

# Public Document Pack

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To: Members of Planning Committee

Date: 18 January 2022

Our Ref:

Your Ref:

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Dear Councillor

## **PLANNING COMMITTEE - WEDNESDAY 19TH JANUARY, 2022**

I refer to the agenda for the above meeting and now enclose the following documents which were unavailable when the agenda was published.

<b>Agenda No.</b>	<b>Item</b>
8	<b>Late Reps</b> (Pages 3 - 26) Report of the Chief Planning Officer

Yours faithfully,



Democratic Services

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## Planning Committee: 19<sup>th</sup> January 2022

### Late Representations/Information

#### Appendix 4 - Petitions

##### Items 4A & 4B

**DC/2021/02486 & 02487 – Former Birkdale School for the Hearing Impaired, 40 Lancaster Road, Birkdale, Southport PR8 2JY**

##### **Recommendation/Affordable Housing**

In view of the viability report's confirmation that the proposal would not deliver sufficient funding to secure an affordable housing contribution, the applicant was invited to consider whether they could undertake a review mechanism for viability.

The Council's retained consultant has commented that whilst the principles of undertaking viability review are not unacceptable, it is very likely that a scheme such as this which is on the fringe of being viable even without affordable housing is likely to incur increased costs over time as the price of building materials continue to rise and revenues struggle to outperform these increases. They have also commented that such a viability review ought not to be an issue for funders.

In response, the applicant comments that significant investment of £30m has been secured with considerable difficulty given the need to invest upfront in restoring the listed building, with £500,000 spent at this point before any new permission has been realised.

The applicant has had to buy out the previous freeholder, original part owner and secure relief on existing restrictive covenants, to secure a Title that is unrestricted barring the first charge levied by the funder. The applicant advises that any new restriction such as this would lead to the offer of funding being withdrawn with the consequence that the project will not materialise, because restriction on title or any contained within a Section 106 take precedence over the lender's first charge.

##### **Phasing**

The applicant has requested a variation to the phasing of development. This will allow for flexibility for the occupation of Block E whilst the internal completion of works to the listed building remain ongoing, though it will remain in the interests of the application to complete the listed building internal works beforehand, to ensure that occupiers have access to communal facilities.

Block E is proposed broadly, but not exactly in the position of previously existing ancillary school buildings so would not give rise to a significant incursion into the greenspace that previously existed, and the footprint of Block E is less than that of the demolished buildings.

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Given these circumstances, it is felt that the change to phasing will not compromise the progressing works to the listed building, which as set out above, are already under way as a result of the previous permission.

The proposed phasing programme is revised as follows:

1. The Owner covenants with the Council as follows:
  - a. Not to Occupy any part of the Development until the external works to the Listed Building are Substantially Complete;
  - b. To carry out construction of the Development in accordance with the following phasing:
    - i) Commencement of works to the Listed Building, including enabling works and demolitions, and fit out with Commencement of Blocks E and F.
    - ii) Blocks A-D and their associated access shall not be Commenced until Substantial Completion of the external shell of Block E and the external shell of the Listed Building.

## **Natural England**

At the time of writing a reply is still awaited from Natural England regarding the Appropriate Assessment as undertaken. The recommendation remains subject to final clarification of the document from NE but the report undertaken is nevertheless attached.

## **Vacant Building Credit (VBC)**

With regard to the assessment of VBC referred to on pages 34-36 of the agenda report, the applicant has confirmed in writing on 17 January 2022 that the amount of eligible floorspace has not changed since the submission of the planning application and its subsequent validation; furthermore, nothing will change ahead of the Planning Committee meeting.

## **Flooding and Drainage**

No objections have been received from the Lead Local Flood Authority (LLFA) and it is recommended that condition 7 is retained in its current form to secure the long term measures for funding and maintenance of sustainable drainage. Condition 2 is amended to add the Sustainable Drainage Strategy by Ironside Farrar of November 2021 as an approved document.

## **Environmental Health**

A further condition is requested in relation to proposed plant and equipment, as follows:

*A scheme of noise and odour control for any plant and equipment (Air Con, Kitchen Extraction etc) to be installed on the proposed extra care dwellings/building shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.*

*Reason: In order to protect the living conditions of future occupiers from adverse noise/odour impacts.*

In addition, it is recommended that given the access available for staff, condition 26 be extended to cover the boundary with 5 Granville Road, as follows:

*A scheme of acoustic treatment for the protection of residents at 38 Lancaster Road and 3/3a/5 Granville Road from noise from the parking area to the rear of the property shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the car parking area first being brought into use and thereafter retained.*

