

Town Hall  
Lord Street  
Southport  
PR8 1DA

Date:  
Our Ref:  
Your Ref:

**Please contact:** Olaf Hansen  
**Contact Number:** 0151 934 2067 /  
2033  
**Fax No:** 0151 934 2034  
**e-mail:**  
olaf.hansen@legal.sefton.gov.uk  
or lyndzay.roberts@sefton.gov.uk

Dear Councillor

**PLANNING COMMITTEE - WEDNESDAY 10TH FEBRUARY, 2010**

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

<b>Agenda No.</b>	<b>Item</b>
22.	<b>Late Representations</b>

Yours sincerely,

*C J Elwood*

Legal Director

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## PLANNING COMMITTEE : 10 FEBRUARY 2010

### Late Representations/Information

<b>Part 1</b>
---------------

#### **APPENDIX 4**

##### **Item 4B**

##### **S/2009/1167 : Bowling green to the rear and 1A Virginia Street, Southport**

The applicant has provided a letter from the previous landlord to confirm further that the bowling green was redundant during his period as landlord from January 2007 to July 2008 (attached).

Both parties have confirmed their wish to address Committee and the outline case of the petitioner is attached.

##### **Approved drawing Nos**

08-102-100, 105, 106, 110D, 115A, 120, 121, 122A, 123A, 124A, 150, 151A,  
SSL:13094:200:1:1.

# Agenda Item 22

Mr Jeremy Ward  
15 Abbey Gardens  
Birkdale  
Southport  
PR8

Friday, 29 January 2010

Re Bowling Green at The Shakespeare Public House

Dear Mr Davidson

Further to your recent enquiry regarding the use of the Bowling Green at the rear of the Shakespeare Public house I can confirm the following:

I was the landlord of The Shakespeare public house from 21/01/2007 to 31/07/2008 as tenant of for Punch Tavern and while I was in occupation of the premises we never ran any bowling teams, I can also confirm that the bowling green was redundant and in need of repair while I was landlord and it had been redundant for many years before I became the landlord.

Yours sincerely



Mr Jeremy Ward  
(Mobile 07815813476)

**Sefton Council**

Received by Sefton Council Planning & Economic  
 Regulation Department - Bootle Office  
 Scanned by: [Signature] - 8 FEB 2010

## Speaking at Planning Committee

You have confirmed that you wish to address the Planning Committee. In order to make as much information as possible available to the Committee members before the meeting, would you please complete this form and return it to the Planning Department at the address below.

Site Address: Bowling green to rear of 1A  
VIRGINIA ST SOUTHPORT

Application Number: S/2009/1167 GOOD LTD

Your Name: MRS ANNE LEWIS

### Summary of Main Issues of Case

Please outline the main points you wish to draw to the attention of the Committee:

*Traffic (Virginia St very busy)*  
*& ACCESS ALSO NEW Dwellings off Hill carpark*  
*Also bus route, Parking*  
*Privacy & OVERLOOKING ESP FOR 15 VIRGINIA ST*  
*LIGHTING & Greenpace*

### Additional Supporting Information

Please attach any supporting information eg photographs. This will be circulated to members of the Planning Committee prior to the meeting. Please note that this will be reproduced in an A4 black and white format.

New information should not be circulated on the night as there will not have been sufficient time for Councillors to consider it.

Please return this form **by 10am the Monday prior to the Committee meeting to:**

Sue Tyldesley  
 Planning Department  
 Magdalene House  
 30 Trinity Road  
 Bootle  
 L20 3NJ  
 Fax: 0151 934 3587  
 E-mail: [planning.dcsouth@planning.sefton.gov.uk](mailto:planning.dcsouth@planning.sefton.gov.uk)  
 (for applications in the South area)

If you have any queries regarding this form or the Committee procedures contact the Committee Clerk, Olaf Hansen, on 0151 934 2067.

*P.T.O*

# Agenda Item 22



People speed down VIRGINIA ST AS IT IS

Received by Salford Council Planning & Economic  
Regeneration Department - Bootle Office  
Date Scanned by - 8 FEB 2010

ST

**From:** Anne Lewis <lewis\_anne@hotmail.co.uk>  
**To:** <planning.dcsouth@planning.sefton.gov.uk>  
**Date:** 07/02/2010 21:49  
**Subject:** FW:

From: lewis\_anne@hotmail.co.uk  
To: olaf.hansen@legal.sefton.gov.uk  
Subject:  
Date: Sun, 7 Feb 2010 18:54:08 +0000

FOR SITE ADDRESS BOWLING GREEN TO REAR OF 1A VIRGINIA ST S/2009/1167 GDD LTD  
my husband drove down 2 Bootle 2 post the form 2 Mrs Sue Tyldesley but was unable 2 find a post box  
in Magdalene house, we will bring it into southport town hall 2mor morning when I hope it can be fax  
across. main issues of case are as follows

TRAFFIC [Virginia St is Very busy]  
Access to new dwellings is op Lidl carpark ent site sketch pro, it is on a bus route  
Parking 1 space per household is not enough

Privacy & being overlooked Esp for 15 Virginia st

Lighting

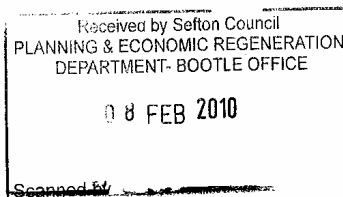
Greenspace

ALSO WILL THESE HOUSES BE ABLE TO BE SOLD WHEN 100 AFFORDABLE HOUSE ARE  
BEING BUILD JUST DOWN THE ROAD

FROM MRS A LEWIS

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<http://clk.atdmt.com/UKM/go/195013117/direct/01/>



DF

# Agenda Item 22

Name: SUE TYLDESLEY  
Company: SEFTON COUNCIL  
Fax No: 0151 934 3587



SF

From: GREG PHILLIPS

Reference: PLANNING COMMITTEE

Date: 4/02/2010

Job No: 08-102

Copies to:

Page 1 of: 2

PLEASE FIND ATTACHED OUR  
COMPLETED FORM TO SPEAK  
AT THE PLANNING COMMITTEE.  
WE ARE ACTING AS THE AGENT  
FOR THE APPLICANT GDDLED.

REGARDS

GREG PHILLIPS

Received by Sefton Council Planning & Regeneration Department - Bootle Office  
Date - 4 FEB 2010  
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## Speaking at Planning Committee

You have confirmed that you wish to address the Planning Committee. In order to make as much information as possible available to the Committee members before the meeting, would you please complete this form and return it to the Planning Department at the address below.

Site Address: BOWLING GREEN TO THE KEAR AND  
1 A VIRGINIA STREET, SOUTHPORT

Application Number: S/2009/1167

Your Name: Mr ANDREW ARMSTRONG

### Summary of Main Issues of Case

Please outline the main points you wish to draw to the attention of the Committee:

### Additional Supporting Information

Please attach any supporting information eg photographs. This will be circulated to members of the Planning Committee prior to the meeting. Please note that this will be reproduced in an A4 black and white format.

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(for applications in the South area)

If you have any queries regarding this form or the Committee procedures contact the Committee Clerk, Olaf Hansen, on 0151 934 2067.

P.2/2

To: 01519344627

01512077087

04-FEB-2010 13:20 From: CLH

# Agenda Item 22

## Item 4C

**S/2010/0041 : Layout of a Park & Ride facility, including bus transport facilities and altered site entrance**

### **Neighbour Representation**

Both parties have confirmed their wish to address Committee and the outline case of both parties is attached.

# Agenda Item 22

(08/02/2010) Regulatory Support - Speaking at Meeting Form (ref. S/2010/0041

Page 1

**From:** bill hill <wrhill2000@hotmail.com>  
**To:** <planning.dcsouth@planning.sefton.gov.uk>  
**Date:** 07/02/2010 17:40  
**Subject:** Speaking at Meeting Form (ref. S/2010/0041  
**Attachments:** scan0001.jpg

Dear Sue Tyldesley

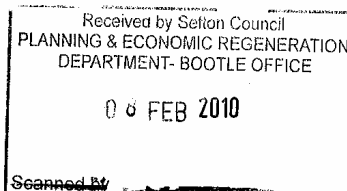
At the request of Mr. Olaf Hansen, I am sending to you the completed form in advance of the deadline of 10.00 hrs Monday 8th February.

Yours sincerely

William R.Hill (Mr.)

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Do you have a story that started on Hotmail? Tell us now  
<http://clk.atdmt.com/UKM/go/195013117/direct/01/>



## Sefton Council

### Speaking at Planning Committee

You have confirmed that you wish to address the Planning Committee. In order to make as much information as possible available to the Committee members before the meeting, would you please complete this form and return it to the Planning Department at the address below.

Site Address: land adjacent to Hall Road Station  
Hall Road East Crosby

Application Number: 5/9010/0041

Your Name: William R. Hill

#### Summary of Main Issues of Case

Please outline the main points you wish to draw to the attention of the Committee: not in any particular order: 1. 101 car capacity adequacy questionable. 2. Green belt aspect considered not identified. 3. No info. on bus usage. 4. Waiting restriction signs in surrounding roads visually offensive. 5. Entrance (even re-designed) too close to crossing. (Agreements in principle from Network Rail & HMRS/DRR give no re-assurance.) 6. No competent assessment of effect of change from 3-way traffic flow to 6-way traffic flow. 7. No assessment of effect on nearby residents of lights, noise and emissions. 8. Too many issues left for "late consideration" by JEPD, MEAS, trees, Japanese knotweed.

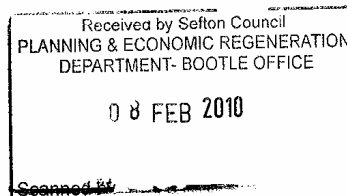
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30 Trinity Road  
Bootle  
L20 3NJ  
Fax: 0151 934 3587  
E-mail: [planning.dcsouth@planning.sefton.gov.uk](mailto:planning.dcsouth@planning.sefton.gov.uk)  
(for applications in the South area)



If you have any queries regarding this form or the Committee procedures contact the Committee Clerk, Olaf Hansen, on 0151 934 2067.

2010/0041

**From:** Darren Hazlewood <Dhazlewood@MERSEYRAIL.org>  
**To:** "planning.dcsouth@planning.sefton.gov.uk" <planning.dcsouth@planning.sef...>  
**Date:** 08/02/2010 12:59  
**Subject:** Planning application No: 5/2009/1184. Land adjacent to Hall Road Station.  
**Attachments:** 520091184 Land Adjacent to Hall Road Station.pdf

**CC:** "Killen, Tony" <tony.killen@merseytravel.gov.uk>, Phil Schreiber <PSchre...>  
To whom it may Concern,

Unfortunately Merseyrail and Merseytravel can not be represented at the Planning Committee meeting on February 10th, 2010. However, in order to facilitate an informed decision by the Planning Committee we would wish to offer the following information in response to the small number of resident objections put forward.

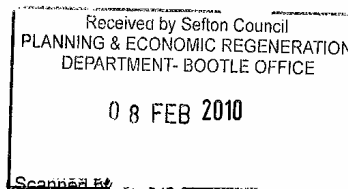
I would be grateful if the attached document could be circulated amongst the Planning Committee prior to the hearing on Wednesday, inline with Sefton MBC Committee procedures.

Best Regards

Darren Hazlewood

This message is confidential and is intended for the addressee(s) only. If you have received it in error please contact the sender immediately then delete the e-mail without disclosing its contents elsewhere. Merseyrail accepts no responsibility for loss or damage arising for viruses or changes made to this message after it is sent. The views expressed in this e-mail are those of the originator and do not necessarily represent the views of Merseyrail.

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# Agenda Item 22



## Speaking at Planning Committee

You have confirmed that you wish to address the Planning Committee. In order to make as much information as possible available to the Committee members before the meeting, would you please complete this form and return it to the Planning Department at the address below.

Site Address: Land adjacent to Hall Road Station, Hall Road, Crosby

Application Number: 5/2009/1184

Your Name: Darren Hazlewood , Project Engineer, Merseyrail

### Summary of Main Issues of Case

Please outline the main points you wish to draw to the attention of the Committee:

Please see attached letter.

### Additional Supporting Information

Please attach any supporting information eg photographs. This will be circulated to members of the Planning Committee prior to the meeting. Please note that this will be reproduced in an A4 black and white format.

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30 Trinity Road  
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Fax: 0151 934 3587  
E-mail: [planning.dcsouth@planning.sefton.gov.uk](mailto:planning.dcsouth@planning.sefton.gov.uk)  
(for applications in the South area)

If you have any queries regarding this form or the Committee procedures contact the Committee Clerk, Olaf Hansen, on 0151 934 2067.



