

Report to: PLANNING COMMITTEE **Date of Meeting:** 16th March 2022

Subject: [DC/2021/00887](#)
[Land North of Kenyons Lane, Kenyons Lane, Lydiate](#)

Proposal: Erection of 291 dwellings together with new vehicular accesses off Liverpool Road and Kenyons Lane, public open space, children's play area and ancillary infrastructure

Applicant: Bellway Homes Ltd **Agent:** Mr Steve Buckley
Peacock + Smith

Ward: Park Ward **Type:** Full application - major

Reason for Committee Determination: Major application with 5 or more objections

Summary

This application seeks full planning permission to construct 291 homes on land situated between Liverpool Road, Kenyons Lane and Northway (A59) in Lydiate.

The main issues to consider are the principle of the development, its effects on highway safety, living conditions, flood risk and drainage and ecology, its design and visual impact as well as affordable housing, housing mix, public open space and landscaping issues, and infrastructure and Section 106 requirements.

The proposal complies with adopted local plan and neighbourhood plan policy and, in the absence of any other material considerations, the application is recommended for approval subject to conditions and a legal agreement.

Recommendation: Approve with conditions subject to the completion of a Section 106 legal agreement

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Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQVQUHNW07M00>

Site Location Plan



Sefton Council



Reference: Map reference
Date: 25/02/2022
Scale: Scale: 1:4000
Created by: Initials

The Site

The application site comprises a roughly triangular parcel of land covering some 9.8 hectares. It extends to the north of Kenyons Lane as far as Robbins Island (the junction of the A59 and the B5407) with the A59 Northway forming its eastern boundary. Much of the site's north-western boundary lies to the rear of residential properties fronting Liverpool Road (B5407).

The site comprises vacant agricultural land including buildings at Highway Farm towards the northern part of the site. It also incorporates Morton's Dairy located at the southern end of the site on Kenyons Lane.

Generally, the site is bordered by residential uses to the south and north-west with land to the east comprising open fields. St Thomas CE primary school on Kenyons Lane lies to the south-west of the site.

History

None relevant

Consultations

Local Plans Manager

No objections subject to conditions and a Section 106 legal agreement.

Highways Manager

No objection subject to conditions and financial contribution to the Kenyons Lane improvements.

Liverpool City Region Combined Authority

No objection subject to conditions.

Police Architectural Liaison Officer

No comments received.

Environmental Health Manager

No objection subject to conditions relating to noise, air quality and contaminated land.

Flooding & Drainage Manager

No objection subject to conditions.

United Utilities

No objection subject to a condition.

Merseyside Environmental Advisory Service

No objection subject to conditions and/or Section 106 agreement.

Natural England

No objection subject to conditions and/or Section 106 agreement.

Conservation Manager

No objection.

Tree Officer

No objection subject to conditions.

Lydiate Parish Council (following 23.11.21 meeting)

The Parish Council wish to thank Bellway Homes for engaging in meaningful consultation with the Parish Council and local residents by making alterations to the proposals and finding a solution to the septic tank problem. However, concerns remain around the lack of clarity for the sale of Morton's Dairy and planning permission should be conditional upon the sale of the dairy to the developer due to operational conflicts between the dairy and residents. Also grave concerns regarding increased traffic and access onto Kenyons Lane. Main entrance should be on the A59 or close to Robbins Island.

NHS Sefton Clinical Commissioning Group

The proposal should include provision to support local healthcare infrastructure.

Fire and Rescue Service

No objection.

Neighbour Representations

Bill Esterson MP wishes to clarify that whilst the meeting with Bellway in July did not take place, attempts were made to re-arrange the meeting.

Over 50 written objections to the amended proposal have been received from addresses both in the immediate area and from further afield. The grounds of objection are summarised below:

Visual Impact/Character of the Area

- Building on Green Belt not brownfield
- Too many new homes being built in the Maghull/Lydiate area
- Loss of pleasant green area
- Ugly concrete jungle developments are ruining the area
- Three storey development out of character
- Large development would ruin the small community of Lydiate
- House design not in keeping with local area

- Loss of semi-rural aspect
- Two storey homes should not be backing onto bungalows
- Housing density too great
- Layout not in total compliance with Neighbourhood Plan policy LNP HOU1

Environmental Issues

- Need to reduce carbon emissions
- Higher levels of pollution a health concern
- Loss of prime farmland
- Loss of wildlife habitats
- Not contributing to Sefton becoming carbon neutral
- Site is prone to flooding
- Off-site flooding impacts not fully investigated
- Light pollution