*Reason: To safeguard the living conditions of nearby residents.*

## **Archaeology and air raid shelters**

Subsequent to the completion of the report, MEAS have asked for a more detailed analysis of the air raid shelters which would be retained within the car park accessed from Granville Road. An additional condition is therefore attached as follows:

*No construction shall take place above slab level in relation to Blocks A-F until a programme of historic building investigation including a final report has been submitted to and approved in writing by the Local Planning Authority. That programme of historic building investigation works should be undertaken in accordance with a Written Scheme of Investigation (WSI) which shall include the following five steps:*

- *A programme and methodology of site investigation and recording.*
- *A programme for post-investigation reporting to include production of a final report of the significance of the historic building.*
- *Provision for appropriate publication and dissemination of the archaeology and history of the historic building.*
- *Provision for archive deposition of the report and records of the site investigation.*
- *Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.*

*Reason: To ensure adequate opportunity is provided for archaeological research on this historically important site.*

## **Trees**

A further plan has been provided following comments from the Tree Officer to expand on the detailed planting around the region of Block E where nearest to Lancaster Road, and in respect of other parts of the site.

Condition 6 is designed to finalise these arrangements in greater depth but the plans demonstrate on an indicative basis the potential for compensatory planting in various parts of the site, notably nearest to the junction of Lancaster Road/Sandringham Road, in other locations whilst allowing for the sacrificing of tree cover to Lancaster Road to allow for views across to the listed building. The additional plan has been reviewed and is considered by the Tree Officer to be acceptable in principle.

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The applicant has confirmed for the avoidance of doubt that the hedgerow to the rear of properties on Granville Road will be retained and will form part of the overall long-term landscape management strategy required by condition 17.

Condition 6 is amended to address replacement planting in the event of failure, considering it can be more difficult for mature specimens to establish.

*Notwithstanding the submitted landscaping details, no development shall take place above slab level until a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including:*

- i) Existing and proposed levels or contours,*
- ii) Proposed and existing services above and below ground,*
- iii) Details of all boundary treatments and hard surfaces,*
- iv) the location, size and species of all trees to be planted,*
- v) A scheme for the retention and removal of tree cover to Lancaster Road,*
- vii) The location, size, species and density of all shrub and ground cover planting, including box hedging to the car parking for Blocks A-D and the retention of laurel hedge to the rear of Lancaster Road, and;*
- viii) A timetable for implementation.*

*If any tree planted in relation to criterion (iv) is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.*

*Reason: In the interests of visual appearance and in recognition of the heritage asset and identified species / habitats.*

## **Further representations**

Further representations have been received following the report's publication, questioning whether interface distances to properties on Granville Road are met. It is noted that there is a single storey projection to the rear of no. 29 but this does not directly align with either Blocks C or D, and the facing windows to those blocks are offset from that projection.

A query has surfaced regarding the omission of a condition to Block F regarding the need for obscure glazing but unlike the 2018 permission, no windows are proposed in the side elevation facing no. 21 Granville Road and no windows could be added to the side elevations unless express planning permission was granted. The stipulation on finished floor level is also re-conditioned albeit the height is around a metre greater than on the previous permission – but this causes no adverse impacts to that adjoining property.

A resident of Sandringham Road has raised concern over the impacts relative to their property but the relevant interface distances are already set out on the report and their concerns over tree planting have been under discussion with the Tree Officer as above and led to the request

subsequently made for a more specific indicative planting scheme to the part of the site nearest to their property, which has been found to be acceptable to the Tree Officer.

## **Consultation with Community**

As a matter of clarification, the applicant has advised that the Champion article referred to on page 56 of the agenda report from November 2021 has not resulted from a press release put forward by the applicant, as the Committee Report implies. The CGI has actually been taken from page 27 of the Design and Access Statement, where the applicant has clearly referred to those images as the “previous scheme”. As such there is no question of the applicant playing any part in what have been referred to as misleading images.

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## Appendix 1: HRA Report

### **Habitats Regulations Assessment**

#### **P/2021/02486**

Construction of 147 units of extra care accommodation in six new blocks and within the listed building, including the provision of ancillary accommodation and facilities in the listed building; the reconstruction of part of the listed building destroyed by fire; the repair and works for the conversion and extension of the listed building to the proposed use, including the demolition of some extensions to the building and detached curtilage buildings; repair of brick boundary wall; creation of a new access from Lancaster Road; construction of internal access roads and hardstandings for car parking, landscaping

40 Lancaster Road Birkdale Southport PR8 2JY

**Report for Sefton Council**



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## Document Control

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## Document Checking

Prepared by:	Andrew Clark Merseyside EAS	Signed: Andrew Clark
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Verified by:	Merseyside EAS	Signed:

Issue	Date	Status
A	30 November 2021	Draft for internal review
1	1 December 2021	Report for Council and consultation with Natural England

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## Summary

1. This document sets Sefton Council's assessment of likely significant effects of the proposed project in accordance with the Habitats Regulations<sup>1</sup>. It is the Habitats Regulations Assessment (HRA) report for this planning application and it has been prepared for Sefton Council by Merseyside Environmental Advisory Service.

