

# REGENT ROAD DOCK WALL

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Everton Stadium Development Limited

## PLANNING STATEMENT

September 2020

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# CONTENTS

- 1.0 Introduction .....2
- 2.0 Application Site Context .....4
- 3.0 Application Proposals .....12
- 4.0 Statutory Development Plan .....17
- 5.0 Material Considerations .....19
- 6.0 Planning Assessment .....23
- 7.0 Summary Conclusions .....26

## 1.0 Introduction

- 1.1 CBRE Limited, on behalf of Everton Stadium Development Limited (hereafter referred to as 'Everton' or 'the Club'), has prepared this Planning Statement in support of a Listed Building Consent (LBC) application for proposed works to the Grade II listed Regent Road dock wall at Bramley-Moore Dock, Liverpool.
- 1.2 Everton is proposing to relocate from its current stadium at Goodison Park where it has played football since 1892. The proposed new stadium at Bramley-Moore Dock is part of the Club's redevelopment plans which are referred to as 'The People's Project' and comprise:
  1. The development of a new 52,888 seated capacity stadium predominantly for football use (with the ability to host other events) with associated facilities and infrastructure; and
  2. Demolition of the existing Goodison Park stadium (post relocation) and redevelopment of the site for a mixed-use development, including housing, commercial space, community / leisure use and open space, referred to as the 'Goodison Park Legacy Project' (GPLP).
- 1.3 The proposed works to which this LBC application relate are a consequential impact of part 1 of The People's Project i.e. the development of a new stadium at Bramley-Moore Dock.
- 1.4 A planning application for the proposed development of a stadium at BMD has been submitted to the Council (application reference 20F/0001) and is currently pending determination. This LBC application should therefore be read and considered alongside the planning application for the wider stadium proposals at BMD.

### APPLICATION CONTENT

- 1.5 This LBC application comprises the following documents:

**Figure 1.1: LBC Application Documents**

REPORT TITLE	PREPARED BY
Application covering letter	CBRE Limited
Application Form	CBRE Limited
Planning Statement	CBRE Limited
Existing and proposed plans	Pattern Design / Planit-IE / Buro Happold / Survey & Engineering Projects
Design & Access Statement	Pattern Design
Heritage Statement	KM Heritage
The Switchback File Note	Heritage Project Management
Conservation Strategy — including Removal, Protection and Disposal Strategies	Heritage Project Management
Reconstruction Works, Repairs and Nonintrusive Works	Heritage Project Management & Laing O'Rourke
Creation of Regent Road dock wall Pedestrian Openings	Heritage Project Management & Laing O'Rourke
Wall Condition Survey	Heritage Project Management
Factual Report on Ground Investigation	Structural Soils Limited
Construction Management Plan	Laing O'Rourke

# Introduction

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## STRUCTURE OF DOCUMENT

- 1.6 The remainder of this Planning Statement is structured as follows:
- **Section 2.0 – Application Site Context:** describes the application site, including the listing for the Regent Road dock wall, the wider location and planning history;
  - **Section 3.0 – Application Proposals:** details the proposed works affecting the listed structure, including consultation undertaken to inform the proposals;
  - **Section 4.0 – Statutory Development Plan:** status of the statutory development plan and details of relevant policies;
  - **Section 5.0 – Material Considerations:** summarises other relevant policy documents at national and local level;
  - **Section 6.0 – Planning Assessment:** considers the potential heritage impacts and public benefits associated with the proposed development; and
  - **Section 7.0 – Summary Conclusions:** concludes on the overall acceptability of the proposal from a planning perspective.
- 1.7 A detailed description of the application site and surrounds is therefore provided in the next section.

## 2.0 Application Site Context

### THE APPLICATION SITE

- 2.1 The following section provides details of the application site, the surrounding area and the listing for the Regent Road dock wall. A summary of the relevant planning history is provided, as well as a recent planning and listed building consent application in relation to the dock wall adjacent to Princes Dock.
- 2.2 The application site comprises the section of the Regent Road dock wall which adjoins BMD, separating it from Regent Road to the east. This section of wall extends to approximately 230m and is bound to the north by the United Utilities Wastewater Treatment Works (WwTW) and to the south by Nelson Dock.
- 2.3 The site is bound to the east by the highway of Regent Road and to the west by BMD quayside. The application boundary includes the pavement of Regent Road adjacent to the wall and an area of surfacing within BMD to the west of the wall, as well as the existing electricity substation, located adjacent to the southern entrance point.
- 2.4 The wall itself is approximately 4.4m in height and tapers from a width of approximately 700mm at the base to approximately 300mm at the top. A series of curved coping stones are affixed to the top of the wall, providing a curved profile to the wall.
- 2.5 The wall comprises random granite stonework of various sizes, joined using a black ash mortar and brought to fair face. The wall was designed by dock engineer Jesse Hartley, who also designed BMD. The same cyclopean granite style of construction was used in the Regent Road dock wall as is present in the BMD dock retaining walls.
- 2.6 This section of the Regent Road dock wall includes a plaque reading 'Bramley-Moore Dock', used to identify the dock located behind the wall.
- 2.7 A stepped brickwork wall adjoins a section of the Regent Road dock wall, on the BMD side, in the northern part of the site. This remnant brick structure tapers in height and corresponds with the remains of the 'Switchback', which was a section of the Dockers Overhead Railway which was designed to lower the railway to ground level in this location, in order to avoid the Hydraulic Bridge which was located just to the north of BMD.

### Access

- 2.8 BMD is not publicly accessible. Access for authorised personnel on foot or by vehicle is via two existing turreted access points through the Regent Road dock wall within the site boundary. The northern entrance is gated with replica timber gates and modern metal fencing behind and is less frequently used as an access. The southern entrance is the main access point and is secured by metal gates and a secondary line of fencing further into the BMD site.
- 2.9 The southern entrance contains two openings with a turret either side and a larger central turret separates the openings. The same arrangement is located at the northern entrance but only the central and southern turret are within the site boundary, with the northern opening and turret located within the demise of the United Utilities WwTW to the north.
- 2.10 The central turret at each entrance contains the former gatekeeper / dock police lodge.
- 2.11 The original timber gates survive in position at the southern access point but are no longer present at the northern entrance, where they have since been replaced by a more modern version of timber gate.