Highway Safety

- Kenyons Lane is already busy and won't be able to cope with extra traffic especially in the mornings
- The extra traffic will be a hazard and cause congestion
- Traffic surveys carried out during lockdown and there have been accidents since
- Access should be from A59 or Robbins Island
- Danger to children at St Thomas Primary School
- Kenyons Lane unsuitable for construction traffic
- Retention of Morton's Dairy will make traffic worse
- Inadequate car parking

Infrastructure

- Lack of doctors and dentists
- Inadequate shops including lack of parking spaces at Maghull Square
- Local schools are over-subscribed

Living Conditions

- Extra traffic will be a nuisance for local residents
- Massive disruption during construction work
- Don't want a park behind our home
- Noise impacts on existing homes
- Stress and mental health impacts on local residents

Other Issues

- Developer's profit at expense of local residents
- Loss of property values
- Unfair to have to pay for mains sewage and proposed offer unworkable

- No need for more houses
- Retention of Morton's Dairy contrary to Neighbourhood Plan
- How will public spaces be managed/maintained?
- Loss of countryside views

Policy Context

The application site is allocated for Housing in the Sefton Local Plan which was adopted by the Council in April 2017.

The Lydiate Neighbourhood Plan was 'made' (i.e. adopted) in January 2019 and carries full weight in decision making.

Assessment of the Proposal

Environmental Impact Assessment

Merseyside Environmental Advisory Service (MEAS) has carried out a screening opinion for the purpose of determining whether Environmental Impact Assessment (EIA) is required for this development under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposal falls under Schedule 2 10(b) of the EIA Regulations 2017, as an urban infrastructure project.

Having reviewed the proposal and considered the project against the provisions of the EIA Regulations (including screening criteria presented in Schedule 3) and the relevant National Planning Practice Guidance, MEAS considers the proposals are unlikely to give rise to significant environmental effects from an EIA perspective. Therefore, the proposal is not considered to be "EIA development" and an Environmental Statement is not required in this case.

Main Issues

The main issues to consider are the principle of the development, its effects on highway safety, living conditions, flood risk and drainage and ecology, its design and visual impact as well as affordable housing, housing mix, public open space and landscaping issues, and infrastructure and Section 106 requirements.

Principle

The Sefton Local Plan and the Lydiate Neighbourhood Plan together make up the development plan for the application site.

The application site forms the majority of a housing allocation site defined in the Sefton Local Plan. It is known as housing allocation MN2.29 'Land north of Kenyons Lane, Lydiate' in policy MN2

'Housing, Employment and Mixed-Use Allocations'. The policy identifies housing allocation MN2.29 as having a site area of 10.1 hectares with an indicative capacity of 295 homes. The current application site has an area of 9.8 hectares and 291 homes are proposed.

The Lydiate Neighbourhood Plan contains a site-specific policy for the allocated housing site. This is policy LNP HOU1 which states that "permission will be granted on this site for housing proposals which may include an element of extra-care provision which meet the following criteria". The policy then lists 11 criteria ranging from transport and drainage factors to design and arrangement of the new homes. These specific criteria will be discussed under the relevant headings below.

The proposal for 291 homes on the site is acceptable in principle when assessed against the development plan comprising the Sefton Local Plan and the Lydiate Neighbourhood Plan.

Highway Safety

The application, including the applicant's Transport Assessments (TAs) and a supporting Technical Note (TN), has been reviewed by the Council's Highways Manager in respect of highway safety impacts. The documents have been submitted in accordance with Local Plan policy IN2 'Transport' and Lydiate Neighbourhood Plan policy LNP HOU1 viii.

Vehicular, Cycling and Pedestrian Access

Two vehicular accesses are proposed into the site, one on Kenyons Lane and one on Liverpool Road. Both accesses will be 5.5m wide and have footways either side with widths of at least 2 metres. The Kenyons Lane access will have a right turn lane and pedestrian refuge to assist with pedestrian movement and vehicle manoeuvres in and out of the site. In accordance with the Local Plan site-specific requirement and Lydiate Neighbourhood Plan policy LNP HOU1 (ix), Kenyons Lane will be widened to two lanes from its junction with the A59 to the proposed vehicular access on Kenyons Lane.

Sefton Council is currently preparing a scheme to improve the Kenyons Lane/A59 junction, which includes improved pedestrian and cyclist facilities. The developer will be expected to provide funding for the improvements to Kenyons Lane and these works will be incorporated into the Council's scheme.

