

Public Document Pack

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON FRIDAY, 20 AUGUST 2010. MINUTE NOS. 23 AND 25 TO 32 ARE NOT SUBJECT TO "CALL-IN"

CROSBY AREA COMMITTEE

MEETING HELD AT THE WATERLOO RUGBY CLUB, THE PAVILION,
ST. ANTHONY'S ROAD, BLUNDELLSANDS
ON WEDNESDAY, 7TH JULY 2010

PRESENT: Councillor Hough (in the Chair)
Councillor Veidman (Vice-Chair)
Councillors Barber, Cummins, Dorgan, Gibson, Hill,
McGinnity, Papworth, Parry and Webster
Parish Councillors B. Draper and T. West

ALSO PRESENT: Sergeant S. Owen, Merseyside Police
27 Members of the Public

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Tonkiss and Parish Councillor Hounsell.

19. DECLARATIONS OF INTEREST

The following declarations of interest were received:

Member	Minute No.	Interest	Action
Councillor Barber	23 - in relation to questions on Sainsbury's Supermarket planning application	Personal - currently a Member of the Planning Committee, but due to be replaced with effect from 8.7.10	Stayed in the room, took part in consideration of the item and voted thereon
Councillor Dorgan	23 - in relation to questions on Sainsbury's Supermarket planning application	Personal - Member of the Planning Committee with effect from 8.7.10	Stayed in the room, but took no part in the consideration of the item
Councillor Hough	23 - in relation to questions on Sainsbury's Supermarket planning application	Personal - Member of the Planning Committee with effect from 8.7.10	Stayed in the room, but took no part in the consideration of the item

Councillor Webster	23 - in relation to questions on Sainsbury's Supermarket planning application	Personal - Substitute Member of the Planning Committee	Stayed in the room, but took no part in the consideration of the item
Councillor Cummins	22	Personal - Non-Executive Director of NHS Sefton	Took part in the consideration of the item

20. MINUTES

RESOLVED:

That the Minutes of the meeting held on 26 May 2010 be confirmed as a correct record.

(Further to Minute No. 96 of 24 February 2010, a letter had been received from Geraldine Williams, the late Bob Wright's daughter, thanking the Committee for the commemorative bench which it had provided.)

21. POLICE ISSUES

Sergeant Simon Owen reported on Police activity during the month of June. Apart from an increased number of burglaries in one particular area, almost every other crime category had been below projected targets for the area. These included violent crimes, robberies and motor vehicle-related crimes. With the one exception of burglaries, the Police in the Crosby area had done very well during June compared to colleagues in other areas of Sefton.

Sergeant Owen and his colleagues were thanked for their efforts.

22. THORNTON CLINIC

Ms. Marie Rice, Director of Operations and Workforce Development at NHS Sefton, responded to representations about the service provided at Thornton Clinic. Councillor Gibson explained that although he was not doubting the excellent job which the Clinic did in general, a number of his constituents had raised the issue of continuity of care to him in recent months. This was, apparently, a result of a lack of permanent doctors which had led to some patients' prescriptions being changed within a short space of time.

Ms. Rice explained that there had been recruitment problems last December, but apart from Wednesdays, the same doctors were on duty on set days at the Clinic. A new full-time G.P. would be starting in September. She had received two particular complaints, but she was

happy to pursue any others. In addition, she agreed to speak to staff at the Clinic to try to arrange for patients, particularly elderly patients, to see the same doctor when appointments are made.

23. OPEN FORUM

The following matters were raised during the Open Forum:

(a) Mr. N. Scarborough asked if smells emanating from the sewerage overflow facility at the bottom of Mariners Road could be investigated. He understood that the overflow had only been sited here with the assurance that there would be no smell and it would only be used during heavy rain. He wondered why there was a smell when there had been hardly any rain during May and June and whether United Utilities was managing the facility as per its contract with the Council.

It was agreed that a written response be sent to Mr. Scarborough.

(b) Mr. N. Scarborough asked if the "terms of use" for the car park opposite the Leisure Centre had changed. On recent weekends he had seen a number of mobile caravans or camper vans parked in the car park for at least two nights. He felt that this was not only unsightly to the area's many visitors, but the rubbish left by the caravans on 7 June was disgraceful. He asked if more patrols could be deployed in this area and perhaps more car park signs erected.

