

Appendix 09

Reasons for Approval



20F/0001

Bramley Moore Dock

Regent Road

Liverpool

Appendix 9: Reasons for Approval

Principle of Development

The application assessment process has involved a rigorous assessment of all aspects of the development beginning with whether the proposed development is acceptable in national and local planning policy terms. Although the site is allocated for Port use in the UDP planning permission has subsequently been granted for the Liverpool Waters scheme. The UDP is therefore considered out of date in relation to the site and the application needs to be assessed having regard to other material considerations including the NPPF and emerging Local Plan. An extensive amount of information has been provided with the application to explain the reasons the club believe Bramley Moore Dock is the only suitable, feasible and available site and how the development will deliver significant public benefits that will outweigh the harm to heritage that would occur. Having very carefully considered the information submitted the Local Planning Authority is satisfied there are compelling reasons for the stadium to be located at Bramley Moore Dock and a convincing case why the significant public benefits will deliver outweigh the substantial harm to the heritage assets to justify the development.

Heritage Issues & WHS

The site is evidently sensitive from an historic environment perspective. There are a number of important heritage assets within and around the site that will be harmed as a consequence of the proposed development. The impact of the scheme on these assets has been a central consideration that has shaped the proposals from the outset. The club has liaised closely with Liverpool City Council and Historic England all the way through the application process and been guided by the constructive advice provided. Historic England have made clear their fundamental concerns about the choice of Bramley Moore Dock as the location for the new stadium and have expressed reservations about the site selection process maintaining that insufficient importance has been attached to protecting heritage assets including the WHS in comparison to other planning considerations. The Alternative Site Assessment submitted with the application has been amended to strengthen the case and the Local Planning Authority is satisfied that the ASA is sound and provides a credible and comprehensive appraisal on which to make an informed planning judgement. In this respect although it acknowledged that the development will result in harm to heritage assets of the highest importance and that level of harm has been assessed to be at the substantial end of the scale, it is considered the development would bring significant public benefits to an area that is in real need. The application is a unique opportunity and it is considered there are compelling reasons why on balance the development is necessary to achieve substantial public benefits that outweigh the harm that would occur. The application therefore meets the tests set out in the NPPF (para 195 and 196).

Transport, Highways & Traffic Management

LCC Highways Officers consider the development, with the proposed mitigation measures implemented, to be in line with current transport policy at national, regional and local levels. It is considered that the traffic generated by the non-match day use

of the stadium (café, restaurant, club house and conferencing facilities) will have only a minor impact upon the operation of the local, or strategic highway network, and will not disadvantage the traveling public or businesses. The mitigation measures required will ensure the walking environment in the locality of the stadium is better equipped to deal with the anticipated crowd movements, and will (in the future) link with the Liverpool Waters development when it is fully realised. On Match Days, and on the occasions where Events are planned to be hosted at the stadium, a package of traffic and pedestrian management measures are proposed which will manage and mitigate the impact of the traffic generated and ensure the safety of people moving to and from the stadium. Kerbside parking and loading controls are proposed to be implemented across a wide area which broadly aligns to a 20 minute walking distance from the stadium, to ensure local residents and businesses are not disadvantaged. The capacity of the rail and bus network has been analysed, and a crowd corralling system is proposed to be introduced at Sandhills Station on match days to ensure the platforms do not become overcrowded. Additional shuttle buses are proposed to be operated on match days to take spectators to and from the transport hubs in the City Centre, helping to relieve some of the potential demand placed on the Northern Line of the Merseyrail network. Contributions towards the funding of a regular, frequent bus service linking the stadium with the City Centre (via the Northern Docks regeneration area) will ensure non-match day access to regular bus services is realised. These measures will be supplemented by three additional taxi ranks which will come into operation on matchdays, although it is predicted that large numbers of spectators will walk between the stadium and the city centre. On match days, coach parking will generally be accommodated to the north of the stadium, on Regent Road, with additional coach parking to the north of Sandhills Rail Station.

On this basis, providing the mitigation measures identified as either specific planning conditions or with a S106 Agreement are implemented, Highways Officers are satisfied that the development will comply with national, regional and local transport policy and will not prejudice the safe and efficient operation of the transport network.