## Approach

2. Our approach to HRA follows European Commission guidance<sup>2</sup> and has been informed by best practice, including The Habitats Regulations Assessment Handbook<sup>3</sup> and Government guidance<sup>4</sup>.
3. HRA is an assessment of the potential effects of a proposed project or plan - either a Local Plan or a Supplementary Planning Document (SPD) - for example - on one or more sites of international nature conservation importance. Projects and plans can only be permitted where the 'competent authority' (in this case Liverpool City Council) is satisfied that there will be no adverse effects on integrity of the relevant national and international sites.
4. From 1 January 2021, the UK is no longer a member of the European Union. However, HRA will continue as set out in the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Following the end of the Brexit transition period, these sites of international nature conservation importance are known as the **national site network** (they were previously referred to as Natura 2000 sites). Sites within the national network are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species and include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).
5. The National Planning Policy Framework (NPPF) (paragraph 181) states that Ramsar sites should be taken to be part of the national site network and treated accordingly. Ramsar sites are wetlands of international importance designated under the International Wetlands Convention, which took place at Ramsar, Iran. NPPF also states that proposed sites should be treated in the same way as designated sites for all practical purposes, including for HRA. We have followed this Government guidance and have used the term 'national and international sites' to refer to all these designations and proposed designations.
6. The 'Precautionary Principle' should be applied at each stage of the HRA process. Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the national and international site(s) in question. Plans and projects with predicted adverse impacts on national and international sites may still be permitted if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest

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<sup>1</sup> The Conservation of Habitats and Species Regulations, 2010 (SI 2010 No. 490) and amendments in 2011 (SI 2011 No. 625), 2012 (SI 2012 No. 1927), 2017(SI 2017 No. 1012) and 2019 (SI 2019 No. 579).

<sup>2</sup> European Commission (2001): Assessment of plans and projects significantly affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive.

<sup>3</sup> DTA Publications Ltd (2021). *The Habitats Regulations Assessment Handbook*. <https://www.dtapublications.co.uk/>

<sup>4</sup> DEFRA, Natural England, Welsh Government and Natural Resource Wales (2021). *Habitats Regulations Assessments: Protecting a European Site* <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site#screening>

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(IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

7. Stage 1 of the HRA process is the assessment of proposed plans and projects for likely significant effects (Screening). If there are none, then no further steps need to be taken. Where significant effects seem likely, a more detailed Appropriate Assessment and Integrity Test of the proposed plan or project is necessary. This is known as Stage 2.
8. The 'integrity' of a national and international site is defined as:  
*'the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified or listed.'*
9. The European Commission defined integrity more recently as follows:  
*'the integrity of the site involves its constitutive characteristics and ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the habitats and species for which the site has been designated and the site's conservation objectives.'*
10. Stage 2 will often establish mitigation measures or alternative methods, which can offset all significant adverse effects and enable the plan or project to go forward. This is necessary to conclude beyond reasonable scientific doubt that adverse effects on the integrity of national and international sites has been avoided. Where this is not the case, other more stringent measures need to be considered.
11. Plans and projects with predicted adverse impacts on international sites may still be permitted if there are no alternatives to them (Stage 3) and there are Imperative Reasons of Overriding Public Interest (IROPI) (Stage 4) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

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12. The source-pathway-receptor model is used to assess individual elements of the project likely to give rise to effects on the national sites network and Ramsar sites. In using this method all potential effects are assessed to determine whether there is a pathway which could lead to an effect on the national and international sites. If there is a source-pathway-receptor link for any potential impact, then this effect is assessed for likely significant effects within the HRA. Where no source or pathway is present then these effects are screened out at Stage 1. All potential effects, no matter how small are identified and assessed for their level of significance. Even if the potential effects are small and thought likely to be insignificant, they must be assessed to confirm this is the case. Figure 1 below shows how the model works.