## Application Site Context

### Bramley-Moore Dock

- 2.12 BMD quaysides and water body lie beyond the application site, to the west of the wall. The BMD site extends to 8.67ha.
- 2.13 In addition to the listed Regent Road dock wall, the following listed structures are also present on the BMD site:
- Hydraulic Engine House at Bramley-Moore Dock, Grade II listed (Historic England list entry 1072981);
  - Bramley-Moore Dock Retaining Walls, Grade II listed (list entry 1072980); and
  - Nelson Dock Retaining Wall, Grade II (list entry 1209519).
- 2.14 The Regent Road dock wall forms the eastern site boundary to the BMD site. BMD is bound to the north by a boundary with the United Utilities WwTW which is located on the now infilled Wellington Dock. Sandon Half-Tide Dock is situated to the north of the site, to the west of the WwTW, and connects to the BMD waterbody at the north-west corner of the site.
- 2.15 The Grade II listed Nelson Dock retaining wall along the northern boundary of Nelson Dock and associated quayside form the southern BMD site boundary. The western site boundary to BMD is formed by the River Mersey sea wall, which is an elevated section of wall which runs north to south along the western boundary, separating the application site from the River Mersey to the west.

### Surrounding Area

- 2.16 The section of the Regent Road dock wall to which this LBC application relates is only a small part of the entire wall. Before the dock system closed, the dock wall extended for c. 8km in its entirety, of which 2.75km lies within the World Heritage Site. This application relates to approximately 230m of the wall.
- 2.17 The wall was designed to separate the waterside working area from Regent Road and warehouses and associated industry to the east. Its purpose was security, to protect moored ships and their cargo.
- 2.18 The wall was erected in six stages and stretched from Pier Head in the south to Huskisson Dock to the north. The oldest section of the wall is located at Princes Dock, to the south of the application site. This section is different in material to the application site, with the former comprising red brick with a sandstone coping.
- 2.19 The application site is within an industrial dockland environment. The dock system runs north to south, located between the wall to the east and the River Mersey to the west. In the north the dock system terminates at the Royal Seaforth Dock in Sefton, and to the south ends at Brunswick Dock in Liverpool.
- 2.20 The area to the east of the application site is known as the Ten Streets and Wellington Employment Area and predominantly comprises commercial and industrial properties and storage yards, including a timber retailer and tyre retailer. A small row of two and three-storey terraced properties front on to Regent Road at the north-east corner of the site (north of Blackstone Street), comprising both businesses and residential premises.

# Application Site Context

## LISTING

- 2.21 The section of the Regent Road dock wall adjacent to BMD is Grade II listed (list entry number 1072979) and referred to as 'Dock wall from opposite Sandhills Lane to Collingwood Dock with entrances, Regent Road'.
- 2.22 This section of the wall was first listed in March 1975 and the listing contains the following description:
- '18/954 Dock wall from opposite Sandhills Lane to Collingwood Dock with entrances 14.3.75.G.V.II*

*1848. Wall. Jesse Hartley. Stone wall about 18 ft high, built of large irregular shaped blocks of granite, and with large carved plaques eg "Sandon Graving Docks 1848", and "Collingwood Dock". Main entrance to Sandon Dock (A) has 2 large square stone piers with cornices and iron lampholders; centre brick watchman's hut about 8 ft square with cornice, modillioned eaves, parapet, corner ornament, centre chimney, name plate on front in pedimented panel; wooden gates slide into thickness of wall (southern one now bricked up). Entrance to Docks 47, 49, 50 (opposite Boundary Street) (B) has 3 round tapering turrets with large base and heavy abacus tops, and deep slits at sides for gates. Former entrance farther to south (C) is similar, but the centre turret is oval on plan. Entrance to North Collingwood, North Salisbury and Nelson Docks (D) has 3 round towers, the centre one taller and larger. Entrance to Nelson, South Wellington and Bramley Moore Docks (opposite Fulton Street) (E) also 3 round towers, the centre one taller and larger. A similar former entrance (now blocked) (F) near Bramley Moore pumping station.'*

## OTHER HERITAGE DESIGNATIONS

### World Heritage Site

- 2.23 The site forms part of the UNESCO World Heritage Site (WHS) designation 'Liverpool – Maritime Mercantile City' (reference 1000104). The WHS was designated in 2004 and comprises six areas in the historic city centre and docklands of Liverpool; the application site is located within the Stanley Dock character area.
- 2.24 The WHS extends to 136ha and the Buffer Zone associated with the site extends to 750.5ha. In total, the WHS and Buffer Zone cover approximately 886.5 ha / 8.9 km<sup>2</sup>. The site extends from Bramley-Moore Dock in the north to Wapping Dock in the south but excludes some dockland and infilled dock within this stretch. The site also extends eastwards into the city centre.
- 2.25 The reasons for the designation against the UNESCO criteria for the assessment of Outstanding Universal Value (OUV)<sup>1</sup> are as follows (as detailed in the UNESCO nomination file, 2004):
- **Criterion (ii):** Liverpool was a major centre generating innovative technologies and methods in dock construction and port management in the 18th, 19th and early 20th centuries. It thus contributed to the building up of the international mercantile systems throughout the British Commonwealth.

<sup>1</sup> As detailed in the UNESCO Operational Guidelines for the Implementation of the World Heritage Convention (2019).

## Application Site Context

- **Criterion (iii):** The city and the port of Liverpool are an exceptional testimony to the development of maritime mercantile culture in the 18th, 19th and early 20th centuries, contributing to the building up of the British Empire. It was a centre for the slave trade, until its abolition in 1807, and for emigration from northern Europe to America.
- **Criterion (iv):** Liverpool is an outstanding example of a world mercantile port city, which represents the early development of global trading and cultural connections throughout the British Empire.

- 2.26 The dock structures within the WHS are identified by UNESCO as contributing to the authenticity of the Outstanding Universal Value (OUV) of the designation, in terms of their form, design, materials and use/function<sup>2</sup>.
- 2.27 The WHS was inscribed on UNESCO's List of World Heritage in Danger in 2012 and has remained on this list every year since. The reason given for this decision was the indication that Liverpool City Council (LCC) was minded to grant the proposed Liverpool Waters development (LPA ref. 100/2424), which UNESCO noted as a potential danger to the World Heritage property. In 2012, UNESCO<sup>3</sup> identified that should the Liverpool Waters project proceed as originally proposed, there was a possibility of deletion of the property from the World Heritage List.