It was agreed that a written response be sent to Mr. Scarborough.

(c) Ms. N. Farrell asked how the Council had allowed Sainsbury's to believe that it was acceptable and possible to demolish two 1930's art deco buildings (Glenn Buildings) which were in full use.

The Planning and Economic Development Director had indicated that it should be noted that these buildings were not listed and they were not within a conservation area. Consequently, the Council's heritage conservation policies did not apply and it was therefore legally possible to demolish these buildings and this is the advice that the Council must give to the owners. The proposal to demolish these buildings formed part of a wider planning application to redevelop Crosby town centre, which had not yet been determined. During pre-application discussions with the developer, it was recognised that these two art deco properties may have merit even though they have no statutory heritage designation and the Council had asked the developer to carry out a heritage appraisal. The developer appointed Peter de Figueiredo, an independent historic buildings advisor, formally of English Heritage and one of the most experienced and knowledgeable professionals working in the field of historic building conservation, to prepare an impartial assessment of these and other buildings proposed for demolition. His opinion was that neither of these buildings proposed for demolition were of sufficient "quality" to meet the criteria for listing and this view is very much respected.

This information had been forwarded to Ms. Farrell.

(d) Mr. D. McLean asked, given that Crosby currently faced one of the biggest decisions it would have to make for some time, if all Councillors that represented the affected areas could openly give their views on the proposed Sainsbury's development in order that their local constituents could be aware of them. He suggested that the best forum would be through the local Press and that it should be in advance of the appropriate Planning Committee meeting.

Members of the Committee referred to opinions which had already been quoted in the Press and to the number of meetings which had already been arranged to discuss the issue. A number of the Members outlined their individual views.

The Planning and Economic Development Director had commented that Members of Planning Committee, who will be making the decision on the planning application submitted by Sainsbury's, were required to come to the meeting with an open mind, prepared to read all the material presented to them and listen to any representations before weighing up all matters and making their decision. Indicating a clear view of any sort in advance would risk not being able to take all material considerations into account and any Member doing this should not take part in deliberation on the application. Any failure in its decision-making process would lay the Council open to challenge by way of judicial review. The Planning Committee's meetings were open and the public could attend and listen to the debate and views expressed.

(e) Dr. N. Wachsmann asked how confident Councillors were in the impartiality of the advice received from White, Young, Green (WYG), Planning and Design, Sefton's retail consultants, given that the company had very close business links to Sainsbury's, acting as its agent in the planning process for numerous new superstores across the country.

A detailed written response from the Planning and Economic Development Director had been forwarded to Dr. Wachsmann. The response indicated that WYG was a very significant multi-disciplinary company offering planning advice from fourteen U.K. offices. The quality of its retail advice was highly respected both nationally and regionally. It was true that in the south-east and south-west of England, WYG was retained to provide retail planning advice to Sainsbury's and as a result, within these two regions, WYG do not provide advice to the public sector on retail planning applications. However, the Manchester office is not involved in any of this work and operates independently of these regions. It does not work for Sainsbury's but instead acts for over 35 local planning authorities throughout the north of England. Therefore, the Council's Planning and Economic Development Director had correctly advised Councillors that WYG's advice to Sefton is impartial and should be treated as such. The Manchester planning team was quite separate from WYG's offices in London and Bristol. To reinforce this point, it was important to note that WYG had recently provided advice to Carlisle City Council and

Northumberland County Council on Sainsbury's applications. In the case of Carlisle, WYG concluded that the development failed the sequential approach which challenged Sainsbury's view. In the case of the proposed foodstore in Morpeth, WYG recommended that the proposed Sainsbury's should be refused because it also failed the sequential approach and would have an impact on Morpeth Town Centre. It was important to note that both of these applications were out-of-centre and not in-centre like the proposal at Crosby. Therefore, the reason why WYG's report is supportive of the Crosby proposal had absolutely nothing to do with the fact that WYG act for Sainsbury's in the south of England but to do with the fact that the development is within an established centre, will help address the current over-trading at the existing store and will help to secure the centre's future vitality and viability in both the medium and long term. WYG's advice to Sefton as independent retail consultants had always, and would remain, totally impartial. Within Sefton, WYG had supported both Tesco and Asda schemes in Litherland and Bootle where they were policy compliant. The same applied to the proposed foodstore in Crosby. Where developments had been policy compliant (such as the extension of Tesco in Southport), WYG had recommended refusal.