Darren Hazlewood  
Project Engineer  
Merseyrail  
Rail House  
Lord Nelson St  
Liverpool L1 1JF

Your Ref: S/2010/0041

Tel: 0151 702 2631  
Fax: 0151 702 2212

Sue Tyldesley  
Sefton Council  
Planning Department  
Magdalene House  
30 Trinity Road  
Bootle  
L20 3NJ

5<sup>th</sup> February 2010

Dear Sue,

**RE: Land Adjacent to Hall Road BR Station Hall Road, Crosby**

Unfortunately Merseyrail (Project Managers) and Merseytravel (Project Sponsors) can not be represented at the Planning Committee meeting on the 10<sup>th</sup> February, 2010. However in order to facilitate an informed decision by the Planning Committee we would wish to offer the following information to assist with answering the objections that have been raised by a small number of local residents, who clearly have some concerns relating to the proposed park & ride facility. Hopefully this information will serve to allay the residents concerns.

Objection .1

No consultation with the community has been undertaken.

Response .1

It is our understanding that the land adjacent to Hall Road Station been officially identified as a potential park and ride site under the Sefton MBC Unitary Development Plan T4 'Safeguarding the Public Transport Network and within the current Merseyside Local Transport Plan. Considerable public consultation was undertaken by Sefton MBC in respect of both documents and any issues relating to the designation of the site would have been identified during those consultation processes. We have subsequently worked closely with Sefton Council planners to identify and mitigate the detailed impact of the proposed park & ride site and have based our proposals upon the guidance offered by Sefton MBC Officers, who have strenuously sought to ensure the residents interests are fully protected.

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## Objection .2

Inadequate notice taking into consideration the holiday period.

## Response .2

Merseyrail have followed Planning Application requirements, consequently this is an issue for the planning process to respond to.

## Objection .3

No assessment of the effect on biodiversity on the near by green belt fields

## Response .3

Merseyrail has undertaken a full arboricultural survey of the site to understand the nature of the existing flora and fauna and the impact any development works will have on the site. This was provided as a supplement to the planning application. Also, Merseyrail has consulted with Sefton Council's Landscaping officer to develop the designs further to ensure any environmental and aesthetic impacts on the surrounding area are minimised. This has subsequently been reflected in the landscaping design alterations that have been made to the submission to reflect this consultation.

In terms of other environmental impacts, our actions at this location have been based upon the same procedures we have used at other comparable park & ride development sites in Sefton at Maghull, Formby and Birkdale as required of us by Sefton MBC.

## Objection .4

No assessment on the effect on residents of noise or vehicle pollution on residents.

## Response .4

We accept the concerns raised by the residents and have worked closely with Sefton Planners to mitigate the effect of the development. Originally our plan was to retain the existing steel palisade fence. However, following discussions with planning officers we have agreed to amend our plans to include for the provision of close boarder timber fence to facilitate an acoustic barrier and visual screen to the site.

It should also be noted that at present there are a number of station users who park on Hall Road and in the surrounding area and this has led to complaints from local residents. These journeys therefore already introduce any vehicle emissions and noise to the locality, immediately outside resident's properties in many locations. It is therefore our view that this development will address this problem and by providing structured and managed parking will remove the need for an element of vehicle circulation, and remove vehicles from the immediate environs of numerous local residents. The fundamental principle of the development is to provide existing car users with a facility which will encourage them onto more sustainable forms of transport in a managed regime, and thereby this development is considered to be key driver in achieving several of the positive LTP objectives.



## Objection .5

No assessment by consulting engineers of relative merits of a location west of the railway line. In this context any commercial value of the land west side of the land should be ignored if safety is compromised by the proposal of the location to the east.

## Response .5

Consultation has taken place with Network Rail, Her Majesties Rail Inspectorate (HMRI) and Sefton Highway Engineers to understand and assess the safety implications of developing a car park for the station. All parties were of the view that the safest option was to utilise the site to the east of the railway line, therefore support was given to the design that forms this application by these parties on that basis. Road and rail safety were principal concerns of the above agencies when recommending this design.

Commercial value has not formed any part of the decision making process when looking for an appropriate site, issues such as usability and operational safety and minimisation of impacts on the community and environment have taken precedence.

## Objection .6

Apart from the usage by rail replacement buses there is no information on usage of other buses.

## Response .6

With regards to the inclusion of the bus turnaround within the car park, both Network Rail and HMRI had concerns over adding an additional vehicular entrance to the proposed P&R site adjacent to the level crossing whilst keeping the current situation, whereby several buses lay-over either side of the level crossing when there is a requirement for Rail replacement service. During consultations their recommendations were to include a bus turnaround which would address these concerns, effectively removing the need for buses to have to lay over on the highway. Also, the logic was used that the existing bus service operating along Hall road (206, 1 hourly service) could call into the turn around, conveniently allowing commuters to alight and board the bus service within the station facility.

The 206 bus service operates from Hightown with an hourly frequency, with a total of 9 buses per day. There are no evening services and no services on Sundays. This service may be relocated to the bus facility within the park & ride site, therefore the frequency of the 206 service represents the likely maximum use of the facility in addition to any occasional use by rail replacement services.

## Objection .7

Most importantly the car park entrance would be too close to the level crossing. Traffic on Hall Road East and West is heavy and congestion will be inevitable. The risk of a vehicle being trapped on the crossing is very real.

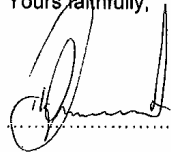
## Response .7

See response .5. An assessment has been undertaken with HMRI, Network Rail and Sefton Highway Engineers to ascertain the risks that may be present. Appropriate traffic control measures would be put in place to prevent such an occurrence, examples of which would be such as no right turn out of the car park would form part of a package of highway safety works as agreed with Sefton Highway Engineers. These measures have been requested by both Network Rail and HMRI and are subsequently reflected in the design documentation. This was a prerequisite of them giving their approval for the design. Merseyrail will also work in conjunction with Sefton's highways

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department to ensure these measures including TRO's are agreed and in place on the highway before the facility opens.

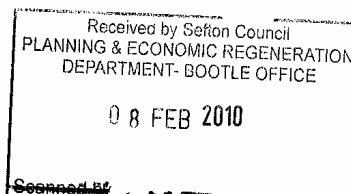
Yours faithfully,



.....

Darren Hazlewood  
Project Engineer

Cc Neil Mackie (Sefton MBC)  
Cc Tony Killen (Merseytravel)



## **Consultee Comments Received:**

Consultation responses have been received from the Environmental Protection Director and Merseyside Environmental Advisory Service.

While they do not object to the proposal in principle, pre-commencement conditions are required in order for the scheme to be acceptable in relation to habitat surveys and matters relating to land contamination. These conditions have been attached to the recommendation and the full list now reads as follows:

## **Conditions:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.
3. Before the development is commenced, a method statement detailing measures to be taken during construction to protect the health of the existing trees shall be submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved method statement shall be implemented in full throughout the construction phase.
4. No tree which is to be retained shall be cut down, uprooted or destroyed, or have surgery undertaken, without the written approval of the Local Planning Authority, within 1 year from the completion of the development. Any such trees removed or dying shall be replaced with trees of a size and species to be agreed in writing with the Local Planning Authority in the next available planting season.
5. Before the development is commenced, 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 boundary treatments and hard surfaces;
  - iv) the location, size and species of all trees to be planted;
  - v) the location, size, species and density of all shrub and ground cover planting;
  - vi) a schedule of implementation.
6. The hard and soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or

# Agenda Item 22

become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

7. Prior to commencement of development, full details of a scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan.
8. Prior to the commencement of the development, the approved scheme and timetable for the eradication of Japanese Knotweed referred to in condition 7 above, shall be implemented in full and a validation report confirming the remediation treatment carried out and that the site is free of Knotweed shall be submitted to and approved in writing by the Local Planning Authority.
9. No part of the development shall be brought into use until the existing vehicular access on to Hall Road East has been permanently closed off and the footway reinstated. These works shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
10. No part of the development shall be brought into use until a means of vehicular and pedestrian access to the site has been constructed. These works shall be in accordance with details, which have been approved in writing by the Local Planning Authority.
11. No part of the development shall be brought into use until visibility splays of 2.4 metres by 40.0 metres at the proposed junction with Hall Road East have been provided clear of obstruction to visibility at or above a height of 0.9 metres above the carriageway level of Hall Road East. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. Until otherwise agreed in writing by the Local Planning Authority, no part of the development shall be brought into operational use until a scheme to remove/relocate/replace the existing telephone kiosk on the north side of Hall Road East outside the development site has been implemented in accordance with plans submitted to and approved by the Local Planning Authority.
13. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works for:
  - the provision of a new junction access onto Hall Road East incorporating tactile paving and flush kerbs together with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority.
  - the provision of 'Give Way' carriageway markings (diag. 1003, 1009, 1023 & 1004) at the new junction access with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority.
  - the provision of 'Give Way' sign (diag. 602) together with a new post, illumination and electrical connection with a programme for the completion of

the works has been submitted to and approved in writing by the Local Planning Authority.

- the provision of Level Crossing sign (diag. 770 & 573 - 20 yards with right hand arrow) together with a new post, illumination and electrical connection with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority.

- the provision of yellow box junction carriageway markings within the extent of a level crossing (diag. 1045) with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority, and;

- the provision of a scheme of direction signs to 'Hall Road Station - Park & Ride' (e.g. diag. 2503 & 2504) with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority.

No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details.

14. Unless otherwise agreed in writing, the development shall not be brought into use until a Traffic Regulation Order to introduce waiting restrictions on Hall Road East, Hall Road West, The Serpentine North, Dowhills Road and Spinney Crescent in the vicinity of the development site has been implemented in full.
15. No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.
16. Before the development is commenced, a survey for Bats and Red Squirrels shall be undertaken and results, together with a scheme of protection measures, shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall then be implemented in full in a timescale to be agreed in writing with the Local Planning Authority.
17. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,

# Agenda Item 22

- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the most appropriate remediation strategy for the site.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

18. A detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment, must be prepared, and is subject to the approval in writing of the Local Planning Authority. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 after remediation.
19. The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation works.
20. Following completion of the remedial works identified in the approved remediation strategy, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.
21. In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition Number 17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition Number 18, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the remedial works identified in the approved remediation strategy a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition Number 20 above.

22. No tree, scrub or hedgerow felling, management and/or cutting operations should take place during the period 1st March to 31st August inclusive.
23. Any topsoil imported to the site during development must conform to British Standard BS3882:2007.
24. The development hereby granted shall be carried out strictly in accordance with the details and plans hereby approved and shall not be varied other than by prior agreement in writing by the Local Planning Authority.

## Reasons:

1. To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.
3. To prevent damage to trees in the interests of the visual amenity of the area and to comply with policy DQ3 of the Sefton Unitary Development Plan.
4. In the interests of visual amenity and in order to comply with policy DQ3 of the Sefton Unitary Development Plan.
5. In the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.
6. In the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.
7. To eradicate Japanese Knotweed from the development site, to prevent the spread of the plant through development works and to accord with the aims of policies EP1 and EP3 in the Sefton Unitary Development Plan.
9. In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.
10. In the interests of highway safety and to accord with policies CS3 and DQ1 of the in the Sefton Unitary Development Plan.
11. In the interests of highway safety and to accord with policies CS3 and DQ1 of the in the Sefton Unitary Development Plan.
12. In the interests of highway safety and to accord with policies CS3 and DQ1 of the in the Sefton Unitary Development Plan.
13. In the interests of highway safety and to accord with policies CS3, DQ1 and AD2 of the Sefton Unitary Development Plan.
14. In the interests of highway safety and to accord with policies CS3, DQ1 and AD2 of the Sefton Unitary Development Plan.
15. In the interests of highway safety and to accord with policies CS3 and DQ1 in the in the Sefton Unitary Development Plan 2006
16. To safeguard the conservation of species/habitats and to accord with policy NC2 of the Sefton Unitary Development Plan.
17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan.

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18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan.
19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan
20. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan.
21. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan.
22. To protect breeding birds as require dunder the general provisions of Section 1 of the Wildlife and Countryside Act 1981 as amended and to comply with Unitary Development Plan policy NC2.
23. To safeguard the conservation of habitats and to accord with policy NC2 of the Sefton Unitary Development Plan.
24. To ensure a satisfactory development.