### Conservation Area

- 2.28 The application site lies within the Stanley Dock Conservation Area, which was designated in 2002. The conservation area is one of the key 6 areas which make up the Liverpool Maritime Mercantile City WHS.
- 2.29 Although there is no Conservation Area Appraisal available for the Stanley Dock Conservation Area, the adopted World Heritage Site Supplementary Planning Document (SPD) (2009) provides details of the characteristics of the area (refer to Section 5.0 of this Planning Statement). Although the SPD was produced 11 years ago, and prior to the publication of the NPPF, it remains the most detailed local guidance relating to the World Heritage Site and conservation area.
- 2.30 The conservation area covers several docks, including Bramley-Moore Dock, the Regent Road dock wall, part of the Leeds and Liverpool Canal and several historic dockyard structures and buildings. Many of the conservation area's remaining structures are Grade II\* or Grade II listed.

### PLANNING HISTORY

- 2.31 The following table documents the planning history of the application site dating from the most recent approval back to 2000.

<sup>2</sup> UNESCO, <https://whc.unesco.org/en/list/1150/>

<sup>3</sup> UNESCO Decisions adopted by the World Heritage Committee on its 36<sup>th</sup> session, 2012, document reference WHC-12/36.COM/19, pgs 132-133.



## Application Site Context

Figure 2.1: Planning History

APPLICATION REFERENCE NUMBER	ADDRESS	APPLICANT	DESCRIPTION OF DEVELOPMENT	DECISION
20F/0001	Bramley-Moore Dock, Regent Road, Liverpool	Everton Stadium Development Limited	Application for Full Planning Permission in accordance with submitted drawings for the demolition of existing buildings/structures on site (listed in the schedule); remediation works; foundation/piling works; infill of the Bramley-Moore Dock, alteration to dock walls and dock isolation works with vehicular and pedestrian links above; and other associated engineering works to accommodate the development of a stadium (Use Class D2) predominantly for football use with the ability to host other events with ancillary offices (Use Class B1a); Club Shop and retail concessions (internal and external to the stadium) (Use Class A1); exhibition and conference facilities (Use Class D1); food and drink concessions (internal and external to the stadium) (Use Classes A3 / A4 / A5); betting shop concessions (Sui Generis); and associated infrastructure including: electric substation, creation of a water channel, outside broadcast compound, photo-voltaic canopy, storage areas/compound, security booth, external concourse / fan zone including performance stage, vehicular and pedestrian access and circulation areas, hard and soft landscaping (including canopies, lighting, wind mitigation structures, public art and boundary treatments), cycle parking structures and vehicle parking (external at grade and multi-storey parking) and change of use of the Hydraulic Tower structure to an exhibition / cultural centre (Use Class D1) with ancillary food and drink concession (Use Class A3).	Pending determination (registered 20/02/2020)
20NW/1801	Liverpool Waters, Liverpool, L3 OBS	Peel Land & Property	Application for non material amendment to 100/2424 so as to update Liverpool Waters Parameter Plan Report from "April 2019" to "July 2020" revision. The amended parameter plans include: PP004 - Development Parcels, PP005 - Development Plots, PP006 - Building Heights. Amend wording of Condition 3 of the Decision Notice, updating "Liverpool Waters Parameter Plan Report (April 2019)" to "Liverpool Waters Parameter Plan Report (July 2020)".	Approved 18/09/2020

## Application Site Context

19NM/1121	Liverpool Central & Northern Docks (Bramley-Moore, Nelson, Salisbury, Collingwood, Trafalgar, Clarence Graving, West Waterloo, Princes Half Tide & Princes Docks), L3	Peel Land & Property (Ports) Limited	Application for non-material amendment to 100/2424 - The comprehensive redevelopment of up to 60 hectares of former dock land to provide a mixed use development of up to 1,691,100 sq m, comprising: up to 733,200 sq m residential (Class C3) (9,000 units), up to 314,500 sq m business (Class B1), up to 53,000 sq m of hotel and conference facilities (Class C1 ) (654 rooms), up to 19,100 sq m of comparison retailing (Class A1), up to 7,800 sq m of convenience retailing (Class A1), up to 8,600 sq m of financial and professional services (Class A2), up to 27,100 sq m of restaurants and cafes (Class A3), up to 19,200 sq m of drinking establishments (Class A4), up to 8,900 sq m of community uses (Class D1), up to 33,300 sq m of assembly and leisure (Class D2) up to 17,600 sq m for a cruise liner facility and energy centre (Sui Generis), up to 36,000 sq m for servicing (Sui Generis), and up to 412,800 sq m for parking (Sui Generis) together with structural landscaping, means of access, formation of public spaces and associated infrastructure and public realm works. (Outline Application)	Approved 23/08/2019
18NM/2766	Liverpool Central & Northern Docks (Bramley-Moore, Nelson, Salisbury, Collingwood, Trafalgar, Clarence Graving, West Waterloo, Princes Half Tide & Princes Docks), L3	Peel Land & Property (Ports) Limited	Application for non-material amendment to 100/2424 - The comprehensive redevelopment of up to 60 hectares of former dock land to provide a mixed use development of up to 1,691,100 sq m, comprising: up to 733,200 sq m residential (Class C3) (9,000 units), up to 314,500 sq m business (Class B1), up to 53,000 sq m of hotel and conference facilities (Class C1 ) (654 rooms), up to 19,100 sq m of comparison retailing (Class A1), up to 7,800 sq m of convenience retailing (Class A1), up to 8,600 sq m of financial and professional services (Class A2), up to 27,100 sq m of restaurants and cafes (Class A3), up to 19,200 sq m of drinking establishments (Class A4), up to 8,900 sq m of community uses (Class D1), up to 33,300 sq m of assembly and leisure (Class D2) up to 17,600 sq m for a cruise liner facility and energy centre (Sui Generis), up to 36,000 sq m for servicing (Sui Generis), and up to 412,800 sq m for parking (Sui Generis) together with structural landscaping, means of access, formation of public spaces and associated infrastructure and public realm works. (Outline Application)	Approved 16/11/2018
12C/0173	Bramley-Moore Dock Liverpool L3	Peel Land & Property (Ports) Ltd	To demolish transit storage shed on south wayside and brick shed on north wayside so as to enable the comprehensive mixed-use redevelopment of land at Liverpool Central and Northern Docks (Liverpool Waters)	Approved 28/06/2013

