OE11). UDP is outdated – 13 years old. It does not fully reflect the NPPF or NPPG. Its housing supply policies cannot be relied on. Nor can certain of its policies of restraint (such as OE11), as those are inextricably linked with achieving house building targets. The City has failed to deliver its minimum target every year (apart from two) over past decade.
- 5.5 Although we understand that the LPA disagree, we contend that the Council cannot demonstrate anywhere near the 5 year supply of housing land (plus associated buffer) that the NPPF insists on. Our estimation is that the actual supply can be no higher than 3.5 years. That is worryingly low. This proposal will assist in improving past performance.
- 5.6 Notwithstanding the age of the UDP (and the fact that the emerging Local Plan carries no more than very limited weight – as recognised by the Secretary of State in January 2015 - we have demonstrated that the development complies with all relevant policies. In particular, Policy OE11 on Greenspace. The Planning Manager assessed the approved Care Home application against OE11's principal tests in much the same manner as we have assessed this scheme. And he drew ostensibly the same conclusion – that that scheme did not conflict with any of the four key tests. That scheme was *larger* than that we propose, and of lesser design quality.
- 5.7 The application is consistent with the policy aims and objectives of the NPPF. That promotes the efficient use of unused buildings, sustainable economic regeneration, and sustainable living. This will be achieved by the proposal.
- 5.8 Paragraph 49 of the NPPF, that tells us that :
- 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*
- 5.9 The scheme presented is highly sustainable. The site is unused and deteriorating – including its fine listed buildings. It is highly accessible. It is of high exceptional



design and layout, formulated to be respectful and responsive of local character and context. The new build homes will achieve a high sustainability rating, higher than just about any other house in Liverpool. This scheme will therefore raise the bar in sustainability terms.

5.10 The development will also deliver the housing objectives of the NPPF, which confirms that a key housing goal of the Government is to ensure that ***everybody has the opportunity of living in a decent home, which they can afford, in a community where they want to live.*** That aspiration goes to the heart of this proposal.

5.11 We therefore maintain that the proposal represents sustainable development. Approval of the application will reflect the advice of central Government in the NPPF that planning should not simply be about scrutiny, but instead be ***a creative exercise*** in finding ways to ***enhance and improve*** the places in which people live their lives :

***'Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.'***

5.12 In overall conclusion, we contend that this is an exceptional proposition for Liverpool. It will create a much needed, sustainable, superlative quality housing and will assist in boosting supply. It will reduce the need to travel. It is of exemplary design, layout and sustainability credentials, with high quality complementary tree planting and other soft landscaping. It will deliver noteworthy ecological benefits. It is based on sensitive analysis of built heritage, and is respectful of the historic use of the site and the wider setting of proximate listed buildings. Crucially, our assessment demonstrates the extent to which the proposal complies with relevant planning policies at all levels, including those relating to designated Green Space.

5.13 For all of the above reasons, we contend that the application proposal is compliant with relevant policies and will deliver a range of much needed regeneration benefits. This will be sustainable development, and we accordingly commend it to the Council and urge its positive determination.