

**Meeting:** Sefton East Parishes Area Committee

**Date of Meeting:** 18 March 2010

**Title of Report:** Update on Waddicar Lane Housing Development Issues

**Report of:**

Steph Prewett –Asst Director  
Neighbourhoods and Investment  
Programmes

**Contact Officer:** As above  
(Telephone No.) 0151 934 3485

|  |     |    |
|--|-----|----|
| This report contains   | Yes | No |
| <b>CONFIDENTIAL</b><br>Information/  |     | √  |
| <b>EXEMPT</b> information by virtue of paragraph(s).....of Part 1 of Schedule 12A to the Local Government Act, 1972<br>(If information <u>is</u> marked exempt, the Public Interest Test must be applied and favour the exclusion of the information from the press and public). |     | √  |
| Is the decision on this report <b>DELEGATED?</b>   | √   |    |

**Purpose of Report**

To update the Sefton East Parishes Area Committee of progress made on resolving issues on both the Village Estate and the Satinwood Estate on Waddicar Lane, Melling

To reassure members that every effort will continue to be made to resolve these issues faced by the residents of Satinwood Crescent and the Village Estate

**Recommendation(s)**

To note the progress made to date.

To request that this item remain a standing agenda item until these issues are resolved

To ask the Sefton East Parishes Area Committee for their continued support to resolve these issues

**Corporate Objective Monitoring**

| <u>Corporate Objective</u> |                                 | <u>Positive Impact</u> | <u>Neutral Impact</u> | <u>Negative Impact</u> |
|----------------------------|---------------------------------|------------------------|-----------------------|------------------------|
| 1.                         | Creating a Learning Community   |                        | X                     |                        |
| 2.                         | Creating Safe Communities       | X                      |                       |                        |
| 3.                         | Jobs and Prosperity             |                        | X                     |                        |
| 4.                         | Improving Health and Well-Being | X                      |                       |                        |

|    |   |   |   |  |
|----|---|---|---|--|
| 5. | Environmental Sustainability  | X |   |  |
| 6. | Creating Inclusive Communities  | X |   |  |
| 7. | Improving the Quality of Council Services and Strengthening local Democracy | X |   |  |
| 8. | Children and Young People   |   | X |  |

## **Financial Implications**

| <b><u>CAPITAL EXPENDITURE</u></b>                  | <b>2006/<br/>2007<br/>£</b> | <b>2007/<br/>2008<br/>£</b> | <b>2008/<br/>2009<br/>£</b> | <b>2009/<br/>2010<br/>£</b> |
|--|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Gross Increase in Capital Expenditure              |                             |                             |                             |                             |
| Funded by:   |                             |                             |                             |                             |
| Sefton Capital Resources                           |                             |                             |                             |                             |
| Specific Capital Resources                         |                             |                             |                             |                             |
| <b><u>REVENUE IMPLICATIONS</u></b>                 |                             |                             |                             |                             |
| Gross Increase in Revenue Expenditure              |                             |                             |                             |                             |
| Funded by:   |                             |                             |                             |                             |
| Sefton funded Resources                            |                             |                             |                             |                             |
| Funded from External Resources                     |                             |                             |                             |                             |
| Does the External Funding have an expiry date? Y/N | When?                       |                             |                             |                             |
| How will the service be funded post expiry?        |                             |                             |                             |                             |

## **Departments consulted in the preparation of this Report**

Planning and Economic Regeneration Department  
Community Safety Division

## **List of background papers relied upon in the preparation of this Report**

None

### **SEFTON M.B.C.**

#### **1.0 BACKGROUND**

- 1.1 There have been long standing issues on both housing developments which have put barriers in the way for formal adoption by the Council and United Utilities. The Sefton East Parishes Area Committee in November 2009 resolved that this will be a standing agenda item until these matters can be resolved. Melling Parish Council has been working with the Council on this to resolve issues.
- 1.2 The main barrier to formal adoption has been the requirement to bring the sewers up to a standard whereby they could be adopted, by United Utilities. Until that happens, the Council think that there would be a risk that if they did the outstanding works to the highways then if the roads had to be dug up then the Council would be liable for the costs of repairing the roads.