Design

The proposed stadium has been designed to fulfil the club's brief and respond to the site's unique dockland location. The design rationale has been clearly set out in the Design and Access Statement has had the benefit of extensive pre-app advice from Liverpool City Council's Planning, Access and Urban Design Officers as well as Places Matter Design Review. This close co-operation and support continued after the application was submitted and contributed to positive changes to the scheme that has improved the design and functionality of the scheme. Historic England have been fully involved in all stages of the process and notwithstanding their reservations that the need for the development of Bramley Moore Dock is justified they have acknowledged the design is sensitive to its surroundings and respectful of its context. It is therefore considered the design is sympathetic to the local character and history of the docks. Appropriate materials are used to create a distinctive and attractive building with good architecture that will make a strong impression and takes full advantage of its prominent waterfront location. The stadium is designed to

minimise its carbon footprint and be efficient to run whilst being fully accessible and safe from the impact of climate change. On this basis the design complies with NPPF para 127, UDP policies HD11- HD28 and Local Plan Policies CC10 & CC11 and UD2-UD8.

Environmental Impact Assessment and Habitats Regulations Assessment

The Environmental Statement, and the subsequent Environmental Statement Addendum and the various technical assessments together with the consultation responses received from statutory consultees and other stakeholders and parties enable the Local Planning Authority to determine this application with the knowledge of the likely significant effects of the proposed development. The submitted ES & ES Addendum and supporting technical appendices have been carefully reviewed by the LPA and the statutory consultees and local advisors and additional information provided to address any residual concerns. Natural England and MEAS have confirmed they are satisfied it is safe to conclude an Appropriate Assessment of the scheme has been carried and the requirements of the Habitat regulations have been met. On this basis it is considered that subject to the various mitigation measures covered by the recommended conditions the proposals comply with the requirements of the NPPF and UDP Policy EP15 and Draft Local Plan policies STP2 and GI5.

Ecology

Bramley Moore Dock lies within, or nearby, a number of sensitive receptors and the impact of the proposed development on these receptors has been carefully assessed in the EIA having regard to the relative sensitivity of the receptor, the magnitude of the impact and the significance of the effect. The assessment has taken account of current conditions as the baseline and assessed impact of the stadium proposals alone and in addition to future planned development, where appropriate, to consider the combined cumulative effect. Natural England and Merseyside Environmental Advisory Service have been fully consulted as part of the application process and additional information supplied to support the findings in the EIA (and HRA) where this was identified as necessary. The ES has informed the mitigation measures required which are covered by the recommended conditions. Subject to these controls the LPA and its advisors have been able to conclude the development will not have an unacceptable impact on ecological receptors and the application complies with the NPPF, UDP Policy OE5 and Local Plan Policy GI5

Flood Risk

A Flood Risk assessment (FRA) has been submitted with the application which has considered the risks of flooding to the site and preventative measures have been identified. Calculations have been supplied with the FRA which show the run off rates which have informed the drainage design to ensure it meets appropriate requirements and there is appropriate surface water management. Conditions are recommended requiring compliance with the details set out in the revised FRA. Subject to these conditions the proposed development will accord with NPPF para 165, UDP Policy EP13 and Local Plan Policy R3 which require development to demonstrate appropriate water management measures and that there is no increase in flood risk.

Land Contamination

The application proposes the site would be remediated to an appropriate level and the development is considered to be in accordance with relevant national, regional and local contaminated land policies which seek to manage development and minimise the potential harm of contamination by ensuring suitable mitigation measures are put in place and secured by planning conditions. The proposed development therefore accords with NPPF para 178, UDP policy EP2 and Local Plan policy R1.

Air Quality

The development proposals have the potential to effect air quality within the vicinity of the site and its approaches during both the construction and operational phase of the development. To understand the extent of any effect, demonstrate accordance with policy and inform any necessary mitigation measures an Air Quality Assessment (AQA) has been carried out as part of the EIA and the findings reported in ES (chapter 8). The AQA has been reviewed by LCC's Air Quality Support Officer and updated in the application re-submission to address issues raised. This assessment has confirmed there will be an impact on air quality as a consequence of the proposed development given the prospect of additional vehicle emissions directly and indirectly associated with the stadium development, however, the relocation of the stadium will reduce match day traffic around Goodison Park and mitigation measures are proposed to minimise adverse impact of emissions in the vicinity of Bramley Moore Dock. During construction dust minimisation measures will be required through the construction management plan to limit the air quality impacts during this phase of the development. The energy equipment installed will comply with emission standards for the type of plant proposed to minimise the operational impact of the development post construction. Having regard to the measures proposed to mitigate the impact of the development it is considered the application accords with NPPF para 170, UDP policy EP11 and Local Plan policy R1.