# Agenda Item 22

Merseyside Environmental Advisory Service  
Bryant House, Liverpool Road North  
Maghull, Merseyside L31 2PA  
Director: Alan Jemmett, PhD, MBA

Enquiries: 0151 934 4951  
Fax: 0151 934 4955

Contact: Caroline Maghanga  
Direct Dial: 0151 934 4765  
Email: caroline.maghanga@eas.sefton.gov.uk

## **MEMO**

To: Neil Mackie  
Organisation: Sefton Council

From: Caroline Maghanga  
Ecologist (HRA Coordinator)

Your Ref S/2010/0041  
File Ref SF09/066  
W/P Ref H:\DC  
responses\sefton\S  
F09-066 Hall Road  
railway  
station\SF09-066  
response.doc  
Date 27 January 2010

### **Land adjacent to Hall Road BR Station, Hall Road East, Crosby, L23 8TU**

#### **Layout of a Park & Ride facility, including bus transport facilities and altered site entrance.**

Thank you for consulting Merseyside EAS on the above proposal with regards to ecological issues. I have reviewed the application together with the supporting documents, have visited the site, and have considered existing data held by MEAS and Merseyside BioBank. I make the following comments.

#### **General**

1. The site is approximately 700m from the Sefton Coast. At this point the Sefton Coast is designated as:
  - RAMSAR site
  - SPA (Special Protection Area)
  - SAC (Special Area of Conservation)
  - SSSI (Site of Special Scientific Interest)

This proposal will have no likely effects on the sites listed or their reasons for designation.

#### **Bats**

2. The site contains a number of semi-mature trees. The existing trees on site may provide potential habitat for bats. Bats are European protected species under the Habitats Regulations 1994 as amended. They are also UK protected species under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. Sefton UDP policy NC2 applies. In line with Government guidance (DEFRA circular 2/2002) a daytime

# Agenda Item 22

inspection for bat roost potential must be undertaken by a suitably qualified and experienced surveyor, **prior to determining the planning application.**

3. The preliminary bat survey can be undertaken at any time of year, but since assessment of trees is required, it would be most suitable to carry out the survey of trees during the period November to February, when broadleaved trees are leafless and potential roosting features can be seen more easily.

The survey report must set out the methodology, together with surveyor's name, qualifications and experience. Should bats be found to be present, then the survey report should include detailed mitigation measures. This is essential to enable the Local Planning Authority to assess the proposals against the three tests (Habitat Regulations) for European protected species.

## **Nesting Birds**

4. Breeding birds are protected under the general provisions of Section 1 of the Wildlife and Countryside Act 1981 as amended. Whilst the nest is being built or is in use, the eggs, young and nest are protected against intentional and reckless taking, damage and destruction. To protect breeding birds, the following should be attached to any grant of planning permission as a condition - no tree, scrub or hedgerow felling, management and / or cutting operations should take place during the period 1 March to 31 August inclusive to protect breeding birds.

## **Red Squirrels**

5. Red Squirrels have recently and historically been recorded within 100m of the site, which is within the Sefton Coast Red Squirrel Refuge and Buffer Zone, which has been adopted by the Council. Trees on the site may provide habitat for red squirrels. Red squirrels are a UK protected species under Schedule 5 of the Wildlife and Countryside Act 1981 as amended and policy NC2 of the Sefton UDP applies.
6. I recommend that a Red Squirrel Survey is carried out prior to tree removal, to ensure that no dreys are present within the trees. The red squirrel survey must be carried out by a suitably qualified and experienced surveyor. The survey report should provide the name(s) of the surveyor(s). If red squirrels are found to be present, then detailed mitigation measures should be included in the survey report. Tree works are only to be undertaken during the months of October to February. This can be secured with a suitably worded planning condition.

## **Landscaping**

7. The Arboricultural Report: *Implications Assessment and Planting Scheme, JCA Ltd, Ref: 9359/AJB*, lists the proposed tree, herb and shrub species that will be used for the post-construction replanting scheme. However, as the site is within the Red Squirrel Refuge and Buffer Zone, I advise that any landscaping / replacement planting should be with small seed bearing species which encourage red

squirrels and discourage grey squirrels, in accordance with Sefton UDP policies NC2 and NC3. Suitable species include: Scots pine (*Pinus sylvestris*), willow (*Salix spp.*), rowan (*Sorbus aucuparia*), birch (*Betula pendula* or *B. pubescens*), hawthorn (*Crataegus monogyna*), blackthorn (*Prunus spinosa*), alder (*Alnus glutinosa*) and holly (*Ilex aquifolium*). This can be secured with a suitably worded planning condition.

## **Japanese Knotweed**

8. Japanese Knotweed has been identified within the site. Sefton Council Standard Planning Conditions NC-5 (Japanese knotweed scheme) and NC-6 (Japanese knotweed eradication) should be applied to this planning application.

## **Contaminated Land**

9. Comments have been provided by Sefton MBC Environmental Protection Department relating to land contamination for this planning application.

## **Flood Risk Assessment**

10. The development area is under 1 hectare and according to the Environment Agency flood risk map, is located in flood zone 1. In line with PPS25 I advise that a FRA is not required for this scheme.
11. I welcome the commitment to incorporate an attenuation tank and permeable paving in order to reduce surface run-off. Policy DQ5 of the adopted UDP applies. I advise that the Council should secure the implementation of the proposed drainage strategy through a suitably worded planning condition.
12. The applicant should be reminded of the statutory requirement to produce a Site Waste Management Plan (SWMP) which details the amount of waste material likely to be generated by site clearance and excavations; how much of it can be beneficially re-used on site; whether there is scope to re-use the materials elsewhere; and how any material will be disposed of if it cannot be recycled.
13. The applicant will need to prepare an SWMP if the cost of the work (excluding land acquisition) exceeds £300,000 (which I assume to be the case) and will have to maintain and update it as the work proceeds if the cost exceeds £500,000. The link below will direct the applicant to Defra's website and to material on the regulations and the various toolkits that are already available in preparing the SWMP<sup>1</sup>.
14. In addition to the above, the SWMP should also cover the re-use or disposal of materials from any structures on the site or any residual materials (e.g. piles of rubble, fly-tipped material).
15. Page 5 of the report into intrusive investigations advises of the need to import clear topsoil to replace any contaminated top and subsoil which is removed. The SWMP will also need to detail how the removed

# Agenda Item 22

material will be disposed of safely, and the source of the imported material. Any imported topsoil should conform to the relevant British standard (BS3882:2007), and I advise it may be appropriate to secure this with a suitably worded planning condition.

16. The SWMP is a legal requirement of Regulations which became law in April 2008, and therefore does not need to be secured by a planning condition. The initial SWMP must be prepared before any work begins, including site clearance. The SWMP should be kept in site offices for inspection should this be required.

<sup>1</sup> <http://www.defra.gov.uk/environment/waste/topics/construction/pdf/swmp-toolkit.pdf>.

## Memorandum

From: Environmental Protection Director Please Contact: Roger Van Beever  
To: Planning Director DC South FAO Neil Mackie  
Extension: 0151 934 2271  
Your Ref: S/2010/0041 Our Ref: SR 144854  
Date: 27 January 2010  
Re: Land adjacent to: Hall Road East Crosby L23 8TU

I write with regard to your memorandum dated 30<sup>th</sup> December 2009 and would comment as follows.

I have no objection in principle to this proposal. However the subsequent issues should be addressed.

The proposed car park is in a relatively quiet area of Crosby close to the green belt. Housing adjoining the vacant strip of land to the eastern boundary has habitable rooms with a clear view of the development site. There is a concern that noise from the arrival of cars and buses in the early hours may have a detrimental noise impact on housing which has line of sight to the proposal. I would therefore recommend that a scheme of works are submitted for approval for the provision of an acoustic fence to the eastern boundary prior to the commencement of the development. The approved scheme of works should be implemented before the operation and retained thereafter. It should be further noted that complaints are regularly received by this department concerning buses idling at terminuses. It would be therefore be prudent for the applicant to put in place a management protocol to ensure buses are not idling when stopped at the terminus.

I trust this information is of assistance. Should you wish to discuss this matter further please contact me on the above number.

Roger Van Beever  
Senior Technical Officer  
PAD02957

# Agenda Item 22

## APPENDIX 5

### Item 5B

**S/2009/0929 : 86-88 Lord Street, Southport**

#### **Residential Amenity**

Paragraph needs amending to state that the use of the verandah is restricted to 08.00 to 23.30 in order to protect residential amenity.

#### **Trees and Development**

The additional floorspace proposed in the extension is only 64 sq m and Policy DQ3 therefore requires only 2 new trees to be planted on the site. The amended landscape plan shows these trees planted within the frontage area and the proposal therefore complies with policy DQ3. There is no requirement for a s106 agreement relating to off-site tree planting.

#### **Greenspace and Development**

The requirement for a financial contribution towards the provision or improvement of public greenspace is set out in policy DQ4. The requirement, based on hotel bedroom floorspace, is £46,822. The applicant has acknowledged that they are aware of this requirement.

#### **Renewable Energy**

The applicant's agent has confirmed that the development will achieve the 10% renewable energy requirement set out in policy DQ2 through a combination of Ground Source Heat Pumps to the front courtyard and through the provision of a Combined Heat and Power Unit. The Council's renewable energy officer has confirmed that these methods could potentially achieve the required level of renewable energy, with the CHP Unit contributing a maximum of 5%. It is therefore considered reasonable to attach a condition to this permission for the applicant to make provision for 10% of energy to be from renewable sources, should the Planning Committee be minded to grant consent, in order for the scheme to comply with policy DQ2.

#### **Conditions**

Amend section 106 condition to refer to Public Greenspace only.

## APPENDIX 7

### **Joint Waste Development Plan – Consultation on Preferred Options**

The Overview & Scrutiny Committee (Regeneration and Environmental Services) considered the report of the Planning and Economic Regeneration Director on Tuesday 2<sup>nd</sup> February 2010. At the meeting the following resolutions were made;

That the Council be recommended to agree the following:-

# Agenda Item 22

- (1) That the Waste DPD Preferred Options Report be noted;
- (2) That the commencement of a six-week long public consultation process on the Waste DPD Preferred Options Report during 2010 be agreed;
- (3) At this stage Sefton MBC invite the Planning Inspectorate to advise the Council on the soundness of the Waste DPD Preferred Options Report;
- (4) That Site F1029: Site off Grange Road, Dunnings Bridge Road, Bootle: Proposed District Site Allocation be removed from the Waste DPD Preferred Options Report; and
- (5) That a further report on the outcomes of the Preferred Options consultation be submitted to this Committee in due course.

# Agenda Item 22

## **APPENDIX 8**

### **Wirral Waters: Creation of a New City Neighbourhood at East Float, Birkenhead**

Letter received from WYG Planning & Design attached.



**WYG Planning & Design**

part of the WYG group



Date: 2<sup>nd</sup> February 2010

Alan Young  
Strategic Planning & Information Manager  
Planning and Economic Regeneration Department  
Sefton MBC  
First Floor  
Magdalen House  
Trinity Road  
Bootle  
L20 3NJ

Dear Alan

**WIRRAL WATERS – CREATION OF A NEW CITY NEIGHBOURHOOD AT EAST FLOAT,  
BIRKENHEAD**

Further to our discussions on this matter, we are writing to confirm that we have had the opportunity to read through the Retail, Leisure and Office statement prepared in support of the above planning application. We have also discussed the report briefly with Turley Associates who prepared the document on behalf of the Peel Group.

Although the proposed development is described as including a maximum of 60,000 sq m of retail/food uses (Classes A1-A5), which is a significant amount of space in the context of the sub-regional hierarchy, an important issue associated with this proposed development is the time frame for the development through to 2050. This means that although 60,000 sq m of A1-A5 uses is significant, this will be spread out over a 35/40 year period.

The phasing plan set out in the report suggest that the floorspace will be delivered in four phases from 2012 to 2020 and then in three equal 10 year blocks. It is also important to note that the floorspace proposed is split into retail and service uses which are anticipated to be split broadly 50/50. In fact, the report examines two scenarios whereby the retail floorspace would be between 24,000 sq m and 36,000 sq m through to 2050. In the second scenario (which is the highest amount of retail floorspace) this would amount to approximately 900 sq m per annum.

Clearly, the phasing of the retail floorspace is directly related to the needs of the local population as the new community develops. Therefore, the critical issue will relate to how the development of this retail floorspace is controlled and phased over time. We think it will be important in your discussions with Wirral Council to understand how any future condition or legal agreement would be framed to ensure that the retail element of the scheme could be adequately controlled and delivered in the phases currently proposed.