- 1.3 The main reason for the length of time taken to move this forward is the fact that there was a long legal wrangle over land ownership of some of the road where the sewers would go. This is now resolved and the Council are absolutely determined to do all that they possibly can to move this along for the benefit of those people living on the two estates.
- 1.4 The following sets out the progress to date on the formal adoption of the sewers and highways on the two estates. It also sets out the range of measures which have been put into place to alleviate problems of anti-social behaviour and burglaries which have particularly affected the Satinwood estate.

## **2.0 Progress to Date**

### **2.1 Outcomes of Meetings with Morris and Persimmon Homes 8 and 9 February 2010**

- 2.1.1 The attached letters to Morris Homes and Persimmon Homes set out in great detail the series of action points agreed with them. It was clearly stated that the Council expected these to be actioned by 2 March 2010. To the great disappointment of the Council, this has not been the case. The only action point which has been partly met is agreement with United Utilities for the type of fencing which can be used to secure the pumping station.
- 2.1.2 The Council are continuing to chase these action points up with the two housing developers and are now working in partnership with United Utilities as set out below in 2.2 to move this forward

### **2.2 Meeting with United Utilities**

- 2.2.1 The Council met with UU on 2 March 2010 to agree a way forward which would enable them to adopt the sewers. The outcome of the meeting was that UU would formally notify Morris Homes that the bonds would be called in if they did not action necessary works by 31 March 2010.
- 2.2.2 Bonds are financial sums held back until the completion of works to UU and the Council's satisfaction. If a bond is called in, then it can affect a housing developer's ability to get another one. It's like credit scoring when you apply for a loan, etc.

### **2.3 Satinwood Estate Specific Issues**

#### **2.3.1 Land Ownership**

The Satinwood estate is basically split into two parts in terms of land ownership with Morris Homes owning some and Persimmon Homes owning the rest. This has led to some lack of clarity as to who owns what. To resolve this, a land registry search has been undertaken to clarify this and make sure that this doesn't lead to any abdication of responsibility. All green space on the left of the estate and where the pumping station is in Morris Homes

ownership. The play area behind the Horse and Jockey Pub is owned by Morris Homes and Bank of Scotland.

### **2.3.2 Maintenance of Green Space**

All green space is maintained by Persimmon Homes through a management development company. The frequencies on this are still to be determined.

### **2.3.3 Play Area**

Now that the ownership of the play area has been determined, work can begin to determine whether residents on that estate think that this is what the estate needs. There have been reported incidents of anti-social behaviour here and some residents have already expressed a view that it should be removed. It is suggested that a short questionnaire could be circulated asking for views on the usage of the play area and if it isn't needed alternative ideas for it.

This is not an easy thing to resolve and will take some time to do. Members will be kept informed of progress.

### **2.3.4 Anti-Social Behaviour and Crime Preventative Measures**

There has been an increased police presence on the estate to respond to the problems experienced by local residents. Leaflets have gone to all homes setting out the measures that householders can take to protect their properties, including smart water and visits from the Crime Prevention Officers. The mobile police station was on the estate and feedback from local residents was that this was very reassuring.

The Council have removed the bricks from the pumping station and tidied up the area around it. They have installed hoop barriers and A frames to stop motor bikes, stolen vehicles causing more problems on the estate. The Council also continue to pro-actively replace broken street lights immediately and charge the housing developers the costs to ensure resident safety wherever possible.

### **2.3.5 Brook at the back of Satinwood Crescent**

The Council arranged for Community Pay Back to clear out the brook to see if this was causing the leak. Unfortunately it wasn't and so more investigative works are under way to determine the reasons for why it leaks.

### **2.3.6 Stopping Up Order for Entrance onto Satinwood Estate at the back of the Brook**

As the land is owned by Knowsley Council, Sefton Council are awaiting permission to see whether we can process the stopping up order. The Council is also getting a quote to remove the tarmac path running from this and turn it back into green space. This will be dependent on getting the go ahead from Knowsley to progress the stopping up order.

### **2.3.7 Gating off of Canal Entrance**

The gate has been manufactured and will be installed within the next two weeks.