For developments of more than 200 dwellings it is expected that at least two points of traffic access are provided to ensure adequate connectivity. This ensures better distribution of traffic and prevents all development traffic being funnelled in one direction. Having two points of access for the proposed development also ensures suitable emergency access to and from the development. Having two means of access ensures that there is a route for the emergency services, even if one access is blocked.

In order to prevent rat running or funneling of traffic to one access, the main route through the site is not direct or in the form of a spine road and the proposed layout has a suitable hierarchy of

roads with a main route that is not straight or direct. This is in accordance with Lydiate Neighbourhood Plan policy LNP HOU1 (ix).

There will be 3m wide shared paths for pedestrians and cyclists through the site linking to Kenyons Lane, Liverpool Road and the A59 Northway. This is in accordance with LNP HOU (x) which seeks to encourage walking and cycling linking in with existing routes and the nearby future housing site.

The applicant has demonstrated that each junction will have adequate vehicle visibility splays and parking restrictions will be required either side of each site access to ensure adequate visibility is maintained.

The Lydiate Neighbourhood Plan policy LNP HOU1 (iii) requires that 'if the site is partially developed until the dairy is relocated, the development must leave satisfactory access to the dairy'. This is adequately provided for as the access to the dairy will remain unchanged and is not affected by the separate access to the development site.

Site Layout

All roads within the site will be 5.5m wide with 2m wide footways which is acceptable. All driveways and road junctions must have unobstructed visibility splays which can be controlled by condition. There are some private driveways which are in accordance with the Council's current guidance.

The applicant has demonstrated that servicing and delivery vehicles can adequately negotiate the streets and turning heads within the estate.

Car and Cycle Parking

All the proposed dwellings will have the benefit of off-street parking facilities. The houses will have at least two off-street parking spaces and the flats/apartments at least one space. The number of spaces to be provided for each dwelling and layout of the parking is considered acceptable for a development in this location and is in accordance with Sefton's 'Sustainable Travel and Development' Supplementary Planning Document (SPD).

Cycle parking will be required in accordance with the SPD and electric vehicle charging infrastructure is also required for all developments requiring vehicle parking, which includes both dedicated spaces (for example in relation to a new house) and communal parking areas.

Trip Generation and Impact on the Highway Network

The junction modelling submitted by the applicant is based on 331 dwellings rather than the proposed 291 and gives projections on how the traffic will be distributed across the local network, capacity assessments of the A59/Kenyons Lane junction and mean queue lengths at the junction.

The developer undertook site surveys of the traffic movement in the area, reviewed existing pre-covid survey and modelling data and National Census data in order to understand current traffic scenarios, trip destination and distributions. This enabled them to get baseline information to be used within the junction modelling.

The junction modelling provides information for a future year of 2026 to account for the proposed development and to consider a level of future growth in general traffic. This has been carried out by the developer using the industry standard software TEMPRO, and modelling data provided for other developments within the area. This is considered a robust approach and provides a suitable assessment of the impact the development will have on the area, including the A59/Kenyons Lane junction.

The modelling scenarios for the a.m. and p.m. peaks in 2026, with the inclusion of the additional right turning lane at the junction, show that the mean queue lengths will be slightly less than those currently observed. Therefore, the development traffic is shown not to adversely impact on the junction, subject to the proposed improvements.

The proposed improvements to the A59/Kenyons Lane junction, as detailed within the application, incorporate a stage where all movements from the section of Kenyons Lane to the west of the A59, joining the A59 will be unopposed. This stage will include a filter arrow for right turning vehicles onto the A59. The design and modelling gives more green time to the left and straight ahead, as the right filter would start later and queuing for the right filter lane was not shown to extend so far back as to cause any blockages.

The junction improvements will also include pedestrian/cyclist facilities to enable pedestrians to cross the A59 and Kenyons Lane, which provide sustainable transport improvements as well as accommodating the additional vehicle traffic.

The modelling also demonstrates that the traffic associated with the development and using Kenyons Lane will predominantly be left turns out of the site heading towards the A59 or right turns into the site from Kenyons Lane. Irrespective of this, the Council ensured that the applicant carried out a review of the junction of Liverpool Road/Kenyons Lane in order to properly consider the impact the development would have not only at this junction but also for the whole of the section of Kenyons Lane from Liverpool Road to the A59.