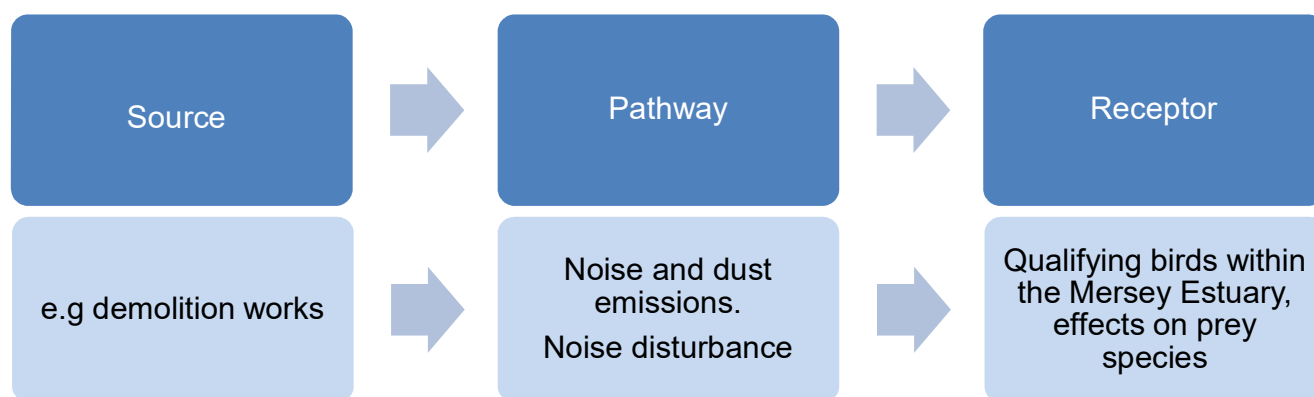


Figure 1 – Source-Pathway-Receptor Model

13. Natural England’s standing advice is that when a finding of no significant effect is reached, consultation is not required. However, Natural England will be consulted on this HRA before planning permission can be granted as Appropriate Assessment is required.

## Case law

14. A 2018 ECJ judgement, known as *People Over Wind* or *Sweetman v Coillte Teoranta*<sup>5</sup> ruled that avoidance and mitigation measures included within the proposals solely to avoid or reduce harmful effects on a European site cannot be considered at the Assessment of Likely Significant Effects (ALSE) stage. These measures should instead be assessed within the framework of an Appropriate Assessment. This requires a distinction during the ALSE between essential features and characteristics of a project (e.g. its nature, scale, design, location, frequency, timing and duration) and avoidance and mitigation measures designed solely to avoid or reduce adverse effects on a European site. In accordance with the Sweetman judgement, this HRA only considers mitigation measures which embedded within the scheme during the ALSE.
15. In 2018 the Holohan ruling<sup>6</sup> handed down by the European Court of Justice included among other provisions paragraph 39 of the ruling stating that ‘As regards other habitat types or species, which are present on the site, but for which that site has not been listed,

<sup>5</sup> People Over Wind and Sweetman v Coillte Teoranta (C-323/17)

<sup>6</sup> Case C-461/17

*and with respect to habitat types and species located outside that site, ... typical habitats or species must be included in the appropriate assessment, if they are necessary to the conservation of the habitat types and species listed for the protected area' [emphasis added].*

## **Recommendations**

16. The following matters must be secured by appropriately worded planning conditions:

- Construction Environmental Management Plan for implementation during the construction phase of the development; and
- Provision of an information leaflet which raises awareness of the national sites network and Ramsar sites, the countryside code and suitable alternative natural greenspaces (SANG).

## **Conclusions**

17. After carrying out the Habitats Regulations Assessment, and provided the above planning conditions are applied, we conclude that Planning Application (P/2021/02486):

- a. is not directly connected with or necessary to the management of the national sites network and Ramsar sites;
- b. does not intrude into the national sites network and Ramsar sites listed below;
- c. is not considered, either alone or in-combination with any other plans or projects, to have an adverse effect upon the integrity of the following national and international sites:
  - Sefton Coast SAC;
  - Ribble and Alt Estuaries Ramsar; and
  - Ribble and Alt Estuaries SPA.

18. This Habitats Regulations Assessment report has assessed the project as submitted for planning permission. If there are changes to the project e.g. type of build, location, timing, that may affect the conclusions, then the project will require further assessment. This is part of the iterative process of undertaking Habitats Regulations Assessment.

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## Stage 1: Assessment of likely significant effects

### Site Location and Description

19. The project is located at Easting 332004 and Northing 415528 is adjacent to national and international sites.
20. The application site comprises 3.9 hectares. Planning Statement (Sedgewick Associates, October 2021) provides a full description of the site (section 2) and proposed works (section 5).

### Brief Description of the national and international sites

21. The application site is located adjacent and close to national and international sites:
  - Sefton Coast SAC;
  - Ribble and Alt Estuaries Ramsar; and
  - Ribble and Alt Estuaries SPA.
22. Sefton Coast SSSI is also located adjacent and has similar designations features to the SAC.
23. Descriptions of the European and nationally designated sites plus their conservation objectives and vulnerabilities are available from the websites [www.naturalengland.org.uk](http://www.naturalengland.org.uk) and [www.jncc.defra.gov.uk](http://www.jncc.defra.gov.uk) or by request from Merseyside EAS.