## **3 Next Steps**

3.1 If the Council are unable to progress this any further with the housing developer, there is a need to accelerate the pressure. To this end, the Council may wish for our Chief Executive to meet with the Chief Executives from the Housing Developers.

3.2 Members will be kept informed of any developments on this.

## **4.0 Recommendations**

4.1 To note the progress made to date.

4.2 To request that this item remain a standing agenda item until these issues are resolved

4.3 To ask the Sefton East Parishes Area Committee for their continued support to resolve these issues

## **ANNEX ONE**

Neighbourhoods and Investment  
Programmes Department  
1st Floor Magdalen House  
30 Trinity Road  
Bootle  
Merseyside  
L20 3NJ

Mr Scott Grady  
Technical Director  
Morris Homes

Date: 9 February 2010  
Our Ref: Satinwood Crescent  
Your Ref:

**Please contact:** Steph Prewett  
**Contact Number:** 0151 934 3485  
**Fax No:**

Dear Scott,

### **Satinwood Crescent Development and Village Estate Development Melling, Sefton, Merseyside**

I am writing to you after a very useful meeting with Darren Henson today from your organisation to set out what we agreed with associated timescales. I also think that this is a good opportunity to emphasise to you the critical importance that the Council attaches to getting the issues resolved on the above two developments as soon as possible.

I want you to be reassured that the Council takes its role as community leader very seriously and we really want to work with you to move this forward. We are prepared to be pro-active and take action where it is needed and we see our role as making sure that our customers get the services that they deserve and expect. We are absolutely determined to resolve these outstanding issues as soon as possible. I have impressed on Darren the importance of making sure that any obstacles to progress are highlighted to us as soon as possible, so that we can help you. On a practical level this does mean that I have requested that I am copied into all communication on these two estates to keep me informed and alert me to any issues.

The following sets out the context for the discussion that was had between the Council and Darren this morning with agreed action points for each area that needs to be addressed.

#### **1. Satinwood Crescent Development, Melling**

You will no doubt be aware that the Satinwood Crescent development is currently experiencing disproportionately high numbers of burglaries and incidents of anti-

social behaviour. This coupled with the sewer system breaking in December 2009 has meant that residents on the estate are understandably concerned and frustrated about the apparent lack of progress in moving forward with adoption issues. As a Council we have responded to some of these concerns by commissioning a series of preventative crime measures on the estate. We wrote to Darren about these with the detail on the 21 December 2010. These will begin to be installed on the estate week commencing 15 February 2010. In our meeting with Darren today, confirmation and agreement was reached with him that we would invoice Morris Homes for these works. This includes the removal of bricks from the pumping station site and the demolition of the walls to clear the site (this was completed on 8 February 2010).

The major issue that needs to be resolved is the formal adoption and vesting of the sewers. Darren has confirmed today that from your perspective there are two outstanding items of work that need to be done. These are set out below with the barriers to adoption and vesting and a set of agreed action points to resolve them.

## **1. Barriers to Vesting of Sewers**

### **(i) Works to Sewer System at Beginning of Satinwood Crescent**

The cause of the sewer over-flowing in December 2009 has been identified as an open joint in the sewer system at the start of Satinwood Crescent. Darren had not managed to view the CD of the sewer investigation, but the contractor had set this out as the problem. He had a verbal agreement from Gordon Ramsdale, Inspector from United Utilities UU that he had agreed that the works to rectify this, which were to dig down and sink the sewer 2m from the current invert level on the backdrop would be acceptable and UU would be in a position to formally vest the sewers. Gordon has subsequently left UU, but Darren felt that this message had been communicated to Graham Perry the person appointed within UU who was responsible for Sefton assets. I confirmed to Darren that unfortunately that wasn't the case as we had spoken to Graham and he was waiting for Morris Homes to contact him on progress.

Darren was going to bring copies of the quotes for the works to rectify the sewers with him today, but had not been able to get both quotes in time. He had a quote from Grizedale of £2,500 and was awaiting one from GRS. Both of these were contractors that UU would feel comfortable doing the works.