## Application Site Context

100/2424	Liverpool Central & Northern Docks (Bramley-Moore, Nelson, Salisbury, Collingwood, Trafalgar, Clarence Graving, West Waterloo, Princes Half Tide & Princes Docks), L3	Peel Land & Property (Ports) Ltd	Liverpool Waters - The comprehensive redevelopment of up to 60 hectares of former dock land to provide a mixed use development of up to 1,691,100 sq m, comprising: up to 733,200 sq m residential (Class C3) (9,000 units), up to 314,500 sq m business (Class B1), up to 53,000 sq m of hotel and conference facilities (Class C1 ) (654 rooms), up to 19,100 sq m of comparison retailing (Class A1), up to 7,800 sq m of convenience retailing (Class A1), up to 8,600 sq m of financial and professional services (Class A2), up to 27,100 sq m of restaurants and cafes (Class A3), up to 19,200 sq m of drinking establishments (Class A4), up to 8,900 sq m of community uses (Class D1), up to 33,300 sq m of assembly and leisure (Class D2) up to 17,600 sq m for a cruise liner facility and energy centre (Sui Generis), up to 36,000 sq m for servicing (Sui Generis), and up to 412,800 sq m for parking (Sui Generis) together with structural landscaping, means of access, formation of public spaces and associated infrastructure and public realm works. (Outline Application)	Approved 19/06/2013
12L/0847	Bramley-Moore Dock Regent Road Liverpool L3 7DS	United Utilities Plc	To carry out works in connection with re-opening of existing entrance to Bramley-Moore Dock, demolish brickwork and replace with palisade fencing/gate.	Approved 17/05/2012
12F/0845	Bramley-Moore Dock Regent Road Liverpool L3 7DS	United Utilities Plc	To re-open existing entrance to Bramley-Moore Dock, demolish brickwork and replace with palisade fencing/gate.	Approved 17/05/2012
10C/2425	Liverpool Central & Northern Docks, Liverpool, L3	Peel Land & Property (Ports) Ltd	To demolish transit shed and 2 no. brick sheds at Bramley-Moore Dock, so as to enable the comprehensive mixed use redevelopment of land at Liverpool Central and Northern Docks	Pending determination 18/11/2010 (registered)
04L/0825	Nelson Dock, Liverpool, L5	British Waterways Board	To construct fixed isolation structure blocking passage between Bramley-Moore Dock and Nelson dock in connection with the Liverpool Leeds Canal Link to Canning Dock (Planning application 04F/0823 refers)	Approved 06/06/2006

Source: Liverpool City Council website

### LIVERPOOL WATERS

- 2.32 The application site is the northern most point of the Liverpool Waters development (LPA ref. 10O/2424 – latest non-material amendment being 20NM/1801), which is a 60 hectare regeneration scheme which encompasses the dockland between BMD in the north and Princes Dock in the south (BMD and Nelson Dock forming the Northern Docks neighbourhood area of the scheme).
- 2.33 In addition to existing, established entrances, the approved Liverpool Waters development identifies eleven vehicular or pedestrian openings through the dock wall, between the docks to the west and the dock road to the east. These entrances are identified between Princes Dock in the south and BMD in the north and include two new proposed openings to be constructed. One of these openings, to create an entrance to Princes Dock, has been constructed, as detailed below.

## Application Site Context

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### Princes Dock – Wall Opening

- 2.34 Full planning permission and LBC for alterations to the dock boundary wall at Princes Dock were approved by Liverpool City Council in August and November 2018 (references 17L/3519 & 17F/3518).
- 2.35 The proposals included the formation of a new 6 metre wide opening to create cycle and pedestrian access from Bath Street into Princes Dock with the introduction of new gate piers and hard and soft landscaping. A wider temporary 15.7m opening was proposed (3 year temporary period) as part of the scheme to provide access and facilitate the construction of the adjoining approved development sites whilst the southern part of William Jessop Way is closed off. Once construction of the approved schemes has been completed the wall is to be rebuilt to the 6m opening to allow pedestrian/cycle access only.
- 2.36 The Heritage Impact Assessment (HIA) submitted in support of the application concluded that the significance of the impact is slight adverse which Liverpool City Council (via its independent heritage advisor) accepted given that the majority of the wall would remain intact, displaying the original intentions and also telling the story of the changes that have left their mark on the asset. The proposed scheme was considered part of this narrative and would not undermine the importance of the wall in its totality (6m from c. 2km). The appearance, character, value and significance of the wall was concluded to still be generally legible even with the new entrance in this location.
- 2.37 In overall terms, Liverpool City Council concluded that it was satisfied that the proposals will not impact on the OUV of the WHS and would preserve the authenticity and integrity of the WHS Property.

## 3.0 Application Proposals

### DESCRIPTION OF DEVELOPMENT

- 3.1 This Listed Building Consent (LBC) application seeks consent for the following:

*Creation of three openings in Regent Road dock wall following part demolition of the wall; installation of new structural foundations and structural frame to new openings, including columns, lintel and endplates following grouting of wall; reconstruction of salvaged stonework; part removal and remediation works to remnant brick structure; installation of hard surfacing, gate structures and associated works at new entrances; creation of new drainage connections underneath the wall; removal of items attached to the wall; repair works to timber gates at southern entrance; and remediation works to wall and turrets, to include essential repair works and cleaning.*

### BACKGROUND

- 3.2 As detailed in Section 1.0 of this Planning Statement, this LBC application seeks consent for works to the Grade II listed Regent Road dock wall which are a consequential impact of the proposed stadium development at BMD, which is currently pending determination (application reference 20F/0001).
- 3.3 The BMD site is bound to the east by the Regent Road dock wall. Due to the presence of private landholdings to the north and south (United Utilities WwTW which is operational and Nelson Dock, respectively), and the location of the River Mersey to the west, fan entry and exit to BMD is required to be to the east, through the Regent Road dock wall.
- 3.4 In the future, following the development of Nelson Dock as part of the Liverpool Waters scheme, visitors to BMD will be able to access the stadium and facilities from the south, through Nelson Dock, as well as the east. However, at the present time the only means of access is from the east, via openings in the Regent Road dock wall.
- 3.5 In order to facilitate crowd movement on match and major event days, new pedestrian openings in the Regent Road dock wall are required. The length of the openings proposed is the narrowest required in order to ensure safe and convenient access to and from the stadium site. The new openings encompass the minimum length required in order to minimise the intervention and potential for harm to the Grade II listed wall.
- 3.6 The size of the openings has been informed by Computational Fluid Dynamic (CFD) crowd modelling. In order to mitigate congestion on the Regent Road side of the wall, it is necessary to manage the crowd flow when exiting the fan plaza. This is proposed to be achieved by the creation of three new openings in the wall. The minimum clear opening required is considered to be 7.2m, which is the distance between the gates when they are in the open position and therefore the distance through which people can pass. It should be noted that a larger length of demolition is proposed in the openings in order to stabilise the wall, construct a structural frame and install the gates.
- 3.7 The location of the openings has been informed by analysis of the site and consideration of a range of factors.
- 3.8 Crowd modelling, as detailed in the submitted Design & Access Statement, identified the travel directions that people are expected to follow when leaving the site (31% to the north, 27% to the east, 42% to the south/city centre). Following crowd flow analysis it was determined that the three additional openings should be of equal size located either side of Blackstone Street and further to the south, providing slightly more exit width to the south to reflect the exit direction of the largest proportion of spectators.