### Data sources used to inform assessment

24. The following data sources were used in order to inform the assessment of likely significant effects (amend as required):
  - Merseyside Biobank data;
  - Aerial imagery (Google Earth, viewed on 30/11/2021);
  - ERAP Ltd (April 2020) Updated Ecological Survey and Assessment;
  - ERAP Ltd (September 2021) Further Information and Assessment of Impact to Statutory Designated Sites to inform a Habitats Regulations Assessment;
  - ERAP, Outline Construction Environmental Management Plan (CEMP), ref: 2018-257c, 13 September 2018;
  - Buttress Architects Ltd, Design and Access Statement, September 2021;
  - Sedgewick Associates, Planning Statement, October 2021;
  - MEAS, Towards a Liverpool City Region European Sites Recreation Mitigation & Avoidance Strategy –Evidence Report, Version 24, 21 June 2021;
  - Liley, D., Panter, C., Marsh, P. & Roberts, J., Recreational activity and interactions with birds within the SSSIs on the North West coast of England, 30 March 2017.
25. These reports inform the Competent Authorities assessment of likely significant effects which is set out below.

**Assessment of likely significant effects – Source-Pathway-Receptor model**

26. Table 1 below provides a summary of the sources, pathways and receptors identified for this project. Full details are provided within subsequent sections of this report.

Source	Pathway	Receptor	In-combination effects (Y/N)	Likely Significant Effects?
Site construction: habitat loss	<b>No pathway</b>	Qualifying features of Sefton Coast SAC	<b>N</b>	<b>No likely significant effects</b>
Site construction: noise disturbance	<b>Pathway</b>	Qualifying features of Ribble and Alt Estuaries Ramsar; and Ribble and Alt Estuaries SPA.	<b>N</b>	<b>A low likelihood of significant effects</b>
Site construction: transfer of construction related pollutants	<b>Pathway</b>	Qualifying features of Sefton Coast SAC	<b>N</b>	<b>Likely significant effects</b>
Operation phase: recreational pressure	<b>Pathway</b>	Qualifying features of Sefton Coast SAC; Ribble and Alt Estuaries Ramsar; and Ribble and Alt Estuaries SPA.	<b>Y</b>	<b>Likely significant effects (in-combination)</b>

**Table 1:** Source-Pathway-Receptor Summary

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## **In-combination effects**

27. Relevant plans assessed for in-combination effects in relation to this project are:
  1. Sefton Local Plan
28. The following projects were assessed for in-combination effects on the grounds that there are common potential pathways of impact:
  1. Pipeline residential development in Sefton e.g. DC/2021/01599, DC/2021/01891, DC/2021/01466, DC/2021/01452, DC/2021/00887

## **Assessment of significance of effects**

29. The likely significant effects identified were as follows:

### Site construction – noise disturbance

30. The Ribble and Alt Estuaries Ramsar site lies 215m west and the SPA is 330m west. The proposal is major development and involves construction and excavation works associated with erection of the 6 x care home blocks. I consider that without mitigation there is a low potential for likely significant effects on qualifying Ramsar and SPA non-breeding bird species using the intertidal area c.500m west.

### Site construction – transfer of construction related pollutants

31. Sefton Coast SAC lies adjacent the development site. Construction of the supported living blocks are within close proximity (40m) to the Sefton Coast SAC. Whilst a tree line is in place and will be retained, there is potential for dust and pollution transfer.

### Operational phase – recreational pressure

32. Due to the nature of the proposal i.e. for supported living, recreational pressure effects (alone) are unlikely to have a significant effect. However, whilst the proposal is for over 55s including supported living and the site retains a large area of open space for informal recreational use, due to the adjacency to the designated sites, high level of access and scale of the proposal, recreational pressure (in-combination) with the quantum of development in Birkdale, Southport and the remainder of the borough may give rise to LSE on qualifying habitats and species of the designated sites.

## **Conclusion of Test of Likely Significant Effects**

33. Without the implementation of avoidance and mitigation measures, the proposals are likely to have significant effects on European sites.
34. Appropriate Assessment is required in accordance with Regulation 63 (Habitats Regulations 2017 (as amended)) and this can be found below. Appropriate Assessment

### Introduction

35. Appropriate Assessment determines if the proposals will have an adverse effect on the integrity of European sites. A clear distinction has been made between embedded mitigation measures, which are essential features and characteristics of the proposals and



additional avoidance and mitigation measures that are solely designed to avoid significant effects on European sites.

