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Date: 15 November 2022  
Our Ref:  
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Dear Councillor

## **PLANNING COMMITTEE - WEDNESDAY 16TH NOVEMBER, 2022**

I refer to the agenda for the above meeting and now enclose the following report(s) which were unavailable when the agenda was published.

<b>Agenda No.</b>	<b>Item</b>	
7	<b>Late Representations</b>	(Pages 3 - 10)

Yours faithfully,

A handwritten signature in black ink, appearing to be "Ian Barton".

Democratic Services

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## Planning Committee: 16<sup>th</sup> November 2022

### Late Representations/Information

#### Appendix 4

##### Item 4A

DC/2022/00727: Land Off Sentinel Way /Heysham Road, Netherton

##### Habitats Regulations Assessment

Natural England have confirmed that they have reviewed the Appropriate Assessment, attached below, and have no objections, subject to the suggested mitigation.

##### Compensation for Habitat loss

Merseyside Environmental Advisory Service have provided further comments on the habitat compensation required due to the loss of habitats on site, that would be a direct result of the development. Based on figures derived from DEFRA cost analysis, the cost per habitat unit should be £15,000.

The biodiversity metric submitted by the applicants calculated a loss of 10.31 habitat units on site. To ensure no net loss is achieved, the units to be created as compensation off site is rounded up to 11. The total commuted sum to compensate for the loss therefore is confirmed as £165,000 and is to be agreed via a Section 106 agreement.

##### Revision to conditions

The following conditions are updated and included:

##### Prior to Commencement

- 7) *No development shall commence until a report by a suitable qualified person confirms there is no Japanese Knotweed present on the site. If Japanese Knotweed is present on site then a method statement showing the extent of Japanese Knotweed and a scheme for its eradication/treatment has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include: -*
- i. A plan showing the extent of the plant(s);*
  - ii. The method(s) that will be used to prevent the plant/s spreading further, including demarcation.*

# Agenda Item 7

- iii. *The method(s) of control that will be used, including details of post-control monitoring.*
- iv. *How the plants will be disposed of after treatment or removal.*

*Reason: The details are required prior to commencement to ensure that if Japanese Knotweed is present on site it is eradicated/treated so as to prevent the spread of the plant through development works*

- 8) *No development shall commence within any areas of the site where Japanese Knotweed has been identified in the statement required by condition 7, until a validation report confirming the remediation treatment carried out on the site in respect of invasive species has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the area where Japanese Knotweed was located has been free from invasive species for 12 consecutive months, unless otherwise agreed with the Local Planning Authority .*

*Reason: The details are required prior to commencement to ensure that Japanese Knotweed has been eradicated from the development site and to prevent the spread of the plant through development works.*

## During Building Works

**Replace condition 16 with the following revised condition ensuring a noise impact assessment is submitted for approval before any development is above slab level, rather than details required preoccupation.**

*No development shall commence above slab level until a Noise Impact Assessment has been submitted to and approved in writing by the local planning authority to identify any properties which may require acoustic mitigation measures to the building envelope to deliver the internal noise level requirements of Table 4 of BS8233:2014, including the glazing and possible acoustic trickle ventilation.*

*Reason: To safeguard the living conditions of the future occupiers*

## Before the Development is Occupied

- 22) *No dwelling shall be occupied until all areas required for vehicle parking in accordance with the approved plan has been laid out within the curtilage of dwellings and these shall be retained thereafter for that specific use.*

*Reason: To ensure that enough car parking is provided for the development and to ensure the safety of highway users.*

- 24) *No dwelling shall be occupied until the access road shown on plan 2077 010 REV.Y Proposed Site Layout has been constructed to the base course level to enable access to the dwelling(s).*

*Reason: To ensure that acceptable access is achieved to the development and to safeguard other highway users at all times.*

## Ongoing Conditions

- 31) *The drainage for the development hereby approved, shall be carried out in accordance with drawing ELL-21017-YH-B-1010 Rev D, prepared by Elluc Projects unless otherwise agreed in writing by the local Planning Authority . Surface water will only be permitted to drain directly into the 900mm public surface water sewer at 5 l/s. No surface water shall drain into the combined sewer either directly or indirectly. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.*