Noise and Vibration

It is accepted as inevitable that noise and vibration will occur as a result of construction, road traffic, operational plant, during football matches and other sporting events and music concerts. To assess the likely extent of any effect on the environment, demonstrate accordance with policy and inform any necessary mitigation measures the ES contains an assessment of the noise and vibration that would occur over existing baseline levels. The assessment has been reviewed by LCC Environmental Protection Team who have advised the development should not give rise to a significant adverse noise impact at any existing nearby noise-sensitive receptors, other than during match days at the Titanic Hotel, where the transient nature of guests means that the noise impact is not considered to be significant. Curfew measures are recommended to prevent excessive late night noise from football matches and other events to protect future residential amenity within Liverpool Waters and Ten Streets and subject to these measures being secured through the recommended conditions it is concluded that the application would

comply with the NPPF, Policy EP11 of the UDP and Policy R1 of the Draft Local Plan.

Wind and Microclimate

Because the site occupies an exposed position it has been important to ensure conditions in an around the stadium are safe and comfortable for all users. Significant testing has been undertaken which has informed the design response. A combination of measures have been incorporated in the building and landscaping design which allow the stadium to function safely during adverse weather conditions. These measures can be supported by appropriate management arrangements will ensure the safe arrival and departure of spectators during periods of high winds. A Daylight, Sunlight and Overshadowing assessment has also been undertaken which has demonstrated that the completed development will have a negligible impact on daylight and sunlight levels on the site surroundings and any effect will be less that may otherwise occur through development already permitted under the Liverpool Waters outline planning permission. On this basis the application complies with the NPPF, UDP Policy HD18 and Local Plan Policy UD2.

Sustainability and Climate Change

A Sustainability Statement, Energy Statement and Flood Risk Assessment have been submitted with the application and have been assessed by Liverpool City Council and statutory consultees. The Sustainability Statement explains how the club's sustainability aspirations are embedded within the new stadium project and align with local and national planning policy by using a Sustainability Framework to make informed decisions through the lifecycle of the development in terms of design, construction and operation. The Energy Statement sets out the energy strategy for the proposed development as it aligns with local and national planning policies and by focusing on measures which reduce the carbon footprint to the minimum possible and maximising efficient use of resources to reduce energy demand through smart design and technology. The scheme also takes account of the potential impact of climate change and the Flood Risk Assessment has informed the levels required to take account of coastal change and prevent flood risk through the building and landscape design. These measures ensure the application conforms to the NPPF para UDP Policy EP13 and Local Plan Policy R3.

Inclusive Access

It is acknowledged that due to the site constraints the stadium will have a relatively low number of car parking spaces in comparison with other football stadiums which presents a concern about disabled supporter's ability to access the stadium by private transport. The details of the proposed development, both in terms of design and operation, have been subject to extensive consultation with Liverpool City Council, the Corporate Access Forum and disable supporter's groups and the club have responded positively to improve aspects of the design and transport options. This has included refining details of the facilities provided within the stadium and access arrangements for disabled people including the provision of additional shuttle buses free of charge by prior appointment. In terms of design it is evident that the

club has aspired to create a stadium that will be an exemplar of accessibility and inclusion and the proposals achieve this in many respects. The club has confirmed its commitment to continue to liaise closely with disabled user groups including the Corporate Access Forum and Everton Disabled Supporters Association to address concerns that arise and conditions are proposed to ensure that the development meets all relevant planning requirements. On this basis it is considered the stadium achieves a quality of design that is suitable and inclusive for all persons and accords with the requirements of NPPF para 127 (f) UDP Policy HD19 and Local Plan Policy UD4 and the Design and Access for All SPD.

Impact on Surrounding Area / Neighbouring Businesses and Residents

Bramley More Dock is situated within an industrial dockland environment. The application site is contained behind a dock boundary wall that creates an effective physical barrier between the dock system and land and property to the east. The EIA has assessed how the stadium will effect exiting conditions in the surrounding area and demonstrated that the stadium building and associated works will not have a significant adverse impact in terms of daylight / sunlight /overshadowing; noise and vibration; wind/microclimate; and air quality either during construction or upon operation once complete subject to the recommended mitigation measures being implemented. The greatest impact on occupiers of nearby premises will occur as a result of the road closures which are necessary when football matches or major events are held. These closures are essential for public safety and security reasons and will be managed by the club, supported by the Highways Authority and the Police to minimise disruption. The measures are temporary in nature and should not compromise the quality of life or business continuity to an unreasonable extent. A range of measures are proposed as planning conditions to protect local amenity, such as the late night curfew, and it is considered that these controls in combination with the significant infrastructure improvements planned will ensure the development will not have an unacceptable harmful effect on neighboring businesses and residents.