## Assessment of Effects carried through to Appropriate Assessment

### **Site construction – noise disturbance**

36. The Ribble and Alt Estuaries Ramsar site lies 215m west and the SPA is 330m west. The proposal is major development and involves construction and excavation works associated with erection of the 6 x care home blocks. I consider there is a low potential for likely significant effects on qualifying Ramsar and SPA non-breeding bird species using the intertidal area c.500m west.

### **Site construction – transfer of construction related pollutants**

37. Sefton Coast SAC lies adjacent the development site. Construction of the supported living blocks are within close proximity (40m) to the Sefton Coast SAC. Whilst a tree line is in place and will be retained, there is potential for dust and pollution transfer.

### **Operational phase – recreational pressure**

38. The adjacency to the Sefton Coast designated sites, high level of access and scale of the proposal, mean recreational pressure (in-combination) with the quantum of development in Birkdale, Southport and the remainder of the borough may give rise to LSE on qualifying habitats and species of the designated sites.

## Additional mitigation

- A full and updated CEMP comprising noise reduction and pollution control measures; and
- Provision of an information leaflet which raises awareness of the national sites network and Ramsar sites, the countryside code and suitable alternative natural greenspaces (SANG).

Receptor	Likely significant effect	Proposed Mitigation Measures	Adverse effect on site integrity with mitigation?
Qualifying features of Ribble and Alt Estuaries Ramsar; and Ribble and Alt Estuaries SPA.	Noise disturbance during construction	Construction Environment Management Plan (CEMP) including noise reduction measures	Provided that the production and implementation of a Construction Environment Management Plan (CEMP) is <u>secured by a suitably worded planning condition</u> there will be <b>no adverse effect on the integrity of the European sites.</b>
Qualifying features of Sefton Coast SAC	Transfer of dust and construction-related pollutants	Construction Environment Management Plan (CEMP) including pollution prevention measures	Provided that the production and implementation of a Construction Environment Management Plan (CEMP) is <u>secured by a suitably worded planning condition</u> there will be <b>no adverse effect on the integrity of the European sites.</b>
Qualifying features of Sefton Coast SAC; Ribble and Alt Estuaries Ramsar; and Ribble and Alt Estuaries SPA.	<p>Recreational pressure</p> <p>Due to the nature of the proposal i.e. for supported living, recreational pressure effects are unlikely to have a significant effect alone. However, whilst the proposal is for over 55s including supported living and the site retains a large area of open space for informal recreational use, due to the adjacency to the designated sites, high level of access and scale of the proposal recreational pressure (in-combination)</p>	Provision of an information leaflet which raises awareness of the national sites network and Ramsar sites, the countryside code and suitable alternative natural greenspaces (SANG). See details in memo.	Provided that the provision of an information leaflet is <u>secured by a suitably worded planning condition</u> there will be <b>no adverse effect on the integrity of the European sites.</b>

	<p>with the quantum of development in Birkdale, Southport and the remainder of the borough may give rise to LSE on qualifying habitats and species of the above designated sites.</p> <p>The Sefton Coast Path is 265m northwest of the site with direct access from Selworthy Road and a well-defined footpath adjacent the southern boundary of the site. The Sefton Coast Path is designated as a Strategic Path (policy EQ9) in the Local Plan and is significant for recreation including tourism and local leisure.</p> <p>Discounting the 47 assisted living units (ALUs) which are for those residents relying more heavily on support, the residential typology of the proposal units comprises 100 1-4 bed apartments and all units have a single parking space (Buttress Architects Ltd, Design and Access Statement, September 2021).</p> <p>Residents' visits to the coast are therefore likely to be limited to walking and potentially cycling (a 31-space cycle store is included) therefore informal recreational access to the coast is possible on foot, bike and by car.</p>		
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	In-combination with other residential development, I therefore consider there is a low likelihood of significant effects.		
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**Table 2: Summary of** Appropriate Assessment

## **Integrity Test**

1. On the basis of the above information, it Sefton Council's opinion that the proposed project to which this screening opinion relates:
  - a. is not directly connected with or necessary to the management of the sites; and
  - b. will not lead to an adverse effect upon the integrity of each of the following national and international sites:
    - Sefton Coast SAC;
    - Ribble and Alt Estuary Ramsar;
    - Ribble and Alt Estuary SPA.
2. **Accordingly, no assessment of alternatives to the project or consideration of IROPI is required to be made under Regulations 64 of the Habitats Regulations before the Council decides to undertake, or give any consent, permission or other authorisation for this plan.**
3. This HRA report has assessed the project as submitted for planning permission. If there are changes to the project e.g. type of build, location, timing, that may affect the conclusions then the project will require further assessment. This is part of the iterative process of undertaking HRA.