(f) Ms. M. Draper asked if the Committee could confirm that Sainsbury's store in Crosby had the second highest grossing turnover of all Sainsbury's supermarkets and that this was the reason for the proposed Sainsbury's hypermarket.

Members of the Committee were unable to provide such confirmation but Mr. J. Alford, the Assistant Director of Planning and Economic Development, explained that a full report on Sainsbury's proposals would be submitted to the Planning Committee during August.

(g) Mr. C. Rawsthorne asked if Sainsbury's did not obtain planning permission for their current proposals, where else in Sefton would they be allowed to build a store of the size currently proposed.

Mr. Alford indicated that he could not answer this question, as future proposals could not be anticipated or predicted and would have to be treated on their merits if submitted.

(h) Ms. A. McVerry asked why the current draft "Development Agreement" between Sainsbury's and the Council could not be published so that residents could see the proposed financial deal between the parties. It seemed to her as if it was influencing the Council's view of what were otherwise very negative proposals for the long-term future of Crosby. She also asked if the Council could confirm that the long-term viability of Crosby as a sustainable community centre was being put before short-term financial expediency.

A detailed response from the Planning and Economic Development Director had been forwarded to Ms. McVerry. This indicated that the Council had various roles. The Planning Committee's role was in respect of the planning application submitted by Sainsbury's and it would base its

decision on this application on the requirements of the Development Plan (UDP), Government policy and advice, and other material planning considerations as it was required to do under the Town and Country Planning Act 1990. The officers dealing with the planning application would be focussing on the relevant and proper planning matters. In addition, the Cabinet would deal with any financial matters and would be advised by other officers. The Planning Committee and its officers would not be involved in any financial discussions concerning the land. Sustainable development was a key plank to Planning (PPS1) and, together with the viability of Crosby, would be important considerations for the Planning Committee.

(i) Ms. J. Rawsthorne asked, in relation to the current Sainsbury's proposal and traffic, what plans and proposals had the Council made to ensure the free flow of traffic in local roads adjacent to those actually surrounding the development, if contingency plans had been drawn up to address the problem of non-residents preferring to park in them and where these plans could be seen.

A detailed response from the Planning and Economic Development Director had been forwarded to Ms. Rawsthorne. This indicated that a full traffic assessment which considered the impact of the proposed development on the local highway network, including residential areas had been submitted by Sainsbury's. This could be viewed as part of the planning application documents on the Council's website. Free flow of traffic would be an important consideration when the Planning Committee makes its decision on the planning application in due course.

(j) Ms. T. McGeagh asked, in view of the considerable opposition to the design of the proposed new Sainsbury's store - with a petition approaching 4,000 signatures - if Councillors agreed that a more extensive public consultation was necessary before the Planning Committee could make a decision.

A detailed response by the Planning and Economic Development Director had been forwarded to Ms. McGeagh. This indicated that Sainsbury's had undertaken a number of public consultation events before the planning application was submitted which received considerable coverage in the local Press. Leaflets were widely distributed throughout the Crosby area. On submission of the planning application, a range of local groups and many local households were notified, well beyond the minimum required in the Council's code of practice. The local media and Press were informed and have reported news items on several occasions. A petition with nearly 4,000 signatures indicated a high level of local knowledge and involvement.

(k) Mr. H. Edmondson alleged that the Council's parks management team had been guilty of gross dereliction of duty and failure to observe the legal requirements of their employment contracts in relation to the provision of musical entertainment in Victoria Park on Saturday, 26 June 2010. He said that he had been told by Council staff at the event that a

licence for it was held, but he believed this to be a lie. He also believed that a number of employees, together with the Committee of the Friends of Victoria Park were aware that in 2007, the Council's Leisure Services Department applied to the Licensing Committee for a licence to hold events within Victoria Park. A licence was granted with numerous conditions relating to the hours that licensed events could take place, along with the condition that the Pavilion Building was excluded from all events. It was also a requirement that residents living within 200 metres of the boundary should be notified prior to events taking place and be invited to meetings every six months to discuss the park and any events planned for Victoria Park. The Council's Leisure Services Department had subsequently surrendered the licence for Victoria Park. He understood that all licensable events held in Victoria Park since the surrender of the licence required a Temporary Event Notice (TEN). He had a record of the events that the Council had held in the park since 2007, including the event on 26 June 2010, and he believed that no TEN was applied for or issued in respect of this park. He believed that a number of Council employees were guilty of gross negligence in their duties and of organising and operating events within a public area in breach of the Council's own Regulations. Under the licensing laws, any person in breach of the laws applicable to any event was liable to prosecution.