## Application Proposals

- 3.9 Other factors which have informed the positioning of the openings include consideration for crowd safety and counter-terrorism requirements, such as positioning entrances so that they are not directly opposite the alignment of Blackstone Street, to limit risks associated with vehicle related attacks.
- 3.10 The locations of the openings have also avoided key features associated with the historic wall, including the 'Bramley-Moore Dock' plaque, in order to limit the impact of the proposed openings.
- 3.11 As the proposed works are a consequential impact of the stadium development, it is not proposed to implement the works for which this LBC is sought, unless planning permission is granted for the wider stadium development (application reference 20F/0001).

### CONSULTATION

- 3.12 The applicant has engaged extensively with Liverpool City Council (LCC) and Historic England (HE) in relation to the wider stadium proposals at BMD and specifically regarding the proposed works to the Regent Road dock wall. Consultation with HE and LCC regarding the heritage assets at the site and the proposed development began in May 2017.
- 3.13 Since this time, the Regent Road dock wall has been discussed at several meetings between the applicant and LCC and / or HE. The Regent Road dock wall has been the focal point of the following discussions:
  - **17th June 2017:** Consequential operational impacts of the stadium development discussed;
  - **26th July 2017:** Consequential operational impacts of the stadium development discussed;
  - **16th October 2019:** Initial designs relating to the proposed openings;
  - **12th June 2020:** Meeting to discuss the scope of listed building consent submissions;
  - **19th June 2020:** Meeting to discuss Regent Road dock wall design;
  - **3rd July 2020:** Meeting to discuss Regent Road dock wall design;
  - **16th July 2020:** Meeting to discuss Regent Road dock wall design; and
  - **5th August 2020:** Meeting to discuss updated proposals in relation to the Regent Road dock wall.
- 3.14 The submitted Design & Access Statement provides details of the design evolution and the changes which have been made to the proposed development following feedback received during this consultation process. The main changes relate to:
  - Massing of the wall;
  - Materials;
  - Visibility of the new openings;
  - Construction Method; and
  - Repairs.

# Application Proposals

## PROPOSED WORKS

- 3.15 The following summarises the works to the Grade II listed wall as proposed in this LBC application. The following section should be read alongside the submitted plans and documents, namely:
- Design & Access Statement (Pattern Design);
  - Conservation Strategy – including Removal, Protection and Disposal Strategies (Heritage Project Management);
  - Reconstruction Works, Repairs and Nonintrusive Works (Heritage Project Management & Laing O’Rourke);
  - Creation of Regent Road dock wall Pedestrian Openings (Heritage Project Management & Laing O’Rourke); and
  - Construction Management Plan (Laing O’Rourke).

## Creation of Openings

- 3.16 As stated earlier, the openings required represent the minimum length needed to ensure safe and convenient access through the Regent Road dock wall. Each opening extends to 8.1m and comprises three sets of double gates, which are to remain open unless there is an operational requirement to close them. The gates are to comprise galvanised steel mesh to ensure that visibility into the site, and the wider World Heritage Site, is maintained as far as possible.
- 3.17 Following grout injection works, each of the three openings created is to be bordered by a metal plate, which will be inserted at the edge of the opening in the existing wall, to retain loose fill in the centre of the wall and protect existing fabric when the new entrance is constructed.
- 3.18 In order to construct the new openings, three sections of the wall will be demolished, extending to 9.8m each in length. The metal plates will be installed, as well as a structural frame and foundations. The frame will then be clad with the larger stones of granite salvaged from the demolition. The coping stones will be salvaged and redressed to form the top of the lintel over the opening. This approach ensures that the borders to the entrance will be consistent with the existing ‘cyclopean’ construction and maintain the solid character of the wall.
- 3.19 Upon completion, the 29.4m of demolished wall will have been reconstructed around the entrances to form three new openings of 8.1m each, thus totalling 24.3m of openings in this c. 230m section of the Regent Road dock wall.

## Works to existing entrances

- 3.20 The existing entrances at the north and south of the site will be used as access points in the stadium scheme and will have new gates installed as part of the proposed works. The current metal gates will be removed and replaced by gates which match those proposed in the new openings, which will be set back from the road edge of the wall. The proposed gates will sit independently of the turrets, thus limiting the heritage interface with the wall.
- 3.21 The timber gates located at the northern entrance, which are not original, will be removed as part of the proposed work and replaced with the metal gates.

## Application Proposals

- 3.22 The extant timber sliding gates at the existing southern entrance will be retained; albeit they are no longer functional and are in a poor condition. They will be retained and fixed in the 'open' position at the sides of the entrances. This will enable visitors to view and understand the original sliding gate system.

### Works to remnant brick structure

- 3.23 The existing brick structure which adjoins the dock side of the Regent Road dock wall, associated with the former overhead railway system, will be removed where it clashes with the proposed northern opening in the Regent Road dock wall. Bricks salvaged from this demolition will be used to replace bricks in the remainder of the structure which are significantly damaged.
- 3.24 Around the opening created, the brick wall will be returned into the Regent Road dock wall, using salvaged brick from the demolition.
- 3.25 The remaining brick structure will be repaired as required.

### Landscaping works

- 3.26 As shown in the submitted landscaping plan and plans relating to works on Regent Road, there are amendments proposed to the cycle way and footpath arrangement adjacent to this section of the Regent Road dock wall. Furthermore, hard landscaping works are proposed adjacent to the Regent Road dock wall on the dock side and through the existing and proposed entrances, to link to the footway of Regent Road.
- 3.27 The hard landscaping works are therefore adjacent to the listed Regent Road dock wall. Further details relating to landscape materials are provided in the submitted plans accompanying this LBC and the planning application for the proposed stadium development (application reference 20F/0001).