Overall Plan  
Scale: 1:2000 @ A1  
See Insets for Planting Details



Planting Schedule												
<b>Hedgerow</b>												
Qty	Name	Age	Height	Form	Girth	CrDiam	Bris	Root	CrB	CrA	Mix%	
270	<i>Elaeagnus x albertii</i>		80-100cm				6	C	16L	0.330		
270												
<b>Native Hedgerow Mix</b>												
Qty	Name	Age	Height	Form	Girth	CrDiam	Bris	Root	CrB	CrA	Mix%	
101	<i>Acer campestre</i>	1/1	80-100cm	Transplant				B		0.300	10.00%	
204	<i>Corylus avellana</i>	1/2	80-100cm	Transplant			4	B		0.300	20.00%	
407	<i>Crataegus monogyna</i>	1/2	80-100cm	Transplant				B		0.300	40.00%	
101	<i>Ilex aquifolium</i>		80-100cm					RB		0.300	10.00%	
101	<i>Salis caprea</i>	0/1	80-100cm	Cutting			2	B		0.300	10.00%	
51	<i>Sambucus nigra</i>	1/1	80-100cm	Transplant			3	B		0.300	5.00%	
51	<i>Viburnum opulus</i>	1/2	80-100cm	Transplant			3	B		0.300	5.00%	
1016												
<b>Tree</b>												
Qty	Name	Age	Height	Form	Girth	CrDiam	Bris	Root	CrB	CrA	Mix%	
4	<i>Acer platanoides</i> 'Cleveland'	3a	900-950cm	Semi-Mature	20-25cm	min 200cm		RB				
5	<i>Acer platanoides</i> 'Emerald Queen'	3a	900-950cm	Semi-Mature	20-25cm	min 200cm		RB				
6	<i>Alnus cordata</i>	3a	900-950cm	Semi-Mature	20-25cm	min 200cm		RB				
5	<i>Betula pendula</i>	3a	900-950cm	Semi-Mature	20-25cm	min 200cm		RB				
4	<i>Platanus x acerifolia</i>	3a	900-950cm	Semi-Mature	20-25cm	min 200cm		RB				
4	<i>Sorbus intermedia</i>	3a	900-950cm	Semi-Mature	20-25cm	min 200cm		RB				
20												
1316												

**Planting Notes:**

- Tree planting:** All trees to be planted with short double timber stakes. All trees to include irrigation points, and pit drainage as required.
- Hedgerow:** Native hedgerow to be planted at 3m per 10m in a double staggered row (500mm between rows) and in single species groups of 5-10m.  
*Elaeagnus x albertii* to be planted at 3m per 10m in a single species row.
- Bark mulch:** All hedgerow and trees to receive a min 75mm depth layer of medium grade bark mulch.
- Root barriers:** Root barriers to be installed when tree and shrub planting is proposed within 5 mtrs of utilities, and along adjacent footpaths and historic hedrows where required.
- Rabbit guards:** All tree and shrub planting to include suitable rabbit protection. Trees to be planted with 100mm diameter x 750mm transparent acrylic guard. Native shrubs to include mesh Strub Shelters, 90cm high and 20cm diameter to be secured with bamboo canes (added when planting).

Detailed Planting Plan Inset 1  
Scale: 1:500 @ A1



Detailed Planting Plan Inset 2  
Scale: 1:500 @ A1



Detailed Planting Plan Inset 3  
Scale: 1:500 @ A1



- Key:**
- Existing:**
  - Retained trees and vegetation
  - Retained hedgerow
- Proposed:**
  - Tree planting
  - Native hedgerow planting
  - Ornamental hedgerow planting


  
 The Environment Partnership
   
 Service Centre, Birchwood Business Park, Warrington WA2 7BH
   
 Tel: 01925 845434    e-mail: info@ep.org.uk    www.ep.org.uk

Project: Former Birkdale School
   
 Title: Lancaster Road Planting Strategy
   
 Drawing Number: D9023.010
   
 Scale: As shown @ A1    Date: 17/01/2022
   
 Checked: AL    Drawn: LG    Approved: GDA

## Item 4C

### DC/2020/02629: 30 Liverpool Road, Formby

Further Objection to the Revised (26/10/2021) Planning Application

## Objection to the Revised (26/10/2021) Planning Application DC/2020/02629

30 Liverpool Road, Formby L37 4BW

### **Garden Grabbing**

This further revised Application retains the existing Victorian Villa (at least until a further planning application is forthcoming) but continues to seek permission for a large, detached property in the rear garden and as such conflicts with National Planning Policy Framework (NPPF) policies on 'Garden Grabbing'.

### **Visual impact and Design of the development**

The existing Victorian Villa, Elmhurst, is a Non-Designated Heritage Asset (NDHA) sitting in a row of 5 similar age, sized and similarly NDHA properties and has been recorded by MEAS in the Merseyside Historical Environmental Record.