He added that the conditions under which TEN licences are issued include proving to the satisfaction of the Police that measures are in hand to ensure the safety of all persons attending the event. This includes the ability to keep the attendance figures below the maximum number permitted (499), the provision of stewards, providing adequate toilet facilities with clear and concise signage, the provision of a First Aid Post and Lost Children Post, the facilities and staff to be able to control the crowd and evacuate the premises in an emergency and the ability to keep noise levels down to an acceptable level for attendees and residents living in close proximity to the event. Mr. Edmondson continued that the relevant staff were guilty of at least 10 breaches of the TEN that was not obtained. He added that he had personally taken out four TEN licences in recent years and had ensured full compliance with all of the rules and regulations under the threat of prosecution should he fail in any of his duties. He also believed that the Council had failed to notify Merseyside Police that Victoria Park was not covered by the licences which the Council had taken out in respect of other parks within the Borough.

In addition, Mr. Edmondson stated that in 2008 the Leisure Services Department issued the Area Committee with a 55 page full colour brochure, at a cost to all Council tax payers, detailing the Management Plan for Victoria Park for the period from 2008 to 2013. This expensive publication was presented to the Area Committee for approval and he questioned the need for the expense of producing a further Master Plan for expenditure in Victoria Park in relation to a sum of money estimated to be £800,000 in the coming years, without any definitive explanation as to the expenditure of this sum of money. He believed that no approval of expenditure should be given without the provision of a full financial statement on funds to be spent and how future projects will be monitored.

He asked for a full investigation into the gross incompetence of the park management team in operating in breach of their own Regulations. He added that a separate complaint had already been issued to Merseyside Police for failing to respond to a resident's complaint in respect of this event. He understood that the licensing laws required the Police to be the body responsible for taking action should the noise levels from an event be excessive.

Mr. P. Esseen of the Leisure Services Department indicated that an investigation into Mr. Edmondson's comments was being undertaken. Sergeant S. Owen of Merseyside Police stated that he was not aware of the complaint referred to by Mr. Edmondson, but that he would speak to him with a view to pursuing the matter.

(l) Mr. I. Hamilton-Fazey, the Chairperson of the Waterloo Residents Association, referred to a proposal to form a not-for-profit community interest company, with charitable status, to take forward the Mersey Observatory project, which he had submitted to the Mersey Estuary Forum on 2 July 2010. He supplied full details of his proposal and stated that the project would bring immense benefits to Merseyside, Sefton, and Waterloo in particular and he asked for the moral support of the Area Committee and Council to his proposal.

RESOLVED:

That Mr. Hamilton-Fazey's proposal be supported by this Committee, in principle, bearing in mind the current economic situation.

(m) Mr. and Mrs. Brown asked why double yellow lines had been provided on Myers Road East and into Whitham Avenue, Crosby; why a reduction in the length of the restriction was denied at the Area Committee meeting on 10 September 2008; and why the lines were still 11.5 metres long as against the stated 10 metres. They also asked if consideration could be given to reducing the 10 metres restriction.

Mrs. J. Maxwell, the Neighbourhood Engagement Co-ordinator agreed to liaise with colleagues in the Traffic Services Section with a view to obtaining responses to these issues, possibly following a site visit.

24. PROTOCOL FOR LIFTING THE MORATORIUM ON THE SITING OF MOBILE PHONE MASTS ON COUNCIL LAND

The Committee considered the report of the Environmental and Technical Services Director, which sought comments on the draft protocol to govern the lifting of the current moratorium on siting telephone transmission masts on Council-owned land, prior to re-consideration of the matter by the Cabinet.

RESOLVED: That

- (1) the proposed Protocol for Lifting the Moratorium on the Siting of Mobile Phone Masts on Council Land be noted; and
- (2) the Cabinet be informed that this Area Committee believes that all applications for the siting of masts should be submitted to the appropriate Area Committee before being considered by the Planning Committee.