### Remediation & miscellaneous works

- 3.28 The proposed works include the removal of non-original items affixed to the Regent Road dock wall. As well as the timber gates to the northern entrance, this also includes the substation, vegetation growing from the wall, vehicle signage, utility services infrastructure, ferrous fixings, timber boards and potentially the concrete structure on the dock side of the wall.
- 3.29 As part of the stadium development a foul drainage outfall is required to run from within the BMD site to discharge into a manhole in Regent Road. The connection will run underneath the Regent Road dock wall and the pipe will be installed over 4m below ground level. These proposed works, which are detailed further in the submitted Reconstruction Works, Repairs and Nonintrusive Works note, are deemed to have minimal interface with Regent Road dock wall.
- 3.30 The proposed works include repairs to the Regent Road dock wall, including turrets, where required. This is to be carried out on a minimum intrusive basis in order to preserve the wall. The proposed repair techniques and materials used will be trialled prior to the main works commencing on a section of wall and agreed with Liverpool City Council.
- 3.31 The repair works are to include the following, as required:
- Repair to the coping stones;
  - Repointing of loose mortar;



## Application Proposals

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- Grout fill of cracked joints;
- Re-bedding locally of dislodged stonework;
- Replacement of missing stonework;
- Repairs due to wall mounted items; including signs, ferrous fixings, northern vehicle access timber gates, timber boards etc;
- Repair to the bedding mortars of Regent Road dock wall and the brick remains;
- Repair to the concrete plinth;
- Removal of paint finishes and bituminous material;
- Cleaning of the wall due to debris; and
- Cleaning of the wall due to calcium deposits.

3.32 Further details are provided in the submitted Reconstruction Works, Repairs and Nonintrusive Works note, including examples of the repairs required.

## 4.0 Statutory Development Plan

### LEGISLATION

- 4.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 is the main legislation governing listed buildings and conservation areas.
- 4.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works, the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses.

### RELEVANT POLICIES OF THE STATUTORY DEVELOPMENT PLAN

- 4.3 The statutory development plan for Liverpool City Council currently comprises:
  - Liverpool Unitary Development Plan (UDP) (adopted 2002); and
  - Joint Merseyside & Halton Waste Local Plan (adopted 2013).
- 4.4 **Policy GEN3** *Heritage and Design in the Built Environment* aims to protect and enhance the built environment of the City, including by preserving and enhancing historically and architecturally important buildings, and where possible improving them; encouraging a high standard of design and landscaping in developments; improving accessibility; and creating an attractive environment which is safe and secure.
- 4.5 **Policy HD1** *Listed Buildings* seeks to secure the retention, repair, maintenance and continued use of listed buildings. Planning policies may be relaxed, where possible, to achieve this.
- 4.6 **Policy HD4**, *Alterations to Listed Buildings* establishes that consent will not be granted for works that would adversely affect a listed building's architectural or historic character. Any works which are not of a high standard of design in terms of form, scale, detailing and materials will be refused. If a building is to be reused by members of the public, the needs of disabled people should be provided for in a manner which preserves the architectural and historic interest of the building.
- 4.7 **Policy HD5**, *Development affecting the setting of a listed building* states that planning permission will only be granted for such development if it preserves the setting and important views of the building. Where appropriate, this includes control over design and siting of development, the use of adjacent land and the preservation of landscape features.
- 4.8 **Policy HD8** *Preservation and Enhancement of Conservation Areas* seeks support and funding for building and environmental improvements. The Council will use its powers to prepare Action Plans for priority areas and investigate the removal of features which detract from the character of the area.
- 4.9 **Policy HD9** *Demolition of Buildings in Conservation Areas* establishes that buildings/structures which make a positive contribution to the character or appearance of a conservation area will be treated with a presumption in favour of preservation. The demolition of such buildings will be considered against the following criteria:
  - The importance of the building, its architectural and historic interest and contribution to the character or appearance of the conservation area;
  - The condition of the building and cost of repairing / maintaining it;
  - The adequacy of the efforts made to retain the building in use; and

## Statutory Development Plan

- The contribution of a new proposal to the character and appearance of a conservation area.
- 4.10 In relation to buildings which make little or no contribution to a conservation area's character, proposals for demolition will be considered in light of alternative proposals for the site and the contribution made to the character of the conservation area.
- 4.11 In accordance with **Policy HD11** *New Development in Conservation Areas* the Council will prevent planning permission for development in a conservation area which fails to preserve or enhance its character. Proposals for new development will be permitted providing it is of a high standard of design and materials which are appropriate to the setting and context and respect the character and appearance of the conservation area. In addition, the development must conserve the essential elements that give the area its special character; protect important views and vistas within, into and out of the conservation area; do not generate levels of traffic, parking, noise or environmental problems; and have satisfactory means of access and car parking which is sympathetic to the appearance of the area.
- 4.12 Under **Policy HD14** *Street works in Conservation Areas* the quality and appearance of streets, footpaths and other public spaces within conservation areas will be protected. This may include relaxing highways standards, retaining existing natural materials, using traditional materials and minimising street furniture.
- 4.13 **Policy HD18** *General Design Requirements* states that the scale, density and massing of proposed development should relate well to its locality. Developments should include characteristics of local distinctiveness e.g. design, layout, materials. Building lines and layout of new development should relate to those of the locality. New development should not detract from the city's skyline, roofscape and local views within the city. External boundary and surface treatment should be included as part of the development and should be designed to relate well to its surroundings. The exterior of a building should incorporate materials to discourage graffiti. Adequate arrangements should be made for pedestrian and vehicular access.

## 5.0 Material Considerations

- 5.1 The following summarises the other material considerations which should be used to inform the decision-making process, namely:
- The National Planning Policy Framework (NPPF, 2019);
  - World Heritage Site Supplementary Planning Document (SPD, 2009); and
  - Emerging Liverpool Local Plan (2018);

### NATIONAL POLICY

- 5.2 The National Planning Policy Framework (NPPF, 2019) includes a chapter on 'Conserving and enhancing the historic environment'. The Chapter attaches great importance to the conservation of heritage assets. Paragraph 184 defines World Heritage Sites as being internationally recognised to be of Outstanding Universal Value and therefore are a heritage asset of the highest significance. Regarding heritage assets, the NPPF states: 'These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations' (para. 184).
- 5.3 The significance of heritage assets, including any contribution made by their setting should be clearly set out by the applicant (para. 189).
- 5.4 In determining applications, paragraph 192 sets out what local planning authorities should take account of:
- a. 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c. the desirability of new development making a positive contribution to local character and distinctiveness.'
- 5.5 Under paragraph 193, when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be placed on the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of the level of harm anticipated upon the asset and its significance.
- 5.6 Paragraph 194 states that:
- 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
  - b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'
- 5.7 Paragraph 195 states that: 'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a. the nature of the heritage asset prevents all reasonable uses of the site; and

## Material Considerations

- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d. the harm or loss is outweighed by the benefit of bringing the site back into use.'
- 5.8 In accordance with paragraph 196: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 5.9 The effect of a development on the significance of non-designated heritage assets will be taken into account when determining applications. A balanced judgement is required, having regard to the scale of harm or loss to the significance of the heritage asset (para. 197).
- 5.10 Paragraph 200 states that: 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole (paragraph 201).