*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding*

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

23. 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	Likely Significant Effects?
<p><b>Site construction: habitat loss both direct, on-site and indirect, through loss of functionally linked land.</b></p>	<p>The development site is located approximately 4.8 km from Mersey Narrows and North Wirral foreshore SPA and Ramsar sites. There will be no direct land take and the SPA is located within Seaforth Dock, an established port with no public access.</p> <p>The development site and European sites are separated by busy A5036 and the well-developed urban area means there is no functionally linked habitat in the vicinity.</p> <p>Sefton Coast SAC (5.4km) &amp; Ribble and Alt Estuaries SPA (5.4km) are located further from the development and so it can be determined there will no impacts to on-site and FLL habitats.</p> <p><b>No pathway</b></p>	<p>Qualifying features of International sites:</p> <ul style="list-style-type: none"> <li>• Mersey Narrows and North Wirral Foreshore SPA;</li> <li>• Mersey Narrows and North Wirral Foreshore Ramsar site;</li> <li>• Sefton Coast SAC;</li> <li>• Ribble and Alt Estuaries SPA; and</li> <li>• Ribble and Alt Estuaries Ramsar Site</li> </ul>	<p><b>No likely significant effects</b></p>
<p><b>Site construction: noise and visual disturbance</b></p>	<p>The development site is located approximately 4.8km from Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites.</p> <p>The proposal is located within an established mixed residential and industrial area. with the A5036 and Seaforth Dock generating significant and regular visual and noise disturbance.</p> <p>The small-scale construction of an apartment building and renovation works will have impacts which remain largely within the existing curtilage and disturbance impacts during the construction period will have no effect due to the existing baseline conditions.</p>	<p>Qualifying features of International sites:</p> <ul style="list-style-type: none"> <li>• Liverpool Bay SPA;</li> <li>• Mersey Narrows and North Wirral Foreshore SPA;</li> <li>• Mersey Narrows and North Wirral Foreshore Ramsar site;</li> <li>• Sefton Coast SAC;</li> </ul>	<p><b>No likely significant effects</b></p>

	<p>Sefton Coast SAC (5.4km) &amp; Ribble and Alt Estuaries SPA (5.4km) are located further from the development and so it can be determined there will no impacts to qualifying species from visual and noise disturbance.</p> <p><b>No pathway</b></p>	<ul style="list-style-type: none"> <li>• Ribble and Alt Estuaries SPA; and</li> <li>• Ribble and Alt Estuaries Ramsar Site</li> </ul>	
<p><b>Site construction: transfer of construction related pollutants</b></p>	<p>The development site is located approximately 4.8km from Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites.</p> <p>The proposal is located within a mixed residential and industrial area and is close to established, busy residential and commuter routes, including railway line. This means baseline vehicle and dust pollution is relatively high.</p> <p>Remediation and construction works will generate significant volumes of waste, dust and atmospheric pollution but as major development a CEMP will be secured by condition as an embedded mitigation measure. The proposal is also immediately adjacent to a railway line and business premises within Heysham Road Industrial Estate which will absorb any pollutants escaping the site.</p> <p>Sefton Coast SAC (5.4km) &amp; Ribble and Alt Estuaries SPA (5.4km) are located further from the development and so it can be determined there will no impacts to qualifying species from construction-related dust and pollutants.</p> <p><b>No pathway</b></p>	<p>Qualifying features of International sites:</p> <ul style="list-style-type: none"> <li>• Liverpool Bay SPA;</li> <li>• Mersey Narrows and North Wirral Foreshore SPA;</li> <li>• Mersey Narrows and North Wirral Foreshore Ramsar site;</li> <li>• Sefton Coast SAC;</li> <li>• Ribble and Alt Estuaries SPA; and</li> <li>• Ribble and Alt Estuaries Ramsar Site</li> </ul>	<p><b>No likely significant effects</b></p>
<p><b>Operational phase: noise and visual disturbance</b></p>	<p>Sefton Local Plan's HRA<sup>1&amp;2</sup> and Nature Conservation SPD<sup>3</sup> identifies recreational pressure from residential development as a Likely Significant Effect alone and in-</p>	<p>Qualifying features of International sites:</p>	<p>The separation distance<sup>6</sup> of 5.4km from the Sefton Coast SAC and Ribble and Alt</p>