#### **Agreed Action Points**

- a. Darren would email quotes from Grizedale and GRS to me
- b. Darren would get in touch with Graham Perry at UU and ask him to confirm in writing that the suggested work would be acceptable to UU and enable them to formally vest the sewers. Although this was also dependent on the works to the pumping station detailed below being done to the necessary standard



- c. Based on agreement by UU in writing to the above, Darren to raise an order which would be agreed by Mike Gaskell, Chief Executive, Morris Homes to progress the works
- d. All correspondence on the above to be copied to me and problems encountered in resolving issues to be communicated to me as soon as possible
- e. Notification of timescales for implementation to be communicated to me for circulation to residents
- f. Confirmation on completion of the works that UU are happy with it to be sent to me and evidence of the inspection

## **(ii) Outstanding Works to the Pumping Station**

### **Barriers to Vesting**

At a meeting between the Council, Persimmon and Morris Homes on 19 November 2009, there was obviously a difference in opinion as to whether Persimmon Homes should contribute towards the costs of both repairing the pumping station when it broke down and bringing it up to a standard for UU to formally vest the sewer system. It was agreed at this meeting and confirmed in a letter to you and Persimmon Homes on 20 November 2009 that you would both come to a resolution on payment relating to the works to the pumping station by 24 December 2009. Following that works to the pumping station would be initiated and completed by 31 January 2010. The works would include sub level works as well as works to secure the actual pumping station.

Unfortunately, there is still an issue as to whether Persimmon Homes are liable for any further contributions. Darren has a quote (Pump Supplies) for the remedial works and this includes the replacement of one pump and the rebuilding of the other pump. This should cost approximately £5,000 with a further £3,500 to secure the pumping station. According to Darren today, the Section 104 Agreement which is a joint agreement with Persimmon Homes sets out that all works to the sewers was a joint responsibility with Morris and Persimmon sharing the costs 50/50. This would equate to £4,250 each to complete the works.

To be honest, I appreciate that this is a barrier to progress, but bearing in mind that the two temporary pumps which are on hire at the moment and have been for the past two months cost approx £2,000 per month, surely it would be more cost effective for Morris Homes to swiftly resolve this and save money.

Another issue around actual ownership of the land was a source of some confusion to me. Darren has intimated that UU actually own the land that the pumping station is on and that Morris and Persimmon Homes jointly own the pumping station. This needs some clarification from you.

Agreed Action Points

- a. Your organisation and Persimmon Homes to come to a resolution over payment and responsibility for the pumping station.
- b. Darren to confirm with evidence who owns the land and the pumping station
- c. Works to the pumping station including securing the site to be discussed with UU and agreed before works commence
- d. Darren to send me a copy of the Section 104 agreement

### **(iii) Remedial Works to the Highways**

#### **Barriers to Adoption**

As discussed the main barrier to undertaking the remedial highways works is the outstanding works to the sewers. A list of remedial highways works has been drawn up and it was agreed between Darren and Kevin Walker from the Council at our meeting that this would need to be revisited once the works to the sewer was underway. A fundamental principle was that the Council expected one contractor to undertake all the works on the estate at one time irrespective of land ownership issues. It was agreed that this would most likely be TWI.

#### **Agreed Action Points**

- a. Remedial works would be agreed with Kevin Walker before commencement on site with timescales for completion
- b. Kevin Walker would inspect each section of site and sign if off on a daily basis if necessary before the next section was undertaken to ensure that it met Highway standards for adoption
- c. A single contractor would be appointed by both Persimmon and Morris Homes for minimum disruption to the residents and a seamless programme of works

### **(iv) Play Area and All Public Open Spaces**

Darren was asked whether the play area and open spaces fell within the ownership of Morris Homes. He confirmed that from his perspective they didn't and that the maintenance of these was the responsibility of Persimmon Homes.

## **2. Village Estate**

### **(i) Formal Adoption and Vesting of the Sewers**

## **Barriers to Adoption**

This site is wholly owned by Morris Homes and has been delivered in four phases. The issues with the sewers was discussed. A CCTV investigation of the sewers for the Village showed that they are now fit for purpose according to Darren. The pump which had broken at the Village Estate pumping station had been replaced and he was now awaiting inspection from UU to sign off the sewer system for formal adoption and vesting.