The modelling demonstrated that there would be an increase in vehicles on Kenyons Lane using the Liverpool Road junction but that the levels expected would be slight and would not have a significant impact.

Therefore, with the proposed widening improvements to Kenyons Lane it is considered that the level of traffic generated from the development is not expected to have a severe impact on this junction and the wider highway network.

Accident Analysis

Accident data has been submitted by the applicant and it is accepted that the information does not indicate any particular highway safety issues in the area. However, a series of traffic calming measures are required along the section of Liverpool Road between Kenyons Lane and the A59 for the purposes of highway safety and these can be achieved by condition.

The accident analysis detailed that there had been one slight injury accident at the junction of Liverpool Road / Kenyons Lane / Lamshear Lane. This is an off-set four arm junction with priority to Liverpool Road. It is in close proximity to St Thomas Primary School and at busy peak periods there is a high demand for short term on street parking in the area. Parking regularly occurs close to this junction and, with the expected increase in traffic at this junction as a result of the proposed development, a Traffic Regulation Order will be required to prohibit parking at the junction. This can also be achieved through a condition.

Accessibility

A Minimum Accessibility Standard Assessment (MASA) has been submitted as part of the initial Transport Assessment's review of the accessibility of the site. The applicant suggested that the review within the TA demonstrated that the proposed development can be accessed by a variety of travel modes, and that it would accord with local and national planning policy guidance. The applicant concluded that the site is accessible by non-car modes, which would assist in promoting a choice of travel modes other than the private car. However, the scores achieved in the MASA fell short of that expected for such a development for pedestrians and access to public transport. Further detailed consideration of the site's accessibility was included in the updated TA. This suggested that the site is in a good location in terms of accessibility for cycling and that although the score within the MASA for pedestrians and access to public transport was below the expected level, the site can be considered accessible.

It is considered that the site has some short comings in terms of its accessibility. In order to enhance the level of accessibility by sustainable modes of travel and to provide a development that would be acceptable in terms of the Local Plan policy EQ3, a package of highway improvements for pedestrians/cyclists will be required and these can be secured by condition.

Other Highways Issues

A scheme of street lighting on all roads within the development site can be secured by condition.

A framework travel plan for the site has been submitted, which is generally acceptable, and a detailed travel plan can be secured by condition.

Given the size and location of the proposed development a construction traffic management plan will be required. Details of the routes the construction traffic will take when accessing and leaving the site will be required and must be along routes that have the least impact on the residential

areas of Maghull and the Kenyons Lane area. A Construction Environmental Management Plan (CEMP) and Construction Management Plan have been submitted as part of the application and indicate that construction traffic will utilise an access on Liverpool Road at the northern part of the site. This will need to be detailed in the management plan as part of the condition requiring a detailed CEMP which can be secured by condition.

Living Conditions

Living conditions for existing residents surrounding the site and for future occupiers within the development both need to be assessed. The application is accompanied by a Noise Impact Assessment (NIA) which has been reviewed by the Environmental Health Manager.

Existing Residents

A construction noise assessment has been undertaken within the NIA and appropriate noise mitigation measures recommended. In addition, a Construction Environmental Management Plan (CEMP) has been submitted which includes measures to control noise and vibration during construction activities. The CEMP is generally acceptable and a detailed CEMP can be secured by condition.

Separation distances between the proposed dwellings on the site and existing homes have been assessed in light of the guidance contained in Sefton's 'New Housing' Supplementary Planning Document (SPD). Relevant distances all meet or exceed the guidelines figures which are 21m between windows serving habitable rooms and 12m where a habitable room window faces a blank wall or a window serving a non-habitable room as well as a 10.5m minimum rear garden where this backs onto another rear garden.

The majority of existing homes on Liverpool Road and Kenyons Lane have new properties backing onto them in accordance with Lydiate Neighbourhood Plan policy LNP HOU1 (v) 'so as to not leave rears of houses vulnerable' 'where possible'. However, the new properties to the rear of Highway Farm Barns have been moved away from this boundary in order to provide satisfactory separation distances and minimise overlooking. The new dwellings will face towards the rear of Highway Farm Barns with access and parking space in front of the new properties and a landscaped area to the rear of Highway Farm Barns. This relationship is considered acceptable.

Garden sizes for the new dwellings all meet or exceed the standards set out in the 'New Housing' and the 'Flats and Houses in Multiple Occupation' SPDs which are 50 sqm for 2 bed homes, 60 sqm for 3 bed homes and 20 sqm per flat. The amenity space for the flats is provided as communal space, which is private, usable and accessible to all residents in accordance with the guidance.