25. REPLACEMENT OF BEACON IMAGE ON AREA COMMITTEE AGENDA FRONT PAGE WITH IRON MAN IMAGE

The Committee considered the possibility of replacing the river Mersey beacon logo on its agendas with an Antony Gormley "iron man" image.

RESOLVED: That

- (1) the Committee Administrator be requested to arrange for the use of an iron man image on future Area Committee agendas; and
- (2) the dissent of Councillors Barber, Dorgan, Papworth and Parry, from the decision contained in (1) above, be recorded.

26. IMPROVEMENTS TO VICTORIA PARK

The Committee considered the report of the Leisure and Tourism Director on proposals for significant improvements to Victoria Park, Crosby and setting out details of the design of works within a draft masterplan for the park.

RESOLVED:

That the proposed works designed for Victoria Park be endorsed.

27. PARK RANGER SERVICE REVIEW AND HIGHLIGHTS

The Committee considered the report of the Leisure and Tourism Director that provided an update on the recent review undertaken on the Park Ranger Service. The report explained that the review was undertaken as a matter of good practice following its first full year in operation. The report highlighted both successes and directions for the future for the Park Ranger Service.

RESOLVED: That

- (1) the successes and achievements of the Park Ranger Service be noted; and
- (2) the intention for the Park Ranger Service to continue to promote and develop a network of volunteer Park Rangers, be noted.

28. BUDGET MONITORING

Further to Minute No. 14 of the meeting held on 26 May 2010, the Committee considered the report of the Neighbourhoods and Investment Programmes Director indicating that the balance of the budget available for allocation during 2010/11, including sums set aside for the provision of litterbins and street signs was £46,895.66 and setting out details of the progress of schemes for which funding had previously been approved. This included funds set aside for schemes in Manor Ward which had not been claimed.

RESOLVED: That

- (1) the Ward budgets for 2010/11 be noted;
- (2) the ongoing schemes for which funding was provided in 2009/10 be noted; and
- (3) the withdrawal of funding of £1,100 for schemes in Manor Ward, be noted.

29. PROPOSED TRAFFIC REGULATION ORDER - THORNBECK AVENUE, HIGHTOWN

The Committee considered the report of the Planning and Economic Development Director on a proposed Traffic Regulation Order, the effect of which would restrict waiting for vehicles at all times on Thornbeck Avenue, Hightown at the entrance to the Blundellsands Sailing Club.

RESOLVED: That

- (1) the Traffic Regulation Order as shown on the plan at Annex A and as detailed in the report, be approved; and
- (2) the Traffic Services Manager be authorised to undertake the necessary legal procedures, including those of public consultation and advertising the Council's intention to implement the Order.

30. PROPOSED AMENDMENTS TO TRAFFIC REGULATION ORDERS - HOUGOUMONT GROVE / HOUGOUMONT AVENUE, WATERLOO

The Committee considered the report of the Planning and Economic Development Director on the proposed introduction of a Traffic Regulation Order, the effect of which would be to amend the existing "no waiting Monday to Saturday, 8 a.m. to 6 p.m." restrictions; extend the existing "residents only" parking bays; and introduce double yellow lines at the junction of Hougoumont Grove and Hougoumont Avenue; and also instal a bracket marking adjacent to the driveway of No. 10 Hougoumont Grove to keep the access to the driveway clear of parked vehicles.

RESOLVED: That

- (1) the Traffic Regulation Order, as shown on the plans at Annexes A and B and as detailed in the report, be approved; and
- (2) the Traffic Services Manager be authorised to undertake the necessary legal procedures, including those of public consultation and advertising the Council's intention to implement the Order.

31. PREVIOUS QUESTIONS RAISED IN THE OPEN FORUM

Copies of responses to issues raised at previous meetings of the Committee were submitted for information.

RESOLVED: That

- (1) the correspondence be noted; and
- (2) the Traffic Services Manager be requested to submit an update to the response which he forwarded to Ms. Y. Verlander following her question about a serious parking problem in the Hightown village triangle area, which was considered at the meeting on 26 May 2010 (see Minute No. 6(a)).

32. DATE OF NEXT MEETING

RESOLVED:

That the next meeting be held at **6.30 p.m. on Wednesday, 8 September 2010, at SING Plus, Cambridge Road, Seaforth.**

This page is intentionally left blank