### Agreed Action Points

- a. Darren to contact Graham Perry at UU and ask for an inspection to enable UU to formally adopt and vest the sewers
- b. Darren to copy me into any communication with Graham so that the Council is kept fully informed

## **(ii) Formal Adoption of the Highways**

### **Barriers to Adoption**

Kevin Walker confirmed that we have only been able to issue a Part 1 Certificate at this point which is disappointing. It was clear that the formal adoption of the sewers was the deciding factor for when the remaining works could be undertaken.

### Agreed Action Points

- a. After UU were content with the works to the sewer and had formally adopted and vested them. Darren would need to liaise with Kevin Walker to agree a programme of remedial works.
- b. The Village Estate is **not** to be tackled in four phases, but a collective package of works to be instigated
- c. All works to be inspected and signed off by Kevin Walker as per the Satinwood Estate process stated above

In conclusion and sincere apologies for the epic length of this letter! I feel that it is really important that I set out details of barriers to progress and agreed action points to move this on. **It was agreed at the meeting that all of the above action points with the exception of the actual undertaking of the highways works would be actioned and resolved by the 2 March 2010.** I am meeting Graham Perry on 2 March 2010 and as the works leading to the adoption and vesting of the sewers on both developments is critical to moving this on. I expect to meet with Graham and for him to be fully up to speed on this and able to confirm to me that he is confident that they can vest the sewers.

I understand that Darren rang you from his mobile directly after this meeting today. He has intimated that you are as keen to resolve these issues as we are and would

be presenting an urgent paper to your Chief Executive setting out a plan to do this. I am really pleased to hear that this is the case and would really appreciate it if you could get in touch and let me know the outcome of this as soon as possible.

Look forward to hearing from you soon and obviously no later than 2 March 2010.

Yours sincerely

**STEPH PREWETT**  
**ASSISTANT DIRECTOR- NEIGHBOURHOODS AND INVESTMENT**  
**PROGRAMMES DEPARTMENT**

CC: Darren Henson - Morris Homes  
Brian Mason, Kevin Walker and Mark Hunter – Sefton MBC

Neighbourhoods and Investment  
Programmes Department  
1st Floor Magdalen House  
30 Trinity Road  
Bootle  
Merseyside  
L20 3NJ

Letter To Persimmon Homes

Date:  
Our Ref: Satinwood Crescent  
Your Ref:

**Please contact: Steph Prewett**  
**Contact Number: 0151 934 3485**  
**Fax No:**

Dear Lester

### **Satinwood Crescent Development, Melling**

Thank you for taking the time to come in today to discuss the significant concerns that the Council has over the above development. I thought that it would be worth setting down in writing what we agreed at the meeting with a deadline for achievement.

Firstly, to set this in context we discussed the real concerns expressed by local residents about not feeling safe on the estate and actual incidents of crime and anti-social behaviour. This is in addition to the distress caused by the recent incidents with the sewers. As you know this is complicated further by the confusion amongst residents on the estate as to why the entire estate has yet to be formally adopted.

As a result, we then discussed what was actually stopping us from resolving these issues for the satisfaction of our customers. The following sets out the issues to be resolved and the actions that need to be taken to resolve them and by whom.

#### **1. Formal Adoption of the Sewers**

##### **(i) Barriers to Adoption**

At a meeting between Persimmon and Morris Homes on 19 November 2009, there was an issue identified as to an outstanding payment from your organisation for costs incurred in sorting out the pumping station. It was agreed at this meeting and confirmed in a letter to you and Morris Homes on 20 November 2009 that you would both come to a resolution on payment relating to the works to the pumping station by 24 December 2009. Following that works to the pumping station would be initiated and completed by 31

January 2010. The works would include sub level works as well as works to secure the actual pumping station.

In the meeting today, you have asserted that Persimmon Homes have no outstanding payments towards the costs of the pumping station. You indicated that at one point it was expected that Morris Homes who own the land where the pumping station is would transfer ownership to Persimmon Homes. This has not happened and you have stated that you have previously committed and expended resources to the works and so there is no further liability for costs from your perspective on this.