It will also be important for Sefton Council to review such a condition, at the appropriate time, and to be able to comment on it as it is critical to the overall acceptability of the quantum of retail floorspace proposed.

creative minds safe hands

Regatta House, Clippers Quay, Salford Quays, Manchester, M50 3XP  
Tel: +44 (0)161 872 3223 Fax: +44 (0)161 872 3193 Email: info@wyg.com www.wyg.com  
WYG Environment Planning Transport Ltd Registered in England Number: 3050297  
Registered office: Arndale Court, Otley Road, Headingley, LS6 2UJ

# Agenda Item 22

**WYG Planning & Design**

part of the WYG group



In summary, we note that the scale of retail development referred to in the planning application description is significant. However, we note that this is an unusual application given the anticipated 40 year timeframe. When viewed over this period of time, the potential impact of this level of floorspace is not as significant given that it will be specifically targeted at meeting the needs of the new community at East Float. However, it will be important for Sefton Council to be given the necessary comfort that a suitable condition or 'controlling mechanism' is put in place to ensure that the retail development is delivered in response to the needs of the new community as it grows and develops, rather than the scheme being 'front loaded' with significant retail development prior to the creation of the new community.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Keith Nutter'.

**Keith Nutter**  
Director  
**WYG PLANNING & DESIGN**

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## APPENDIX 21

### APPEALS

Appeal decision for Mortons Dairy, Kenyons Lane, Lydiate  
APP/M4320/C/09/2106013, attached.

App 21 Late Rep



## Appeal Decisions

Inquiry held on 8 & 9 December 2009  
Site visit made on 9 December 2009

by **B.S.Rogers** BA(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
29 January 2010

***This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 11 January 2010.***

**Appeal A:- Ref: APP/M4320/C/09/2106013**

**Mortons Dairy, Kenyons Lane, Lydiate, Liverpool, L31 0BP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Norman Harrison against an enforcement notice issued by Sefton Metropolitan Borough Council.
- The Council's reference is CLB/ENF0314-1.
- The notice was issued on 22 May 2009.
- The breach of planning control as alleged in the notice is without planning permission the change of use of land from agriculture/grazing to use for dairy purposes.
- The requirements of the notice are to stop using the land for dairy purposes, namely the parking and manoeuvring of vehicles, storage of plant and equipment, storage of out of service milk floats and storage of other dairy related items and remove all plant, equipment, milk floats and all dairy related items.
- The period for compliance with the requirements is 14 days.
- The appeal is proceeding on the grounds set out in section 174(2)(d) and (g) of the Town and Country Planning Act 1990 as amended.
- Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

**Summary of Decision:** The appeal is dismissed and the enforcement notice is upheld with a variation.

**Appeal B:- Ref: APP/M4320/C/09/2106091**

**Mortons Dairy, Kenyons Lane, Lydiate, Liverpool, L31 0BP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Norman Harrison against an enforcement notice issued by Sefton Metropolitan Borough Council.
- The Council's reference is CLB/ENF0314-2.
- The notice was issued on 22 May 2009.
- The breach of planning control as alleged in the notice is without planning permission, the carrying out of an engineering operation comprising the excavation and removal of topsoil and installation of a hard standing.
- The requirements of the notice are: A. Remove the hardstanding and take all resultant materials from the land to an authorised place of disposal; B. (1) Alleviate compaction of the underlying soil or subsoil as a result of the removal of the hardstanding by ripping soil to optimise surface water drainage; (2) Restore the land to its former condition and its former levels by filling the excavation with soil. This shall have a Declaration of Analysis that confirms that it complies with BS 3882:2007 'Specification for topsoil and requirements for use Multipurpose Topsoil'; (3) Finish levels shall exceed

MG

Appeal Decisions APP/M4320/C/09/2106013, APP/M4320/C/09/2106091, APP/M4320/X/09/2104157

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the adjoining undisturbed soil by a minimum 300mm to allow 20%-25% differential settlement.

- The period for compliance with the requirements is 28 days for A and 84 days for B(1-3).
- The appeal is proceeding on the grounds set out in section 174(2)(c) and (g) of the Town and Country Planning Act 1990 as amended.
- Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

**Summary of Decision:** The appeal is dismissed and the enforcement notice is upheld with a variation.

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**Appeal C:- Ref: APP/M4320/X/09/2104157**

**Mortons Dairy, Kenyons Lane, Lydiate, Liverpool, L31 0BP**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Norman Harrison against the decision of Sefton Metropolitan Borough Council.
- The application Ref: S/2009/0215, dated 5 March 2009, was refused by notice dated 5 May 2009.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is use of the land in connection with a dairy business involving the parking and manoeuvring of cars and commercial vehicles, storage of plant and equipment, storage of out of service milk floats and storage of other dairy related items.

**Summary of Decision:** The appeal is allowed in part and a certificate of lawful use or development is issued to the extent set out below in the Formal Decision.

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**Preliminary Matters**

1. At the Inquiry an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.
2. The Evidence at the Inquiry was given on oath.

**The Site**

3. The 3 appeals relate to different, but in places overlapping, parts of the same area of land. For convenience and consistency during the inquiry, reference was made to the plan produced at Appendix 1 to Mrs Tyldesley's proof of evidence [Doc.11]. In this plan, area A is the area of the original and undisputed area of the dairy complex, as extended in 1999 by the erection of the storage building which was approved by the Council (ref: 98/0714/S). Area B is an area of hardstanding in the north/central part of the site, abutting the northernmost part of area A. Area C1 is the area of land between areas A & B and the boundary of St.Thomas C.E.School to the west. Area C2 is the area in the north-east of the site, between the 1999 storage building in area A and the northern boundary of the land. **Appeal A** relates to areas C1 & C2 and the narrow link between them along the northern boundary, **Appeal B** relates to area C2 and **Appeal C** relates to the same area as **Appeal A**, plus area B and the northernmost 8m or so of area A.

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Appeal Decisions APP/M4320/C/09/2106013, APP/M4320/C/09/2106091, APP/M4320/X/09/2104157

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## Appeal C and ground (d) of Appeal A

4. I first turn to the question of the proper planning unit in this case. Both parties rely on *Burdle v. Secretary of State for the Environment* [1972] where Bridge J. suggested it may be a useful working rule to assume that the unit of occupation is the appropriate planning unit, unless and until some smaller planning unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally.
5. The dairy was built in the 1950s, fronting on to Kenyon's Lane and with open, agricultural land to the west, north and east. The then owners of the dairy built houses known as Kilmarnock, Laurel Bank and Notrom, fronting Kenyon's Lane to the west of the dairy and backing on to area C1. It is not in dispute that, at this time, areas B, C1 & C2 were in agricultural use as part of the extensive adjoining farmland and did not form any part of the dairy's planning unit. The vehicular access to farm the appeal site(s) was via the agricultural land to the west, as the northern and eastern boundaries were, and still are, enclosed by substantial drainage ditches.
6. The first significant change to this situation occurred in 1975, when the site of St.Thomas C.E.School was compulsorily purchased. The building of the school cut off vehicular access to areas B, C1 & C2. As a result, farming ceased but the land appears to have been put to no other use. The simple act of enclosing the appeal site(s) does not to my mind indicate that a new, larger planning unit was formed at this stage in its history; there was still no demonstrable functional link between the dairy and the adjacent land.
7. It is claimed that a concrete strip to the rear of Laurel Bank and Notrom, was used for the parking of milk floats. However, this strip, some 1.2m wide, appears to me to be laid out as a footpath linking the rear of Laurel Bank to the dairy. Whilst I do not dispute that it may on occasions have been used for the storage of milk floats, this would not have been its main purpose and any such use must have ceased by 1988, when the southern half of area C1 was fenced off for security reasons by the owner of Laurel Bank, part of the family who owned the dairy.
8. It is consistent with the view that the dairy and its adjoining land were considered to be separate planning units that, in 1978, a planning application to extend the dairy into areas B, C1 & C2 was submitted to the Council. The application (ref:S/8653) was approved but not implemented. The 1984 aerial photograph produced by Mr Dewsbury shows no change to the historical separation of the dairy from the adjoining land and there appears to be no material difference by around 1992/3, the date of the aerial photograph submitted by Mr Haworth.
9. The appellant bought the dairy in 1994, together with areas B, C1 & C2 and the large field to the north. He kept ponies on area C1 for around a year; the remains of a small field shelter erected in connection with this use are still on site.
10. In 1998, the Inspector reporting on appeal ref: APP/M4320/A/97/288548, relating to a proposed new building on area C2, visited the site and described area C2 as "rough, unkempt ground to the north of the metalled compound" and "land currently undeveloped and slightly remote from the existing built up

confines". This tends to support the view that the planning unit had still not changed in respect of area C2.

11. During the appellant's ownership, he has invested heavily in the development of the dairy, which has been the subject of a number of alterations and extensions, culminating in the erection of the 1999 storage building. This building clearly gave rise to a change to the planning unit, albeit in my view not to the extent argued by the appellant. The application plans shown to me are not completely clear. However, even if the whole of the present appeal site(s) had been included within the 1999 application site boundary, this application did not expressly seek to extend the curtilage, apart from the area necessary to accommodate the building itself. It was effectively for an extension to the existing dairy premises and, following the principles established in *Barnett v. S.S.L.G & E.Hampshire D.C.* [2008], it is my view that the planning permission could not be construed as permission to extend the curtilage to the whole of areas B, C1 and C2. From the photographic and other evidence, the new curtilage arising from this permission appears to have become established some 8m north of the building, along the line of the Armco barrier, as is now accepted by the Council.
12. It is plain from the aerial photos and other evidence that some use was made of area B for storage of milk floats in 1997 and, by 2000, the presence of the new storage building had resulted in significant numbers of vehicles being displaced from area A to area B, which the Council now also accepts as part of the dairy's planning unit. The appellant submits that, notwithstanding any other use made of the appeal site(s) by the dairy, the Council's acceptance of this alone would, under the *Burdle* principles, indicate that the whole of the area occupied by Morton's Dairy comprises a single planning unit, with a lawful use for dairy related purposes.
13. I disagree that this necessarily follows, unless there can be shown to be no physical or functional separation between the various parts of the site. To my mind, the hard surfaced areas A and B are readily identifiable on plan and on the ground and are physically distinct from the grassed (or until very recently grassed) areas C1 and C2. The Council submits that they are also functionally different as areas C1 and C2 were used for agriculture and/or grazing, albeit that these uses are either dormant or may now even be considered abandoned.
14. I now turn to the use of areas C1 and C2. Whatever the appellant's intentions when he bought the wider area of land in 1994, the onus is on him to show, on the balance of probability, that areas C1 and C2 were used in connection with the dairy over the relevant 10 year period. The unit of ownership does not necessarily equate to the unit of occupation of the dairy, even with the passage of time.
15. The evidence in relation to the use of areas C1 & C2 for the required 10 year period is very much disputed. I feel bound to comment that I found the evidence on behalf of both parties to have been given in good faith and that some of the discrepancies could be attributable to either the vantage points from which the site was viewed or the long time period over which recollections were sought.