### LOCAL GUIDANCE

#### World Heritage Site SPD (2009)

- 5.11 The World Heritage Site Supplementary Planning Document (SPD, 2009) provides guidance for protecting and enhancing the Outstanding Universal Value (OUV) of Liverpool Maritime Mercantile City World Heritage Site (WHS), whilst encouraging investment and development which will secure regeneration for the area. The SPD aims to provide guidance which will harmonise the differing priorities for regeneration and conservation (para 1.1.1, p.1).
- 5.12 The dock wall along Regent Road is identified in the SPD as defining the relationship between the docks and the city, which is a significant aspect of the character of the area. The dockyard wall often 'underscores' views towards the city from the docks (para. 6.4.3, p.94).
- 5.13 The SPD notes that the dock wall is an integral part of the WHS with much architectural interest. The dock wall and its setting are required to be retained, repaired and preserved in its entirety, including gate piers, timber gates, adjacent setts and railway lines (para. 6.4.6, p.98).
- 5.14 Developments should initially look to utilise existing openings through the wall as the main east-west access points. If adequate access cannot be achieved through the existing openings, the case for the creation of new openings will need to be supported by a strong justification, demonstrating that this is essential to the delivery of major regeneration opportunities or to create essential permeability and connectivity to the surrounding area (para. 6.4.7, p.98).

## Material Considerations

- 5.15 Development to the west of the dock wall should respect its integrity and setting. Opportunities must be taken to conserve the wall and its features. Any new development to the west of the wall should be set back by at least 9m from the wall to provide adequate setting and to enable historic surfaces to be retained, as well as creating a usable corridor for cycling and walking (para. 6.4.8, p.98). Exceptions may be considered e.g. the creation of large public spaces, subject to satisfactory detailed design.

### EMERGING POLICY

#### Emerging Local Plan (2018)

- 5.16 The emerging Local Plan for Liverpool was submitted to the Secretary of State for examination in May 2018. Hearings associated with the Examination in Public (EiP) of the submitted Liverpool Local Plan have been postponed until October 2020.
- 5.17 **Policy HD1 Heritage Assets:** (*Listed buildings; Conservation Areas; Registered Parks and Gardens; Scheduled Ancient Monuments*) seeks to conserve and where appropriate enhance the historic environment. The docks and other maritime structures associated with the City's role as one of the world's major ports from the 18th century to the early 20th century are identified as an element which contributes most to the city's identity and sense of place. Proposals affecting a designated heritage asset and its setting should seek to conserve the significance of the heritage asset.
- 5.18 Substantial harm to or total loss of the significance of a designated heritage asset and its setting will be refused, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of a set of criteria apply.
- 5.19 Where less than substantial harm is anticipated, it will be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
- 5.20 Proposals affecting a Conservation Area are required to preserve or enhance those elements which contribute to its character and appearance, especially any elements identified in any adopted Conservation Area Appraisal as making a positive contribution to the significance of that area.
- 5.21 Proposals which will help to safeguard the significance of a heritage asset, and secure a sustainable future, especially for those assets identified as being at greatest risk of loss or decay, will be supported.
- 5.22 **Policy HD2 Liverpool Maritime Mercantile City World Heritage Site** states that the Council will support proposals which conserve or enhance the Outstanding Universal Value (OUV) of the World Heritage Site (WHS). The policy states:
- 'a. Permission will not be granted for proposals which would have an adverse impact upon the views of the Waterfront from the River Mersey, or of the key Landmark Buildings and vistas having regard to those identified in the Liverpool Maritime Mercantile City World Heritage Site SPD.
- b. Proposals for the redevelopment or remodelling of buildings or sites which have a negative or neutral impact on the character of the World Heritage Site will be supported where it can be demonstrated that this will enhance or better reveal the Outstanding Universal Value of the World Heritage Site.
- c. Proposals which would help to facilitate the reuse of vacant or under-used floorspace in buildings which make a positive contribution to the character of the area and the Outstanding Universal Value of the World Heritage Site will be supported.

## Material Considerations

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- d. Proposals for tall buildings in the World Heritage Site or its Buffer Zone will be assessed against Policy UD6.'
- 5.23 Applications for development which is likely to impact on the OUV will not be granted unless accompanied by an appropriate Heritage Impact Assessment which evaluates the likely effects of the proposals upon the OUV of the WHS.
- 5.24 Proposals for development within the World Heritage Site or its Buffer Zone will be expected to have regard to the advice set out in the Liverpool Maritime Mercantile City World Heritage Site Management Plan and the guidance in the Liverpool Maritime Mercantile City World Heritage Site SPD.

## 6.0 Planning Assessment

- 6.1 This chapter considers the findings of the submitted Heritage Statement (KM Heritage, September 2020) and the associated benefits of the scheme against relevant national policy.
- 6.2 An assessment against national policy is provided as many of the relevant statutory development plan (UDP) policies relating to heritage are considered to be out-dated, in terms of not fully complying with the NPPF. The heritage policies of the UDP can therefore only be given limited weight and instead the application is considered against the requirements of Section 16 of the NPPF.

### HERITAGE IMPACTS

- 6.3 A Heritage Statement has been submitted in support of the LBC, which details the history of the wall and its context, summarises the relevant legislation, policy and guidance and considers the impact of the proposals on the listed wall itself as well as surrounding heritage assets.

### Mitigation measures

- 6.4 In order to mitigate the impact of creating new entrances in the wall, the design and construction methodology have been developed to ensure that upon completion of the works the integrity and significance of the wall are retained, for example through the replacement of a lintel over the openings using salvaged material.
- 6.5 The Heritage Statement concludes that through the use of a simple design of the openings, the extent and length of openings will appear less obvious when seen obliquely, when travelling along the road.
- 6.6 The Heritage Statement also identifies that the removal of remnant utilitarian structures, including the substation, will better reveal Hartley's stone wall construction on the dock side.
- 6.7 The retention, repair and stabilisation of the remnant overhead railway, where it does not clash with a proposed new opening, ensures that its presence can still be appreciated.