Conformity with Liverpool Waters

Bramley Moore Dock sits within the Northern Docks Neighbourhood of the Liverpool Waters scheme which is planned as the final phase of that development. Whilst there is no detailed masterplan for the Northern Docks the Liverpool Waters remains a key strategic regeneration project for the city which must not be undermined by other development schemes. As with other alternative proposals that have been approved as standalone applications recently, the stadium has been reviewed to check compatibility with the balance of the Liverpool Waters development that would remain after Bramley Moore Dock is developed for the stadium. The impact of the stadium on the surrounding highway network has been assessed to confirm the development can be accommodated without disrupting access to and travel patterns within Liverpool Waters. The proposals include the provision of new public realm that will tie the development into the surrounding area and appropriate management strategies and mitigation measures, are planned to ensure potential problems of noise, air-quality, waste, ground contamination, water quality, and flooding will be suitably mitigated, during construction and subsequent operation to protect residential and environmental amenity. Taking these factors into account it is

considered the stadium proposals will not prejudice the Liverpool Waters development and will in fact help open up development opportunities within the docks and attract further investment in the wider Liverpool Waters scheme.

Security

The Stadium Management Plan would provide satisfactory information for the Local Planning Authority to ensure appropriate security/operational measures are implemented on match days, other event days and during general use. The proposed planning conditions require the measures contained in the Stadium Management Plan to be implemented, monitored and improved on where necessary. The City Council's Licensing Officer advises that the design and construction of the stadium has been designed to comply with the requirements of the Guide to Safety at Sports Grounds (The Green Guide), the relevant Building Regulations, Codes of Practice and British Standards which will enable the stadium to apply for a safety certificate under the provisions of the Safety of Sports Grounds Act 1975 as amended by the Fire safety and Safety of Places of Sport Act 1987. In addition, subject to the detailed stadium design being Secure by Design compliant and the acceptable submission of the Stadium Management Plan, the proposed development would ensure that appropriate measures are incorporated and provided for to minimise incidences of crime and disorder in accordance with NPPF para 127 (f) UDP Policies HD18 & HD20.

Regeneration

The proposed stadium is a unique opportunity that will provide significant economic social and environmental benefits for the Kirkdale ward, North Liverpool, the city of Liverpool and the wider city region. It represents a £505m investment in an area of the city which has experienced a long period of economic decline and needs regeneration. This is an important land use planning consideration and is point made strongly in the majority of the 3000 plus public representations submitted in connection with the application. The application includes estimates of the expenditure during construction and the operational phase of the development and provides further information that seeks to quantify the benefits overall. The club estimate the People's Project could deliver at least a £1.3billion boost to the economy, create more than the initially estimated 15,000 jobs and still attract 1.4million visitors to the city. The positive ripple effect will be felt across the city region's economy. Local families who have members of their households working on the development will benefit from £32million of income. Liverpool City Council could see an annual return of £2.1million in Council Tax, while Business Rates income could yield a further £1.7million per year. By any measure it is clear the stadium development will provide physical, social and economic benefits that will transform the area. By giving public access to the dock estate, re-developing disused land and creating job opportunities in an area where they are currently very few it is considered there are sound regeneration reasons for approving the application.

Objections

Whilst the vast majority of representations received have been overwhelmingly supportive of the proposed development a number of concerns have also been raised to the application. The issues raised in these objections have very carefully considered in the assessment of the application and for the reasons set out in the report it is considered that planning permission should be granted for the proposed development subject to the control and mitigation measures proposed in the application report. This decision is taken on the basis that the proposed controls, mitigation measures and delivery commitments contained in the draft conditions and Heads of terms of the Section 106 Agreement set out in the report provide an adequate framework of control to ensure as far as reasonably practicable that the public benefits of the scheme will be realised in accordance with relevant land use planning policies whilst providing the mitigation measures and environmental protection and improvements necessary to address the likely significant adverse impacts of the development.