# Agenda Item 22

Appeal Decisions APP/M4320/C/09/2106013, APP/M4320/C/09/2106091, APP/M4320/X/09/2104157

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16. Evidence from Messrs. Stenson, Blair and Coldbeck, who have all lived in Kenyons Lane for many years and have views from their dwellings and/or gardens over area C1, point to the area having been 'fallow' until 2007, when vehicles and containers were moved on. Reference is made to the wetness of the southern part of this land which would make it unlikely to have been used for vehicular movements. Although not having direct views of area C2, all three state that, from other public vantage points, they have not seen vehicles using that land prior to 2007. Similar evidence that both area C1 and C2 were 'fallow' until 2007 was given by Messrs. Haworth and McCall, who have more distant views over both parts of the appeal site from their dwellings in Liverpool Road, to the NW of the site.
17. By way of contrast, evidence from the appellant, from Mr Dewsbury, a present employee, from Mr Beck, a past employee, and from Mr E.Harrison, the neighbouring farmer, points to the use of the north-western corner of area C1 for the storage of milk bottles and to the use of both area C1 and C2 for the parking and manoeuvring of vehicles and the storage of vehicles and equipment. However, in neither case is the level of use, the extent of the use or the regularity of the use made clear.
18. I do not dispute that milk bottle storage may have occurred in part of area C1 from time to time and could have occurred at low level without the neighbours noticing. I was told that the bottles were originally stacked up to 1m high. However, the post-1994 replacement 'dumpy' bottle packages that I saw on site are much more substantial and it would be unlikely they would be present to any significant degree without being noticed or showing up on any of the aerial photographs. The 2000 photograph includes some white features or markings along the northern boundary; it is not possible to tell what these are but they were not there in the 2005 photograph. I am unable to conclude that the use for milk bottle storage was sufficiently continuous or regular during the 10 year period as to indicate that area C1 has become part of the dairy's planning unit.
19. In terms of vehicular movements, I find it most unlikely that area C1 was used for parking or manoeuvring to any significant degree over the whole of the 10 year period. The southern part of the grassed area would, for much of the year, have been likely to have been too wet. There are some milk floats present on the 2005 photograph but not in 2000. The brown patches in the otherwise grassed area of C1 (and C2) were claimed to be signs of vehicular movement. However, there are similar brown patches evident in the adjoining agricultural grassland to the north and east. I would find it hard to conclude from the photographs that they show evidence of vehicular use of either area C1 or C2.
20. Again, I do not dispute that area C2 has been, on occasions, used for the parking and manoeuvring of delivery lorries. However, even this does not appear to have been to any great degree and there is no convincing evidence that this continued on a regular basis for the whole of the 10 year period. The aerial photographs show no such use and the 2005 photograph even shows vehicles parked in area B that would have inhibited access to area C2.
21. I find that it has not been demonstrated, on the balance of probability, that there was consistent or regular use of either area C1 or C2 for uses in



connection with the dairy business over the relevant 10 year period. There appear to have been periods when no enforcement action could have been taken, either because there was no dairy-related use of the land or because the use was at such a casual or low level as to be de minimis. Areas C1 and C2 are in my view both physically and functionally separate from the dairy.

22. The Council accepts that area B and the northernmost strip of area A, some 8m wide, are in lawful use in connection with the dairy; these areas were omitted from the enforcement notice which is the subject of **Appeal A**. To that extent, **Appeal C** must succeed in part. However, neither **Appeal C** nor ground (d) of **Appeal A** succeed in respect of the balance of the site.

#### **Ground (c) of Appeal B**

23. The basis of this ground of appeal is that the hardstanding on area C2 enjoys permitted development rights under Class C of Part 8 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. However, such rights rely initially on the hardstanding being within the curtilage of an industrial building or warehouse. As I have concluded that area C2 does not form part of the planning unit of the dairy, and can therefore not be within the curtilage of an industrial building or warehouse, the appeal on ground (c) must fail. I do not need to go on to consider the question as to whether it was used for the purpose of the undertaking concerned.

#### **Ground (g) of Appeals A and B**

24. I am convinced from the evidence at the inquiry and from what I saw on my site visit that the area of hardstanding which is the subject of Appeal B, together with the now undisputed area which exists within area B, is vital for the long term future of this business. Without the area in question, I find it hard to see how the business, as it has expanded in recent years, can provide parking and manoeuvring space for its staff, its own fleet of vehicles and for delivery vehicles. Therefore, I accept that the loss of the hardstanding could contribute to the closure of the business, as indicated by the appellant.
25. I do not share a similar view in relation to area C1 as the present casual storage of spare parts and old milk floats either need not be on this site or could be rationalised into a different area.
26. This is a long-established business which provides an important local delivery service and is a significant local employer, with some 45 staff. If the failure of Appeals A and B would contribute to the closure of the business, it is only right that the appellant has the chance to dispose of his business and premises and to make arrangements for his staff in an ordered and measured manner. I agree that a period of 12 months would not be unreasonable in such circumstances. Whilst the planning merits are not before me in either of these appeals, I have noted the recent planning history in which the Council appeared in 2008 to indicate to the appellant the possibility of approving the retention of the hardstanding, subject to a number of matters such as landscaping and the future use of area C1 being resolved. An extended period of compliance would offer the possibility that this situation could be resolved.
27. Therefore, I shall vary the compliance period in notice B, and in notice A in relation to the area C2. To that extent, **Appeals A and B** are successful.

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Appeal Decisions APP/M4320/C/09/2106013, APP/M4320/C/09/2106091, APP/M4320/X/09/2104157

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## **Formal Decisions**

### ***Appeal A***

28. I direct that the enforcement notice be varied by deleting from section 5: "14 days after this notice takes effect" and inserting "i. In respect of the land between the rear boundaries of Kilmarnock, Laurel Grove and Notrom and the north-eastern site boundary, 14 days after this notice takes effect; and ii. in respect of the remaining area, 12 months after this notice takes effect". Subject to this variation, I dismiss the appeal and uphold the enforcement notice.

### ***Appeal B***

29. I direct that the enforcement notice be varied by deleting from section 5: "A. 28 days after this Notice takes effect, B.(1)-(3) 84 days after this notice takes effect" and inserting "12 months after this notice takes effect". Subject to this variation, I dismiss the appeal and uphold the enforcement notice.

### ***Appeal C***

30. I allow the appeal in part, and dismiss the appeal in respect of the remainder of the site. I attach to this decision a certificate of lawful use or development describing the development which I consider to be lawful.

*B.S. Rogers*

Inspector

## **Appearances**

### *For the Appellant:*

Mr D.Manley QC - Instructed by Mr G.Burgin

### *He called:*

Mr R.Dewsbury - Dairy Manager, Morton's Dairy

Mr G.Beck - Former employee, Morton's Dairy

Mr N.Harrison - The appellant

Mr G.Burgin - Town Planning & Enforcement Services (NW)

### *For the Council:*

Mr P.Cowley - Solicitor, Sefton MBC

### *He called:*

Mr R.Stenson - Resident of Kenyons Lane, Lydiate

Mr T.E.Haworth - Resident of Liverpool Road, Lydiate

Mr P.Evans - Planning Enforcement Officer, Sefton MBC

Mrs S.Tyldesley BA, BTP, MRTPI - Team Manager Development Control, Sefton MBC

## **Documents**

Doc.1 - Attendance lists for both days

Doc.2 - Letter of notification and list of persons notified

Doc.3 - Affidavit of Mr E.Harrison, local farmer, Lydiate

Doc.4 - Affidavit of Mr R.Coldbeck, resident of Kenyons Lane, Lydiate

Doc.5 - Affidavit of Mr D.Blair, resident of Kenyons Lane, Lydiate

Doc.6 - Affidavit of Mr T.McCall, resident of Liverpool Road, Lydiate

Doc.7 - A bundle of High Court case reports, handed in by Mr Manley

Doc.8 - 2 bundles of photographs handed in by Mr N.Harrison

Doc.9 - Aerial photograph handed in by Mr Haworth

Doc.10 - Outline planning permission S/8653 of June 1978.

Doc.11- Plan at Appendix 1 to Mrs Tyldesley's proof of evidence.



## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995: ARTICLE 24

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
✉ email:enquiries@pins.gsi.  
gov.uk

**IT IS HEREBY CERTIFIED** that on 5 March 2009 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and hatched in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The area in question had been in use for dairy related purposes for at least 10 years prior to the date of the application.

Signed  
*B.S. Rogers*  
Inspector

Date: 29<sup>th</sup> January ,2010.  
Reference: APP/M4320/X/2104157

### **First Schedule:**

Use of the land in connection with a dairy business involving the parking and manoeuvring of cars and commercial vehicles, storage of plant and equipment, storage of out of service milk floats and storage of other dairy related items.

### **Second Schedule**

Land at Mortons Dairy, Kenyons Lane, Lydiate, Liverpool, L31 0BP

IMPORTANT NOTES – SEE OVER

## CERTIFICATE OF LAWFULNESS FOR PLANNING PURPOSES

### NOTES

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

# Agenda Item 22



## Plan

This is the plan referred to in the Lawful Development Certificate dated: 29.01.10

*B.S. Rogers*

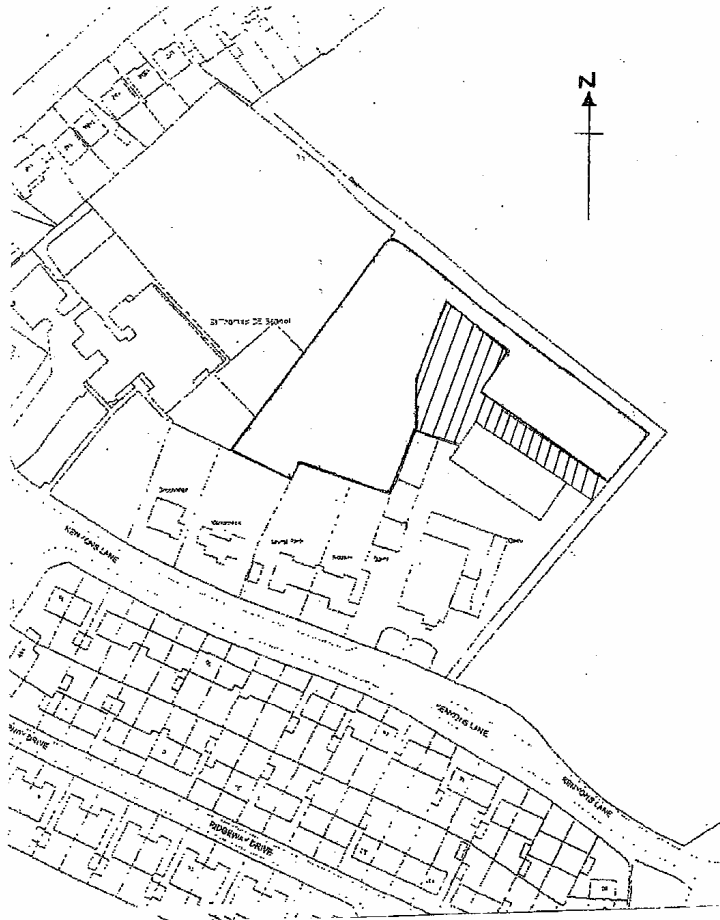
**B.S. Rogers BA(Hons), DipTP, MRTPI  
Land at: Mortons Dairy, Kenyons  
Lane, Lydiate, Liverpool, L31 0BP**

**Reference:  
APP/M4320/X/09/2104157**

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Scale:  
N.T.S.



IMPORTANT NOTES - SEE OVER

# Agenda Item 22

PLANNING COMMITTEE : 10 FEBRUARY 2010

## Late Representations/Information

<b>Part 2</b>
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### APPENDIX 4

#### Item 4A

**S/2009/0640 : Alexandra Branch Dock 1, Regent Road, Bootle**

Further comments from the applicant attached.

# Agenda Item 22

## Emissions Compliance

**IES has demonstrated that its existing technology will ensure that emission levels comply with the current statutory limits (for example, <10% of the AQS limit for Cr VI) and with the more stringent limit in the draft H1 guidance (for example, 25.5% of the AQS limit for Cr VI) for the full range of pollutants. Furthermore, if even more stringent limits are adopted then IES will meet such new standards.**

Air modelling has been undertaken using the current Environment Agency's H1 guidance (from 28/03/08) in order to calculate the process contribution against the current air quality standards (AQS). By doing so, we have been able to show that the process contribution is minimal for the full range of pollutants and a fraction of the AQS. For example, the process contribution for Cr (VI) from our process is a fraction of the latest current AQS at <10% **(So it is less than 10% of the Current legislation).**

Air modelling has also been undertaken using the draft H1 guidance (30/09/09) which is even more stringent than the current guidance. Again, by doing so, we have been able to show that the process contribution is minimal for the full range of pollutants and a fraction of the AQS. For example, the process contribution for Cr (VI) from our process is a fraction of the draft AQS at 25.5%. **(So it is less than 26% of the future proposed draft legislation)**

N.B.

1. The responsibility for applying emission limits lies with the Environment Agency alone, who will apply existing guidance and policy to the permit application (responsibility does not lie with the Local Authority Environmental Protection Department).
2. Modelling using the draft H1 guidance which (although is likely to be subject to revision and further consultation before the document is adopted as Environment Agency guidance) was undertaken on the request of Sefton's Environmental Protection Department (EPD). This draft guidance document proposes different figures for both Arsenic and Chromium VI to the existing guidelines— these figures being taken from the Expert Panel on Air quality Standards (EPAQS) report Metals and Metalloids.
3. Remodelling was done using actual emissions data from an existing RODECS® for both Chromium and Arsenic.
4. Chromium VI levels are determined by using a proportion of the total Chromium (total Chromium figures being what we have for both the emissions testing from our RODECS® and the background levels used). The proportion of Chromium VI used in our report is 5% of the total which is based on the EPAQS report statement indicating a range of 3% - 8% i.e. the EPAQS report is what the draft guidance is based on and so this is why this figure is used.