### Impacts on Heritage

- 6.8 In terms of the impact on surrounding heritage assets, the Heritage Statement considers that the proposals will have a minimal impact on the setting of the BMD walls and the Hydraulic Engine House. The proposed openings are not considered to have any detrimental impact on the setting of other nearby listed and unlisted heritage assets that are further away from the application site.
- 6.9 In terms of the impact upon the Stanley Dock Conservation Area, the Heritage Statement concludes that whilst the solidity of the wall is an important part of the area and its significance, it also has a major negative influence on the community's ability to appreciate a large part of the conservation area and WHS.
- 6.10 The submitted Heritage Statement acknowledges that the proposals will allow for genuine public access to the west of the wall, thus allowing for a fuller appreciation of the WHS and wider dock system. Enabling this wider appreciation of the dock system is considered a heritage and public benefit.
- 6.11 With regard to ICOMOS guidance, the impact on the contribution that the wall makes to the Outstanding Universal Value of the WHS would be Minor Adverse when the extent of the wall in its entirety is taken into consideration. However, the proposals will also allow for better appreciation of the wider WHS by increasing its visibility.



## Planning Assessment

- 6.12 Furthermore, the extent of survey work and repairs proposed is identified as being considerable. The information gathered is identified as being beneficial for a better understanding of the remainder of the listed wall, which is outside of the application site.
- 6.13 Overall, the Heritage Statement concludes that the proposed works have given great weight to the asset's conservation through an understanding of the asset and its significance and ensuring that physical impacts to the asset are kept to an absolute and justified minimum.
- 6.14 The proposals will result in a loss of a small amount of historic fabric, which would cause an element of less than substantial harm to the listed wall. However, when seen in the context of the whole listed wall the proposed intervention is assessed to amount to a small element of the whole. In conclusion, the Heritage Statement identifies that the proposed works will have a less than substantial impact on the character and appearance of the conservation area and a minor adverse impact on the OUV of the WHS.
- 6.15 The less than substantial harm identified has been clearly justified and mitigated through a number of heritage benefits.

### PUBLIC BENEFITS

- 6.16 In addition to the heritage benefits identified above, the wider public benefits associated with the proposed stadium development should also be noted. The public benefits associated with The People's Project are detailed in the Planning Statement and Planning Statement Addendum submitted in support of the application for the proposed stadium development (application reference 20F/0001). This should be considered in determining this application as the proposed works to the Regent Road dock wall are a consequential impact of the proposed stadium development and therefore the two applications are closely linked.
- 6.17 In summary, quantitative assessment of the economic and social benefits of The People's Project demonstrates that, in combination, the proposals will deliver a generational economic and social impact on the local communities of North Liverpool, the City of Liverpool, Merseyside and the wider North West region.
- 6.18 Figure 6.1 below brings together the combined economic and social value additionality of the new stadium, the wider catalytic development (in the Northern Ten Streets area), the Goodison Park Legacy project and the growth of the Club's charity, Everton in the Community, as a result of The People's Project<sup>4</sup>. These aggregate calculations demonstrate that the project will have very significant benefits for the City Region and have the potential to truly provide a once-in-a-generation opportunity to deliver a project of a scale that can transform and catalyse development in North Liverpool, which is a major focus of regeneration in the City.
- 6.19 Therefore, it is concluded that the public benefits associated with The People's Project are substantial. Figure 6.1 summarises the social and economic benefits associated with the project:

<sup>4</sup> This includes the economic benefits (undertaken by CBRE) and quantitative benefits from social and heritage reports undertaken by Simetrica-Jacobs, which are additive benefits

## Planning Assessment

Figure 6.1: Headline Aggregated Social and Economic Benefits



Source: CBRE

### WEIGHING EXERCISE

- 6.20 Paragraph 196 of the NPPF requires development proposals which will lead to less than substantial harm to the significance of a designated heritage asset to be considered by weighing the harm against the public benefits of the proposal.
- 6.21 As detailed in this section, the proposals are considered to result in less than substantial harm to the Grade II listed Regent Road dock wall, the conservation area and the WHS. This level of harm is considered to be outweighed by the heritage and public benefits identified, including the increase in survey knowledge in relation to the wall, the retention and remediation of the majority of the wall within the application site and the improvements in visibility through the wall to the wider conservation area and WHS. The substantial public benefits associated with The People's Project should also be taken into account, which significantly outweigh the less than substantial harm identified.

## 7.0 Summary Conclusions

- 7.1 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works, the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses.
- 7.2 In accordance with the NPPF, this application for LBC has considered the impact of the proposals upon the significance of the designated heritage asset and has placed great weight upon the asset's conservation (para. 193). The design and construction methodology for the proposed openings have been developed in order to mitigate the potential for harm.
- 7.3 As detailed in the Heritage Statement and this Planning Statement, the harm to the listed asset is supported by clear and convincing justification, associated with the wider stadium proposals at BMD. This consequential impact of the stadium development has been minimised by ensuring that the length of the openings created is the minimum required. Therefore, the proposals accord with paragraph 194 of the NPPF.
- 7.4 This justification also meets the requirement of the World Heritage Site SPD, which states that developments should initially look to utilise existing openings through the wall; however, if adequate access cannot be achieved through the existing openings, the case for the creation of new openings will need to be supported by a strong justification, demonstrating that this is essential to the delivery of major regeneration opportunities or to create essential permeability and connectivity to the surrounding area (para. 6.4.7).
- 7.5 The proposals also include remediation and repair work to the wall, where required, including cleaning. The extant timber gates at the southern entrance will be repaired where required and maintained, to demonstrate the original sliding gate system to the public.
- 7.6 The existing wall will also be better revealed through the removal of fixtures, including the substation, which currently block areas of the wall from view.
- 7.7 Other benefits include the survey work which has increased the knowledge held around the wall and this may be applied to other sections beyond the site boundary.
- 7.8 A key benefit is that the creation of openings will increase the visibility through the wall into the conservation area and World Heritage Site beyond, opening up a previously publicly inaccessible site.
- 7.9 This, combined with the public benefits associated with The People's Project, is considered to significantly outweigh the less than substantial harm associated with the proposals. In accordance with paragraph 196 of the NPPF, the balancing exercise has demonstrated that the works proposed in this LBC application should be consented.