Buildings, features and structures which do warrant consideration as non-designated heritage assets are a material consideration in the planning process. Paragraph 197 of the NPPF states: *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.

The proposed new dwelling is totally out of character with the existing house and the surrounding properties sitting as it does in a row of five Victorian Villas, all of which are 2 stories high, not 3 as with the proposed property. The chosen design is at odds with the surrounding properties especially with third floor dormer windows which are not present in nearby houses.

### **Tree Belt removal**

The Neighbourhood Development Plan (NDP Policy H1 refers to the '*retention of trees and shrubs*', when in fact every single tree has been felled and removed from the site prior to the Application being submitted.

The entire Tree Belt (which included mature, native deciduous trees) has been felled and removed. The Application does not show trees being replaced as required by NDP Policy ESD7 which stipulates '*Trees lost as a result of the development should be replaced at a ratio of 1:1.*'

In the Applicant's Planning Statement, Paragraph 3 et seq, the Applicant has chosen to submit an historic Planning Application which was given Outline Planning Permission in 1970, but which had a single added condition that '*No trees shall be felled or removed from*

# Agenda Item 8

*the site without the prior consent of the Council* – the Applicant has actively chosen to ignore that condition. The then Council clearly recognised the value of the tree belt to neighbouring properties, residents and wildlife biodiversity. A point not lost on the Consultee response from the Merseyside and West Lancashire Bat Group.

## **The loss of residential amenity and security of neighbouring owners**

The third floor dormer windows in the rear property overlook 17 adjacent properties, thereby denying the owners privacy and the right to enjoy their property in safety.

The rear property overshadows properties in both Ravenmeols Lane and Liverpool Road. This could have been mitigated if some or all of the tree belt had been retained.

The loss of security caused by the service road to the rear plot. It allows unimpeded access to not just the proposed new property but also the rear of properties 30a Liverpool Road, 145,143,141 Ravenmeols Lane; with potential access to other houses in both roads through back gardens.

Image 1 - Google Earth view of site prior to the removal of the Tree Belt

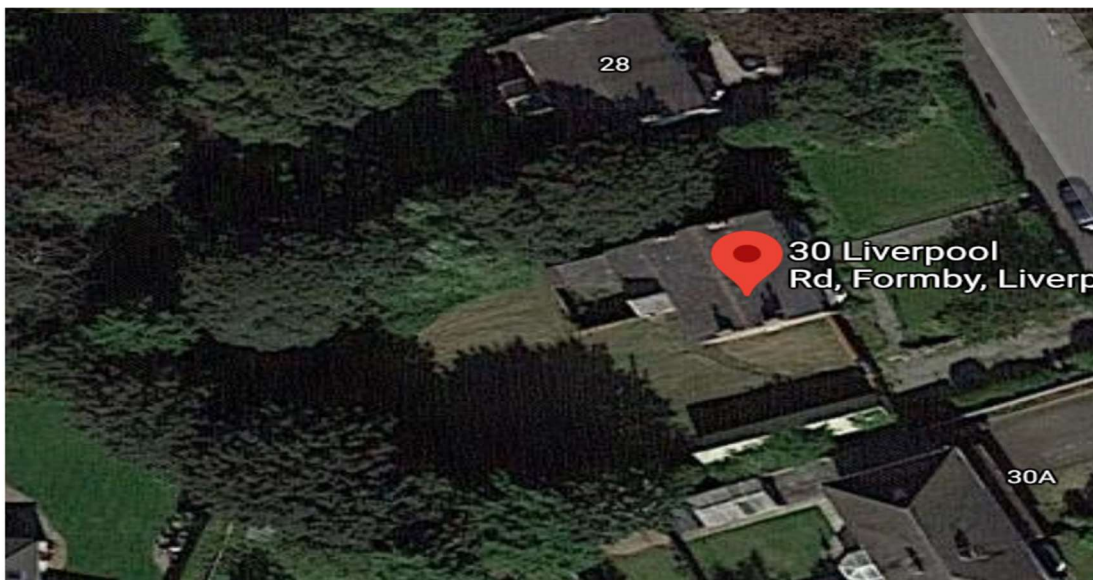


Image 2 – views of the rear garden of number 30 after Tree Belt removal





## Appendix 5 - Approvals

### Item 5A

**DC/2021/02138: 503-509 Hawthorne Road, Bootle**

#### **Amendment to planning condition 31 as follows:**

- 31) A scheme of noise and odour control for any plant and equipment (Air Con, Kitchen Extraction etc) to be installed on the proposed extra care dwellings/building shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to protect the living conditions of future occupiers from adverse noise/odour impacts.

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