## Item 4B

### **S/2009/1167 : Bowling Green to rear and 1A Virginia Street, Southport**

#### **Highways Development Control** comment as follows:

There are no objections to the proposal as there are no highway safety implications.

The proposed vehicular access arrangements and the layout of the shared surface access road as shown on the plan are generally acceptable, however, none of the soft landscaped areas shown on the plan would be adopted by the Highway Authority. It should also be noted that there might be a requirement to relocate an existing sign & post and lighting column in order to accommodate the vehicular access in the position shown.

Each of the 11 houses will have one parking space on a driveway, which given the accessible location of the site close to Southport Town Centre with excellent public transport links is an acceptable level of car parking provision.

A package of off-site highway improvements will be required in order to ensure that the development is accessible for pedestrians. This will consist of:-

- The reconstruction of the footway on the south-east side of Virginia Street adjacent to the development site, incorporating flush kerbs and tactile paving either side of the proposed vehicular access;
- The provision of flush kerbs and tactile paving either side of the junction with Arbour Street on the south-east side of Virginia Street;
- The provision of flush kerbs and tactile paving either side of the existing vehicular access to the adjacent public house on the south-east side of Virginia Street; and,
- The improvement of the pedestrian refuge on the Virginia Street arm of the roundabout, including provision of flush kerbs and tactile paving on the footway either side.

Conditions and informatives are already attached in the recommendation.

## Item 4C

### **S/2010/0041 : Land adj Hall Road Station, Hall Road East, Crosby**

Members are advised that the recommendation is to grant planning permission following the expiry of the notification period for advertisement of a departure from the Development Plan on 25 February 2010 and subject to a daytime inspection for bats and appropriate survey information being submitted and approved as required.

An amended plan has been received which makes provision for significant tree retention to the south and east of the site adjacent to properties on Spinney Crescent. The proposal now seeks the removal of 15 trees as opposed to the wholesale removal,

# Agenda Item 22

therefore the condition is amended to require that 30 trees be planted on site.

The plan also illustrates the 3 metre acoustic fencing to the eastern boundary of the site with Spinney Crescent.

The following additional policies are relevant:

EP1 – Managing Environmental Risk  
EP3 – Development of Contaminated Land  
EP6 – Noise and Vibration  
NC2 – Protection of Species

There is a reference in the executive summary to Policy D1 which should refer to DQ1.

## **Add further condition as follows:**

The 3 metre acoustic fencing shown on drawing no. NG6661-17A shall be erected prior to the development being brought into use and shall be maintained as such thereafter.

## **Amend condition 16 to read as follows:**

Before the development is commenced, a survey for Red Squirrels shall be undertaken and results, together with a scheme of protection or mitigation in the event of any findings, shall be submitted to and approved in writing by the Local Planning Authority. Any scheme shall then be implemented in full in a timescale to be agreed in writing with the Local Planning Authority.

## **Drawing numbers:**

NG6661-17, NG6661-05H, acoustic fence detail received 9 February 2010.

## **APPENDIX 5**

### **Item 5A**

**S/2009/0873 : Various properties on Keble Road, Hertford Road, Exeter Road, Queens Road, Kings Road, College View, Marble Close and Balliol Road, Bootle**

### **Consultation**

*CABE* – revised response attached. This recognises that improvements have been made to the appearance but are not convinced that the perception of this part of Sefton will be transformed by this new housing. *CABE* remain concerned about the use of parking courts, the space standards of some houses and some aspects of layout.

## Director's comment

The Director considers that the parking courts have been reduced to a minimum and that they are acceptable as a way of providing for some of the parking requirements. The amendments made by the applicant have significantly improved the scheme to the extent that permission should now be granted. All but one of the house types meet Sefton's space standards set out in the IPG and all dwellings meet 'Lifetime Homes'. This house type was referred back to the applicant and has now been amended to meet the space standard in the IPG.

- Objection received from 34 Mersey House relating to house sizes and public open space. In response to this, properties now do meet IPG space standards and the sizes of the social rented units have been agreed with the RSL providing them. The size of public open space is as previously approved.

Response from HMRI also attached.

- *Environment Agency* – no objection, but recommends conditions with regard to drainage and contaminated land.
- *Highways Development Control* – additional comment attached with regard to the requirement for a contribution towards the Balliol Road/Queens Road/Pembroke Road traffic signal controlled junction.
- Amend Conditions

Condition 3 should read :

“The works comprised in Phase 2 (ie south of the development) shall not be commenced until works to bring the Kings Centre back into use have been commenced.”

Condition 19 – S106 – Parking and Waiting and contribution for traffic signal controlled junction.

Add Condition 32

32. The development shall not be commenced until a scheme to improve the existing surface water system has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that the drainage system will cope with the 1 in 100 year event (including 30% allowance for climate change for climate change). The scheme shall be fully implemented in accordance with the phasing of the scheme or as agreed in writing with the Local Planning Authority.

Reason

To prevent flooding and comply with UDP Policy EP7.

Add Informatives

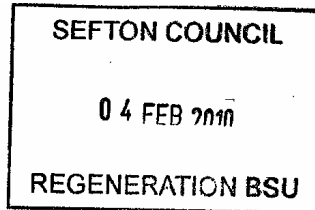
I-15

I-1

# Agenda Item 22

## Drawings for Approval

HH08/766 – LTH/02; HH08/853 – LTH/02; HH08/1551 – LTH/02; HH08/1519 – LTH/02;  
HH08/1416 – LTH/02; HH08/1259 – 100/02; HH08/1148 -100/02; HH08/1059 – LTH/02;  
HH08/1054 – LTH/02; HH08/973 – LTH/02; HH10/925 – LTH/02; HH10/867 – LTH/02;  
HH8/738 – LTH/02; HH8/702 – LTH/02; HH8/666 – LTH/02; HH08/622 – DQS-03;  
HH08/622 – DQS-04; 9083 02B, KHQB 01 A & 02 9083 0AF and 01G; 9083/PB:02B



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3 February 2010

Susan Tyldesley  
Planning & Economic Regeneration  
Sefton Council  
Balliol House  
Balliol Road  
Bootle  
L20 3RY



Our Ref: CSE-17849

Dear Susan Tyldesley

**SEFTON: BEDFORD ROAD AND QUEENS ROAD, PHASE 1B**  
**YOUR REF: S/2009/0873**

Thank you for consulting the Commission for Architecture and the Built Environment (CABE) about this proposal. We have reviewed proposals for this project on four occasions, including in response to the previous planning application (S/2006/0239). Following a site visit prior to the earlier application, and a recent telephone conversations with the local authority, the revised planning application drawings have been considered by chair of design review, Piers Gough, CABE panel member Dominic Papa, and design review staff. CABE's views, which supersede all views that may have been expressed previously, are set out below. This is our formal response to the planning application.

#### *Summary*

Whilst we think that improvements have been made to the appearance of the houses proposed for this development, much will depend on the quality of their materials and detailing. In several other respects, we think that the design quality of the scheme has deteriorated since the 2006 planning approval. We have no objection in principle to a reworking of the mix of housing that the scheme provides, in line with market conditions. We also support the retention and conversion of the Kings Centre, which has been listed since 2006. However, we continue to have concerns about the space standards of the house types proposed, and the site layout. We also note that the Kings Centre is excluded from

Commission for Architecture  
and the Built Environment

The government's advisor  
on architecture, urban design  
and public space

# Agenda Item 22

the current application, and that there is a risk it may be left derelict if its conversion is not brought forward as an integral part of the development.

## *Site context*

We make the general point that this part of Sefton has a strong character that should be regarded as an asset to build upon. There is a great deal this area potentially offers new and existing residents; for example the quality of the historic fabric, the proximity of a local park, easy access to Liverpool city centre, and the proximity of local services. We believe that the regeneration strategy in Sefton should embrace not just the renewal of parts of the fabric but a broader approach to reviving the perception of the place. How can the programme of renewal build on the special qualities already evident in the place, celebrating its richness and making it a place of character and distinction? In this regard we are not convinced that the perception of Sefton will be transformed by this new housing.



## *Site layout*

The general arrangement of streets, homes and public spaces on the site was the most convincing aspect of the approved 2006 scheme for this site. The street layout remains, in broad terms as before, but with the addition of several parking courts, and a reduction in on street parking. We strongly recommend that the use of parking courts as the primary means of accommodating cars should be reconsidered.

On street parking, if thought of as an integral part of the public realm design, can be highly beneficial; calming traffic without the need for speed bumps, generating activity on streets, avoiding wasteful doubling up of vehicular circulation, freeing space for more generous front gardens. On street parking would allow people arriving by car to enter their homes through the front door, rather than via their garden through french doors, straight into their living room. It would also allow the creation of higher quality private gardens, backing onto gardens in a traditional way. This is not to say that a small amount of courtyard parking could not be included in a successful scheme; but that in our view they should not be the dominant solution.

The arrangement of homes is also less convincing than in the approved 2006 scheme, which included bespoke house types responding to specific site locations. This allowed good enclosure along street frontages, creating coherent streetscapes, and well protected gardens. Revisions to the current application

provide a new semi-detached house type on the corner of Exeter Road and Queens Road, with entrances facing both streets. However, generally, the current application has a more fragmented arrangement of houses along streets such as Exeter Road, Hertford Road and the Mews Links.

#### *Architecture*

Revised elevations for the house types have been submitted as an amendment to the current planning application, and we think these are an improvement, although ultimately, much will depend on the quality of detailing and materials. One new house type has been introduced, responding to a corner location. However there continues to be poor enclosure by houses along streets, for example on Exeter Road, and the house types proposed have very small space standards.



#### *Kings Centre*

The proposed retention of the Kings Centre, which was previously to have been demolished, is a positive aspect of the current scheme. This fine building has been listed since the 2006 planning approval, and we think its retention will play an important role in maintaining the distinctive character of this area. We understand that a feasibility study for its conversion to residential use has been commissioned by a Registered Social Landlord. We think it is essential that the local authority are able to influence the phasing of redevelopment of the Kings Centre through the use of planning conditions relating to the current application.

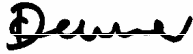
#### *Landscape design*

We think there is scope for a strong landscape strategy to go some way to strengthen the quality of place created by this development. For example, where the fragmented arrangement of house types leaves gaps along streets such as Exeter Road, if brick walls were provided as the boundary to gardens, this could help give a greater sense of enclosure to the streets. We would encourage the local authority to use a planning condition to require details of the landscape design, as a means of securing high quality street trees, paving materials, boundary walls and planting.

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If there is any point on which you would like clarification, please telephone me.

Yours sincerely



Deborah Denner  
Design review advisor



cc        Darren Higson        MPSL Planning & Design Ltd  
          Cathy Tuck            English Heritage  
          Ian Garland            Government office for the North West

**Declaration of Interest**

Jason Prior is a CABE Commissioner, his practice EDAW were the original masterplanners for Sefton.

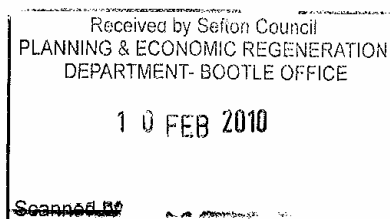
**Public scheme**

As this scheme is the subject of a planning application, we will publish our views on our website, [www.cabe.org.uk](http://www.cabe.org.uk)

**Regional Affiliation**

CABE is affiliated with independent regional design review panels which commits them all to shared values of service, the foundation of which are the 10 key principles for design review. Further information on affiliation can be found by visiting our website: [www.cabe.org.uk/design-review/regional](http://www.cabe.org.uk/design-review/regional)





Mary-Jo Joyce  
34 Mersey House  
St James Drive  
Bootle  
L20 4TA  
9<sup>th</sup> February 2010

## **S/2009/0873 re:- Queens/Bedford HMRI Re-development**

I note the improvements made to the elevations after CABE's condemnation, however you have made no effort to address the other main problems.