Future Occupiers

The NIA recommends acoustic glazing for most bedrooms and living rooms to new homes overlooking the A59 and alternative means of ventilation to opening windows for the majority of

plots on the eastern half of the site. These details can be secured by condition.

Mitigation in the form of acoustic barriers is recommended for some garden areas in the eastern part of the site, the details of which can be covered by condition.

Relocation of existing business

The site currently contains an existing business, Morton's Dairy. Whilst the principle of losing this business has been established through the allocation of the whole site for residential purposes, if it is retained for a period whilst homes on the site are occupied then paragraph 187 of the National Planning Policy Framework is relevant. This sets out that where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant (or agent of change) should be required to provide suitable mitigation before the development has been completed. A 3m high barrier is proposed around the Morton's Dairy site whilst this business remains operational and the Environmental Health Manager considers this proposal to be acceptable. Full details and implementation of this barrier can be secured by condition.

Air Quality

An updated detailed air quality assessment (AQA) submitted with the application has been reviewed by the Environmental Health Manager. The assessment has considered the future impact the proposed development will have on air quality in the area and the impact of traffic emissions from the A59 on future occupiers of the proposed development. The assessment provides evidence to show that future air quality levels will not be unduly impacted upon by traffic associated with the proposed development and future residents will not be exposed to levels of air quality above national limits. The Environmental Health Manager raises no objections on air quality grounds subject to conditions requiring the provision of electric vehicle recharging points and a written scheme to control dust from the development during construction works.

Flood Risk and Drainage

Flood Risk

The application is accompanied by a Flood Risk Assessment (FRA) which has been reviewed by the Flooding and Drainage Manager.

The site lies within Flood Zone 1 which includes areas at low probability of flooding from rivers or the sea. Local Plan policy EQ8 'Flood Risk and Surface Water' states that development must be located in areas at lowest risk of flooding.

Surface Water Drainage

The majority of the site is at very low risk of surface water flooding although land in the northern part of the site is identified as being at low, medium and high risk of such flooding. The proposal

seeks to remove the risk of flooding from surface water ponding in isolated low points post-development through ground contouring and provision of a sustainable drainage system.

The sustainable drainage system involves run-off from buildings and adopted roads being directed to three geo-cellular infiltration tanks located beneath the central area of public open space. The sustainable drainage system will be managed and maintained by the developer through arrangements secured by a Section 106 legal agreement. Permeable paving will also be used on driveways and private shared access roads.

The surface water drainage strategy will ensure that the 1 in 100 year plus climate change event is contained within the site.

The FRA concludes that the risk of flooding is low and the proposals comply with Local Plan policy EQ8 'Flood Risk and Surface Water'.

Lydiate Neighbourhood Plan policy LNP HOU1 (xi) 'flood risk' is also relevant and states that local knowledge of flooding incidents must be incorporated into the site-specific FRA via a consultation exercise and shall meet other policies in the Neighbourhood Plan and the Local Plan. The applicant advises that since the application was submitted, meetings have taken place with local residents and the Parish Council. These meetings have outlined local flooding instances which have helped develop the revised drainage strategy for the site.

Foul Drainage

The foul drainage proposals involve discharge to the public foul sewer in Kenyons Lane to the south of the site with provision for a foul pumping station as part of the development.

Septic Tanks

Residents on Liverpool Road backing onto the site currently have a septic tank arrangement for their foul sewage disposal. The developer has offered to assist these residents in connecting to the public sewer by providing the necessary infrastructure on the application site. Residents would need to provide infrastructure on their own land, arrange for their septic tank to be abandoned and pay fees to United Utilities to dispose of their foul sewage. Residents have been asked if they would be interested in this arrangement with the developer advising it would only be available during the construction phase.

Some residents have expressed their interest whilst others have raised concerns in respect of the costs involved and impractical nature of the proposal.

Whilst the concerns of residents are understood, resolution of the issue is not required by planning policy so it is not a material consideration in the assessment of this application but a civil matter between the parties involved.

The Flooding and Drainage Manager and United Utilities have reviewed the drainage strategy for the site and raise no objections subject to conditions.

Open Space and Landscaping

Open Space, Path Networks and Green Infrastructure

Local Plan policy EQ1 'Healthy Sefton' requires development to improve quality of life and make it easier for people to lead healthy, active lifestyles, including through providing opportunities for walking, cycling, outdoor recreation and sport.