As the sewer system and responsibilities for implementation and maintenance are split between your organisation and Morris Homes, you are confident that your parts of the sewer system are fit for purpose. You have a Final Section 104 Certificate which has been signed off by United Utilities.

Agreed Action Points:

- Copy of Section 104 Certificate to be sent to me for information
- Brian Mason to discuss formal adoption of the Persimmon Homes element of the sewers with Greg Jones, United Utilities
- Brian Mason to discuss with Morris Homes their understanding of whether there was still an outstanding payment from Persimmon Homes for works to the pumping station

## **2. Completion of the Outstanding Remedial Works to the Highways**

### **(i) Barriers to Adoption**

The main issue with completing the outstanding works has been the need for the sewer system to be formally adopted by United Utilities before the highways works can be undertaken. At the meeting between Morris Homes and Persimmon Homes on 19 November 2009 and the subsequent follow up letter of 20 November 2009. It was agreed that all highways remedial works would be completed by 31 March 2010.

It was intimated by you in our meeting today, that if the works to your elements of the sewer could be formally adopted then you would like to move towards a swift resolution of the outstanding highways works on your element of the site. This would enable this part to be formally adopted by the Council. You felt that your preferred contractor TWI could undertake the works within the next two weeks. The Council confirmed that this was a contractor who would have the necessary skills to undertake this work to the required standards for adoption. However, the works would be subject to inspection.

Although, this was considered to be a very pro-active response from you, it was pointed out that the Council needs to give this careful consideration.

Agreement to proceed would be dependent on two things. Firstly, that the formal adoption of the sewers needed to be done and secondly that all works to the estate irrespective of whose piece of the estate it was should be done by one contractor at the same time.

#### Agreed Action Points

- That Brian Mason would discuss progress on resolving any outstanding issues with the sewers with Morris Homes as the key stretch where any problems may be was within their ownership. The outcomes of this discussion would determine whether formal adoption of all or parts of the highways could be adopted.
- That Brian Mason would discuss with Morris Homes whether they would be comfortable with using Persimmon Homes preferred contractor for the outstanding remedial works
- That Kevin Walker would make sure that the outstanding list of remedial works was current and would meet on site with you to make sure that there was complete agreement on outstanding works needing to be done and the costs of these.

### **3. Maintenance of Grassed Areas**

The issue of future maintenance of grassed areas was discussed. You confirmed that there was only one area of grass at the start of Satinwood Crescent which you shared responsibility with Morris Homes for. This piece of land after adoption of the estate would be the responsibility of the Management Development Company that had been appointed to maintain areas on the estate.

#### Agreed Action Points

- That you would ensure that this area was included within any future maintenance schedule for the estate and agreed with the Management Development Company before adoption

### **4. Broken Street Lights**

A number of broken street lights were reported by residents to the Council. Due to the number of burglaries and incidents of anti-social behaviour, the Council had responded immediately on this and had fixed them. You were very appreciative of this and were happy for us to charge you for the costs of these. This amounted to £307.

#### Agreed Action Points

- An invoice for this amount would be sent to you for payment.

In conclusion, you helpfully set out for me which elements of the site you had responsibility for. This certainly helped to clarify some issues for me. You also confirmed that the play area was Morris Homes responsibility to maintain.

As you know we are meeting Morris Homes tomorrow and I will get back to you as soon as I can with a view from them. I am really hoping that we can all work together for the benefits of our customers to now resolve all outstanding matters in a positive way. Certainly, the Council are willing to do all that they possibly can to facilitate this, so if there are any issues that you feel are holding back progress, please let me know.

In terms of timescales for resolving the above action points, I see no reason why they cannot be done by 2 March 2010. This is with the exception of the grounds maintenance issue.

If you feel that this letter does not reflect the tone of the meeting or the action points agreed then please let me know by 15 February 2010.

Yours sincerely

**STEPH PREWETT**

**ASSISTANT DIRECTOR – NEIGHBOURHOODS AND INVESTMENT  
PROGRAMMES DEPARTMENT**

CC: Brian Mason, Kevin Walker and Mark Hunter – Sefton Council