### **Housing**

1. CABE- 04/12/2009 'homes proposed have very small space standards and small windows'.
2. CABE- 03/02/2010 'and the house types proposed have very small space standards'.  
According to Keepmoats schedule on file: -  
24 x open market housing (OMH) house type 702 (2 bed house) are 65.18m<sup>2</sup> nearly 2m<sup>2</sup> below SMBC/IPG minimum space standard of 67m<sup>2</sup>.
4. 16 x social rented housing (SRH) house type 738 (2 bed mews) are 68.54m<sup>2</sup> only 1.5m<sup>2</sup> above the minimum.
5. Of the 60 x SRH which does not appear to have any revisions.  
40% (24/60) are flats (including flats over garage) compared to 6.5% (6/93) in OMH.  
55% (33/60) are two bed-roomed, compared to 32.3% (30/93) in OMH.  
45% (27/60) are three to four bed-roomed, compared to 68% (63/93) in OMH.
6. That is the poorest dwelling types, smallest homes, on the worst environment fronting Balliol Road are allocated to the most disadvantaged members of our community. They do not meet the priority demand for SRH and I question whether 'Life Time Home standard' is met.
7. I restate the Sefton Housing Strategy Statement 2009/13 'the highest need... is for three bed-roomed homes', SRH.
8. It utterly defeats the purpose to have identified needs by SMBC other policies and for expressed concerns by statutory consultees i.e CABE which are then neither acted upon nor implemented by the LPA.

### **Public Open Green Space**

9. Only 25% of the UDP policy requirement is provided, this is unacceptably small, utterly meaningless and virtually unusable. The function of site specific green space is totally different to that of a large town centre South Park close by. Site green space is an essential component of public realm, locates and grounds the local community, provides an attractive central focus, in urban design terms in a setting for otherwise dense housing and most importantly provides play space for children in small family housing. The local children will need all of this greenspace.
10. Failure to meet policy standards is now a mechanism for filling the Section 106 pot, at the price of a degraded living environment.

Already feedback from HMRI Queens Road development, shows excess vandalism and many complaints on the small size of living space, which is creating multiple pressures and already demands for re-housing and transfers out, we know of at least five new houses, which have been boarded up.

The standards in this re-development are merely going to repeat the current Queens Road experience.

Mary-Jo Joyce

# Agenda Item 22

## **COMMENTS ON LETTER FROM MARY-JO JOYCE OF 34 MERSEY HOUSE, BOOTLE, REGARDING APPLICATION NUMBER S/2009/0873: QUEENS ROAD AND BEDFORD ROAD**

The scheme is required to meet the requirements of current planning policy in regards to tenure mix as set out both in the Queens Road and Bedford Road Planning Guidance 2004, the subsequent Development Brief, and the Interim Planning Guidance 2007 which are the relevant current planning policies.

This Phase is one of a series of developments which are taking place in the immediate area over a period of years. Housing Market Renewal, in consultation with its RSL partner for the neighbourhood, operate a tracking system in relation to the demand for tenure and type and size of housing. This enables the housing mix for appropriate sites to be modified to suite the needs of existing residents as changes take place, and for a long-term sustainable mix and balance of provision to be created across the neighbourhood over a period of time, which takes account of existing provision. Within sites planned for development all the needs of existing residents who wish to stay in the area can and will be accommodated.

In relation to the sizes of dwellings provided, there are a range of sizes to suite different needs. Some of these are below recognised (although not mandatory) space standards, for example the HCA's standards, and some below. This reflects the range of needs and affordability being catered for.

In relation to tenure, the social housing is distributed across the site, although it is clearly appropriate that apartments rather than family houses are located along the main road frontage.

In relation to CABE, Mary-Jo Joyce has been somewhat selective about her comments. I note that she has no observation to make on CABE's view that the parking should be on street as opposed to in curtilage or in secure parking courts. In relation to CABE's view about 'small windows', this is a matter of opinion. The windows meet statutory requirements, and whilst the windows of the existing Victorian houses nearby are large, this also means pro-rata higher heat loss, of particular concern for residents on low incomes who as a consequence of such things find themselves in fuel poverty.

The open space being provided is in accordance with the overall masterplan and SPG for the area. This provides a small very local 'pocket park', and takes account of the fact that there is a very substantial area of green space at South Park, Centenary Gardens, and the Memorial Park immediately across Stanley Road. It is understood that there is a condition requiring a contribution to upgrading this open space.

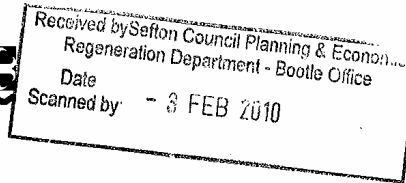
Contrary to Mary-Jo Joyce's assertion, feedback survey information shows that residents are generally very happy with their new homes. There have been no complaints made either to HMRI or to the Council's RSL partner for the area, Evolve, about the size of the new homes in Queens Road. A survey carried out by Ecotec Surveys for Newheartlands in 2009 shows that, for this and the other priority neighbourhood, Klondyke, 92% of people rehoused are happy with their new homes and 96% are happy with the neighbourhood.

Tom Clay  
Programme Manager - HMRI

**Sefton Council**



## Memorandum



**From:** Assistant Director (Transport and Spatial Planning)  
(Highways Development Control, Magdalen House, 30 Trinity Road, Bootle)

**To:** Planning and Economic Regeneration Director  
(Planning Development Control, Magdalen House, 30 Trinity Road, Bootle)

**Your Ref:** S/2009/0873a/ST

**Our Ref:** TSU/DC/DA/AD

**Date :** 02 February 2010

**Application No:** S/2009/0873a

Various Properties On Keble Road, Hertford Road, Exeter Road, Queens Road, Kings Road, College View, Marble Close and Balliol Road, Bootle

Construction of 153 no. (2,2.5 and 3 storey) residential dwellings, garages and cycle/bin stores including the layout of car parking and public realm areas

I refer to your memorandum of 19 October 2009 and make the following observations.

Further to my memorandum dated 21 January 2010, I would make the following additional comments:-

The previously approved application for this site identified the need to make a contribution (via a s106 agreement) towards the cost of a new traffic signal controlled junction at Balliol Road/Queens Road/Pembroke Road in order to improve accessibility for pedestrians by creating direct and safe linkages with the town centre.

Since then, the traffic signals have been implemented and are fully operational. The total cost of the scheme amounted to £140,830 and was funded from the Local Transport Plan allocation. This necessitated using a proportion of funds identified for other schemes within the programme, with the intention of reallocating those funds once the s106 monies were received by the developer.

Although this is a new planning application, the developer and the site remain the same and as such, we would still seek to secure the funds from the developer for 50% of the total scheme cost. This equates to a contribution of £70,415. I would request that the following condition be attached to any approval notice:-

"s106 agreement" – to include a contribution of £70,415 towards the cost of the traffic signal controlled junction at Balliol Road/Queens Road/Pembroke Road.

MB

# Agenda Item 22

## Item 5C

### **St John & St James Church, 50a Monfa Road, Bootle**

A further letter has been received from 1 Jubilee Road and 34 Mersey House, Bootle, restating previous objections to the demolition of the church following English Heritage's decision not to list the church.

In reply, whilst noting English Heritage's comments in relation to the building having a certain merit, has no control over the demolition of non-residential buildings and therefore the no powers to prevent the demolition of the building in lieu of housing redevelopment. The recommendation of the Planning and Economic Regeneration Director remains to approve.

# Agenda Item 22

Juliet Edgar, 1 Jubilee Road, Crsoby, L23 3BD.

Mary-Jo Joyce, 34 Mersey House, St James Drive, Bootle, L20 4TA.

10<sup>th</sup> February 2010

## FOR PLANNING COMMITTEE 10-02-10

Dear Planning Committee,

### **S/2009/1019- St John And St James Church, 50a Monfa Road, Bootle (Derby Ward)**

We have been informed that the listing application has been refused.

We will be making an immediate application, within the statutory appeals system.

We were very disappointed to learn that a principle reason for not listing was the absence of much of Church's ecclesiastical items, noted at the time of the English Heritage's inspection on the 20/01/10.

'All the church furnishings have been lost, including pews, choir stalls, and the font, which has been smashed. The carved oak WWI memorial reredos, the oak altar, lectern, and iron and oak altar rails have all been removed, and the pulpit has been dismantled and is due to be removed shortly. The organ pipes to the south-west side of the organ gallery (facing into the north transept) survive, but those to the south-east side facing into the chancel have been removed.'

Our photographic evidence of the interior taken just before Christmas showed all of these items in place and intact.

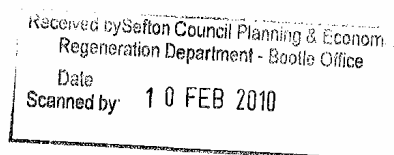
We continue to object to the demolition of this fine church and its re-development.

We re-state our concern on HMRI re-development in Klondyke, a scorched earth policy, delivering anywhere housing, completely disregarding contributions of local existing buildings to making places of character and some distinction.

HMRI is delivering just another monolithic housing estate.

We ask that this application for planning consent be rejected and await the outcome of our appeal.

Juliet Edgar/ Mary-Jo Joyce



# Agenda Item 22

## Item 5E

### **S/2009/1083 : 131 Southport Road, Lydiate**

#### **Amend condition 18 to read:**

(Standard Con-5)

In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (Condition 14), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (Condition 15), which is subject to the approval in writing of the Local Planning Authority.

Following completion of the remedial works identified in the approved remediation strategy a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with (Condition 17) above.

**Amend Note 3** - Replace Con1-Con5 with Conditions 14-18 and Con5 with Condition 18

#### **Delete Note 4**

## Item 5F

### **S/2009/1150 – Hawthorne Tannery, Hawthorne Road, Bootle**

Condition 16 requires amendment to read as follows:

Notwithstanding the details shown on the approved plan unless otherwise agreed in writing no development **(other than in the red line area specified on drawing no. HMR/CL/PTK/S1103/AAB01)** shall take place until a detailed scheme of traffic calming for all roads within the development site has been submitted for the approval of the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority within 60 days of the setting down of the foundations for the final dwelling unit. In the event of the phasing of the development the approved scheme shall be implemented in phases in accordance with the above condition.

A letter has been received from 41 Jubilee Road, and is attached.

The HMRI Programme Manager has commented as follows.

“The scheme meets the requirements of current planning policy in regards to tenure mix as set out both in the Klondyke and Hawthorne Road Supplementary Planning Guidance 2004, the subsequent Development Brief and the Interim Planning Guidance 2007 which are the relevant current planning policies.

The Tannery is one of a series of developments which are taking place in the immediate area over a period of years. Housing Market Renewal, in consultation with its RSL partner for the neighbourhood, operate a tracking system in relation to the demand for tenure and type and

size of housing.

This enables the housing mix for appropriate sites to be modified to suit the needs of residents as changes take place, and for a long-term sustainable mix and balance of provision to be created across the neighbourhood over a period of time, which takes account of existing provision. To date, 45% of new dwellings provided in the Klondyke neighbourhood have been social housing for rent, reflecting the needs of existing residents. Within sites planned for development all the needs of existing residents can and will be accommodated, including households who need four bedroomed property to rent.

Whilst it is appreciated that the scale of change being undertaken in the Klondyke area will be stressful for residents, it is not correct to say that residents are not consulted or informed. For example, an exhibition of the revised proposals for the Tannery site and 'drop in' was held on the afternoon and evening of the 29<sup>th</sup> October 2009 for local residents.

Staff from Bellway, Housing Market Renewal team, and local 'Lead' RSL, Adactus, were present to answer questions about the scheme, or about any other matters raised by residents. A questionnaire was available to canvas views about the main revisions to the scheme and for residents to record any other observations.

Over 40 residents attended, of whom 24 completed questionnaires. The results to the questions were as follows:

**1. Removal of Apartments:**

- Strongly Agree: 20
- No opinion: 4

**2. Less Back Alleyways:**

- Strongly Agree: 19
- Agree: 3
- No opinion: 2

**3. More semi detached houses:**

- Strongly Agree: 18
- Agree: 2
- No opinion: 4

**4. More Off Street Parking:**

- Strongly Agree: 20
- No opinion: 3
- Disagree Strongly: 1

There were a number of individual comments, the most common ones being:

1. A request for a larger number of bigger (4 bedroom) houses and bungalows.
2. A plea to speed up the development of the scheme.
3. The results of this consultation substantially support the changes to the proposed plans.

The number of 4 bedroom houses and bungalows within this and future phases was reviewed against the known needs of residents, but found to be sufficient and appropriate."

# Agenda Item 22

The Planning and Economic Regeneration Director is satisfied on this basis that appropriate provision is made for affordable housing and that residents have been fully engaged in the processes relating to the proposals. It is noted that no other objections have been received to the proposals.



Juliet Edgar  
41 Jubilee Road  
Crosby  
Liverpool  
L23 3BD

9<sup>th</sup> February 2010

**S/2009/1103 DTannery/ Hawthorne Road D Klondyke**

I note the planning application for the above site and would like to make the following points: -

1. While the dwellings density appears to be lower than on adjacent sites, the size of dwellings just exceeds the minimum space requirements as set out in Sefton MBC/IPG at 67m<sup>2</sup>.
2. I note that this revised application is for only houses and no apartments/ flats.