<sup>1</sup> [www.sefton.gov.uk/media/989776/Jan-2015-HRA-of-Submission-Local-Plan-WEB.pdf](http://www.sefton.gov.uk/media/989776/Jan-2015-HRA-of-Submission-Local-Plan-WEB.pdf)

<sup>2</sup> [www.sefton.gov.uk/media/989741/May-2016-HRA-of-Mods-to-Local-Plan-WEB.pdf](http://www.sefton.gov.uk/media/989741/May-2016-HRA-of-Mods-to-Local-Plan-WEB.pdf)

<sup>3</sup> [www.sefton.gov.uk/media/1301382/Nature-SPD-20170814.pdf](http://www.sefton.gov.uk/media/1301382/Nature-SPD-20170814.pdf)

<sup>6</sup> [http://www.meas.org.uk/media/11039/LCR\\_RMS\\_EvidenceReport\\_v24\\_Optv2.pdf](http://www.meas.org.uk/media/11039/LCR_RMS_EvidenceReport_v24_Optv2.pdf)

	<p>combination. Recreational pressure is recognised in the formal statutory Conservation Advice Packages and Site Improvement Plans<sup>4&amp;5</sup> as Medium-High risk to qualifying features of the European sites.</p> <p>Evidence shows that the separation distance of 5.4km from the nearest national sites network means impacts from the 65 dwelling proposal alone are unlikely to be significant, especially due to the high existing baseline usage of coastal International sites, in particular around the Crosby and Waterloo areas.</p> <p>Recreational pressure impacts to the Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites can be discounted due to Seaforth Dock being inaccessible to the public.</p> <p>However, given the proximity to the Sefton Coast, Liverpool Bay &amp; Ribble and Alt Estuaries European sites the impact of recreational pressure in-combination will need to be assessed.</p> <p><b>Pathway exists</b></p>	<ul style="list-style-type: none"> <li>• Sefton Coast SAC;</li> <li>• Ribble and Alt Estuaries SPA; and</li> <li>• Ribble and Alt Estuaries Ramsar Site</li> </ul>	<p>Estuaries SPA and the medium size of the development (net gain of 65 units) means a significant increase in recreational disturbance from the development alone can be discounted due to the existing regular recreational usage of the coastline along Waterloo and Crosby, adjacent to the Sefton Coast and Ribble and Alt Estuaries sites. However, the development will still contribute towards increased recreational pressure on the International sites in-combination with other developments in Sefton and the wider Liverpool City Region.</p> <p><b>Likely significant effects cannot be discounted</b></p>
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Table 1: Test of Likely Significant Effects (TOLSE) using the source-pathway receptor model

<sup>4</sup> <http://publications.naturalengland.org.uk/publication/6588974160150528>

<sup>5</sup> [www.gov.uk/government/publications/irish-sea-marine-area-index-map-and-site-packages](http://www.gov.uk/government/publications/irish-sea-marine-area-index-map-and-site-packages)



## Item 4B

**DC/2022/00704: 55 Chapel Street, Southport PR8 1AL**

The following additional condition is proposed:

Prior to commencement of the development a noise impact assessment (NIA) shall be undertaken by a qualified acoustic consultant. The NIA shall include a) A sound insulation test to determine the current level of sound insulation performance of the premises and, b) A noise assessment of the commercial noise sources / activities in the locality. The NIA shall also detail any mitigation measures required to protect the future occupiers of the premises from noise.

The NIA shall then be submitted to the Local Planning Authority for approval. The agreed noise mitigation measures shall then be implemented in full prior to the flats being occupied.

REASON: To ensure the living conditions of future residents is protected in relation to noise.

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