**Tenure Type/ Mix**

3. The tenure and mix of housing is not appropriate to meet the needs of those to be re-housed from the Klondyke Phase 1 and 2.

The applicant has assumed that all bungalows are only available to those who are socially renting. Four bed-roomed houses are only available to those residents who can afford intermediate housing. Amongst socially rented households within the Klondyke there are at least 6 households who require four bedrooms who are currently renting from a social landlord. The housing tenure type/ mix will not meet the needs for Klondyke residents who are a priority for re-housing. There needs to be a greater level of flexibility within this planning application being able to meet the re-housing needs of Klondyke residents.

4. There is currently a great deal of uncertainty and stress within the remaining residents of the Klondyke, the applicant and HMRI partners have failed to use this application as a way to consult and inform residents of the progression of the HMRI programme and gather information on the changing housing needs within the area.
5. The ratio of social rented housing on this site just exceeds 30%, the Sefton Housing Needs Assessment states a ratio of need of 40%.
6. Will the social rented housing requirement across all Klondyke re-placement/ phased sites provide sufficient housing for replacement for all Klondyke socially renting residents? Also will these developments go some way to provide social rented housing for those many thousands on Sefton's waiting list and respond to the increasing demand, due to static household income and the house price bubble. There is increasing demand for social rented housing due to the current economic climate.

Juliet Edgar

# Agenda Item 22

## Item 5G

### **S/2009/1125 : Maggies Public House, Bridle Road, Nethertojn**

Change Condition 4 to refer to trees only.

Change Condition 9 to P8 (kitchen extraction equipment) – not P6.

Change Condition 15 to read “The total area of Class A1 gross retail floorspace on the whole site shall not exceed 372 square metres.

## Item 5I

### **S/2009/1136 : 21 Victoria Road, Formby**

This application has been withdrawn by the applicant.

## Item 5J

### **S/2009/1145 – 61-71 Shakespeare Street, Southport**

- Additional comment from Environmental Protection Director – advises that standard contaminated land conditions required.
- Response from Police Architectural Liaison Officer – Wishes to ensure that access to the greenspace is controlled. (The applicant has since clarified the details of the scheme to confirm that the suggested restriction is included in the scheme).
- Additional letters received from 98 and 100 Linaker Street indicating that issues concerning the boundary wall have not been resolved. (This issue has been discussed further with the applicant and an additional condition regarding boundary treatment is recommended).
- Additional letter received from 69 Railway Street reiterating concerns about inadequate parking and traffic congestion.
- **Add conditions**
  21. CON1
  22. CON2
  23. CON3
  24. CON4
  25. CON5 – Inserts Conditions 21, 22 and 24
  26. Before the development is commenced a detailed scheme for the provision of boundary treatment to the rear boundary shall be submitted to and agreed in writing by the Local Planning Authority. This boundary treatment

shall then be carried out as approved before the development is first brought into use.

## **Reason**

In the interest of local amenity and to comply with UDP Policies CS3 and DQ1.

### ■ **Informatives**

Add: I – 15 Contaminated Land

I – 1

I – 2

### ■ **Plans for Approval:**

861/OWN, 001, 002, 012C, 020, 012D, 022, 023B, 024B.

## **Item 5K**

### **S/2009/1194 : Netherton Activity Centre**

**Environment Agency** – no objections. Applicant should however seek to reduce run-off rates. A condition requiring this is recommended. General ecological comments added drawing the applicant's attention to legal responsibilities.

**Police Architectural Liaison Officer** – location of fencing has been agreed as has type of glazing and barrier to car park. Some concern about anti-social behaviour on the open frontage but with effective lighting scheme and community involvement this should ultimately only be a site management issue.

**Amended plans have been received** providing coloured elevations and revised landscaping and fencing details. The applicant has also confirmed that:

- Renewable energy is still under consideration, and a condition is recommended in this case. Biomass would however be acceptable in principle in this location
- The number of trees to be removed is 15. The DQ3 requirement for new trees is therefore 30 plus one per 50m<sup>2</sup> floorspace (53 trees) giving 83. These will be provided on site. Given that the car park already exists for uses remaining on the site (pitches) and is being reorganised with 41 additional spaces, it is considered reasonable to base the DQ3 contribution on floorspace
- Amendments to the elevational treatment have been considered but the applicant wishes to retain the concept of a clean simple building.

### **Add conditions**

- 27 The development shall not be commenced until a detailed scheme to improve the existing surface water disposal system has been submitted to and approved in writing by the Local Planning Authority.

# Agenda Item 22

## Reason

- 27 To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site pursuant to policy EP7 of Sefton's adopted UDP.

## Amend condition 19 to read

The proposed football pitches shall not be used outside the hours of 9am – 10pm on any day and the building shall not be used outside the hours of 8am – 11pm on any day.

## Add informative I-2

### Plans for approval:

012822-A-03 001 Rev P3, 002 Rev P3, 003 Rev P3  
012822-A-04-001 Rev P3  
012822-A-05-001 Rev P3

## APPENDIX 7

### Joint Waste Development Plan – Consultation on Preferred Options

Extract from Minutes of Overview and Scrutiny (R & ES) Committee 02/02/10 attached for information.

*Late*

## **Extract from Minutes of Overview and Scrutiny (Regeneration and Environmental Services) Committee 2<sup>nd</sup> February 2010**

### **55. JOINT MERSEYSIDE WASTE DEVELOPMENT PLAN: CONSULTATION ON PREFERRED OPTIONS REPORT**

The Committee considered the report of the Planning & Economic Regeneration Director outlining progress on the preparation of the joint Merseyside Waste Development Plan Document (DPD) and seeking approval and endorsement of the Preferred Options Report, which would include consultation on specific sites that had the potential to accommodate the additional waste management facilities that would be required in the future.

The report was submitted in accordance with a decision of City Region Cabinet that all the authorities participating in the preparation of the joint plan should receive a common report to explain and recommend approval of the Preferred Options Report.

Members were requested to both approve and endorse the Preferred Options Report. This was a significant shift in emphasis, as it required Members to endorse the technical content of the report, including the proposed policies and proposed site allocations in advance of a six week period of public consultation.

Four sites were identified in total within Sefton, together with the types of waste uses which were considered suitable for these sites:-

(i) Sub regional site:-

EMR (Metal Recycling) site at Alexandra Dock, Bootle.

(ii) District level sites:-

(a) 1-2 Acorn Way, Bootle;

(b) site off Grange Road, Dunnings Bridge Road, Bootle; and

(c) 55 Crowland Street, Southport.

The consultation required the approval of all six participating authorities and it was anticipated that, subject to these approvals, the public consultation period would commence on 18<sup>th</sup> February 2010. The responses from the Public Consultation would be used to feed into the final development of the Waste DPD which was scheduled to be submitted to the Secretary of State for approval in March 2011.

Mr. A. Wallis Planning & Economic Regeneration Director, Dr A. Jemmett, Director Merseyside Environmental Advisory Service and Mr C. Beer, Director of Waste Disposal – Merseyside Waste Disposal Authority attended the meeting, gave evidence and answered Members questions in relation to the report.

# Agenda Item 22

Members discussed the report and its implications for Sefton in detail and made particular reference to the following:-

- The identification of sites in excess of 8 hectares;
- The identification of "energy from waste" sites;
- The rationalisation for identifying the sites contained within the report;
- The identification of sites outside of the Merseyside area;
- The proposed new "energy from waste" facility at Alexandra Dock Bootle;
- The requirements of the MWDA in terms of sites for disposal;
- The timetable for the MWDA's procurement process;
- The principle of waste being dealt with in close proximity to where it is produced;
- F0726: 1-2 Acorn Way Bootle: Proposed District Site Allocation;
- F1029: Site off Grange Road, Dunnings Bridge Road Bootle: Proposed District Site Allocation;
- F2333: 55 Crowland Street, Southport: Proposed District Site Allocation;
- The proposed public consultation process.

## RESOLVED:

That the Council be recommended to agree to the following:-

- (1) That the Waste DPD Preferred Options Report be noted;
- (2) That the commencement of a six-week public consultation process on the Waste DPD Preferred Options Report during 2010 be agreed;
- (3) At this stage Sefton MBC invite the Planning Inspectorate to advise the Council on the soundness of the Waste DPD Preferred Options Report;
- (4) That Site F1029: Site off Grange Road, Dunnings Bridge Road Bootle: Proposed District Site Allocation be removed from the Waste DPD Preferred Options Report; and
- (5) That a further report on the outcomes of the Preferred Options consultation be submitted to this Committee in due course.

## APPENDIX 8

### Wirral Waters: Creation of a New City Neighbourhood at East Float, Birkenhead

Further to para:

2.1 In accordance with normal procedures and reflecting the scale of the retail development proposed as part of this scheme, the Council's retained retail consultants WYG were instructed on 19th January to appraise the planning application from Sefton's perspective. **Full comments have not yet been received but they will be reported to committee as a late representation.**

This advice is as attached.

(i) under para 2.2 quoting WYG'S advice, the second inset para final sentence in italics ( i.e. 'In the second scenario, this would relate to just 720 sqm per annum of retail floorspace') is incorrect and should be replaced by:

'In the first scenario, this would relate to 600 sqm of retail floorspace and in the latter it would relate to 900 sqm of retail floorspace.'

(Letter received from WYG Planning & Design (reported on late reps 1) attached.)

# Agenda Item 22

WYG Planning & Design

part of the WYG group



Date: 2<sup>nd</sup> February 2010

Alan Young  
Strategic Planning & Information Manager  
Planning and Economic Regeneration Department  
Sefton MBC  
First Floor  
Magdalen House  
Trinity Road  
Bootle  
L20 3NJ

Dear Alan

**WIRRAL WATERS – CREATION OF A NEW CITY NEIGHBOURHOOD AT EAST FLOAT, BIRKENHEAD**

Further to our discussions on this matter, we are writing to confirm that we have had the opportunity to read through the Retail, Leisure and Office statement prepared in support of the above planning application. We have also discussed the report briefly with Turley Associates who prepared the document on behalf of the Peel Group.

Although the proposed development is described as including a maximum of 60,000 sq m of retail/food uses (Classes A1-A5), which is a significant amount of space in the context of the sub-regional hierarchy, an important issue associated with this proposed development is the time frame for the development through to 2050. This means that although 60,000 sq m of A1-A5 uses is significant, this will be spread out over a 35/40 year period.

The phasing plan set out in the report suggest that the floorspace will be delivered in four phases from 2012 to 2020 and then in three equal 10 year blocks. It is also important to note that the floorspace proposed is split into retail and service uses which are anticipated to be split broadly 50/50. In fact, the report examines two scenarios whereby the retail floorspace would be between 24,000 sq m and 36,000 sq m through to 2050. In the second scenario (which is the highest amount of retail floorspace) this would amount to approximately 900 sq m per annum.

Clearly, the phasing of the retail floorspace is directly related to the needs of the local population as the new community develops. Therefore, the critical issue will relate to how the development of this retail floorspace is controlled and phased over time. We think it will be important in your discussions with Wirral Council to understand how any future condition or legal agreement would be framed to ensure that the retail element of the scheme could be adequately controlled and delivered in the phases currently proposed.

It will also be important for Sefton Council to review such a condition, at the appropriate time, and to be able to comment on it as it is critical to the overall acceptability of the quantum of retail floorspace proposed.

creative minds safe hands

Regatta House, Clippers Quay, Salford Quays, Manchester, M50 3XP  
Tel: +44 (0)161 872 3223 Fax: +44 (0)161 872 3193 Email: info@wyg.com www.wyg.com  
WYG Environment Planning Transport Ltd Registered in England Number: 3050297  
Registered office: Armdale Court, Otley Road, Headingley, LS6 2UJ



WYG Planning & Design

part of the WYG group



In summary, we note that the scale of retail development referred to in the planning application description is significant. However, we note that this is an unusual application given the anticipated 40 year timeframe. When viewed over this period of time, the potential impact of this level of floorspace is not as significant given that it will be specifically targeted at meeting the needs of the new community at East Float. However, it will be important for Sefton Council to be given the necessary comfort that a suitable condition or 'controlling mechanism' is put in place to ensure that the retail development is delivered in response to the needs of the new community as it grows and develops, rather than the scheme being 'front loaded' with significant retail development prior to the creation of the new community.

Yours Sincerely

**Keith Nutter**  
Director  
**WYG PLANNING & DESIGN**

creative minds safe hands

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