Policy EQ9 part 1 requires on schemes of 150 homes or more the provision of 40sqm of new public open space per home which equates to a 1.164ha requirement for the proposal. The layout plan identifies the provision of 1.54ha of open space across the development site. A significant portion of this (0.6ha) is to be located centrally within the site and a second significant area (0.5ha) located towards the Kenyons Lane end of the site behind Morton's Dairy. These areas are considered to be functional and will provide sufficient space for formal and informal recreation for both residents within the site and also those in the wider area. This is in accordance with Lydiate Neighbourhood Plan policy LNP HOU1 (vii) which seeks to provide public open space that best serves existing and new residents. The Council normally expects an equipped children's play area when open space is provided and this can be secured by condition. At least some of the play equipment should be located on the central area of public open space as this will be provided in one of the earlier phases of the development. As the open space is spread across the site, any delay to the relocation of the dairy would not undermine the timely provision of sufficient open space on the wider site.

Areas of public open space within the site would be managed and maintained by the developer in accordance with details forming part of the Section 106 legal agreement.

Part 6 of Local Plan policy EQ9 'Provision of public open space, strategic paths and trees' requires links to paths and cycleways to be provided where they improve the accessibility of an existing community or development site, and Lydiate Neighbourhood Plan policies HOU1 and PATH set out specific requirements. The 'Open Space' SPD also sets out that on this site a path should be provided linking to Liverpool Road, with potential to connect with safeguarded site MN8.1 Land at Lambshear Lane, Lydiate and an off-road cycle route along the A59. The proposed layout provides such links which are considered acceptable.

This is a major, urban edge site, next to countryside in the Green Belt. As such part 4b of policy EQ2 'Design' requires structural planting to be provided to soften the urban edge and provide a suitable transition to open countryside. Part 7 of policy EQ9 'Provision of public open space, strategic paths and trees' requires appropriate landscaping. Detailed landscaping proposals have been submitted showing structural planting around the edge of the site comprising retention and enhancement of the existing hedges and retention of existing trees with new perimeter tree

planting. Additional landscaping proposals within the site include tree, shrub, hedge, wildflower and bulb planting as well as amenity lawns and ornamental planting.

The tree report has been reviewed by the Council's Tree Officer. The report identifies ten individual trees, fifteen groups and four hedges as being relevant in terms of the proposals with the majority of this tree cover being of either moderate or low in quality and none being of high quality. The proposals require the loss of five individual trees, nine of the groups and two of the hedges with further partial loss of one of the groups and two hedges. The Tree Officer believes there will be some impact on visual amenity but this impact will be reduced by the retention of those trees identified along the A59 with the development of the site inevitably reducing the importance of the internal trees within their setting. Furthermore, due to the moderate to low quality of the trees to be lost, it is considered that the development should not be constrained by their retention and their loss will be mitigated by the proposed tree and hedge planting.

The National Planning Policy Framework (paragraph 131) requires new streets to be tree lined. The proposals provide for each of the key routes through the scheme to be tree lined.

The landscaping scheme has also been reviewed by Merseyside Environmental Advisory Service and is acceptable from an ecological perspective.

The landscaping scheme is considered acceptable and can be secured by condition.

Ecology

Habitats Regulations

Merseyside Environmental Advisory Service (MEAS) and Natural England have reviewed the application in terms of ecological impact.

The shadow habitats regulations assessment (HRA) submitted by the applicant concludes there will be likely significant effects on designated sites of nature conservation importance. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan policy NH2 applies.

An Appropriate Assessment is required in accordance with Regulation 63 (Habitats Regulations 2017). MEAS have completed the Appropriate Assessment which must be read in conjunction with the shadow HRA Test of Likely Significant Effects to form the HRA for this application and for the conclusion of no impact on the integrity of the national sites network to be reached following additional mitigation for "in-combination effects". The shadow HRA submitted by the applicant supports the HRA set out in Appendix 1 of this report with which the Competent Authority (i.e Sefton Council) can demonstrate its duties under the Habitats Regulations.

The Appropriate Assessment concludes there will be no adverse effect on site integrity of the above national sites networks provided mitigation measures are secured by suitably worded planning conditions and/or section legal 106 agreement.

The measures include a commuted sum contribution for each new home to mitigate the impact of recreational pressure on the Sefton coast. This would require a total commuted sum of £63 x 291 homes = £18,333 and can be secured by a Section 106 agreement in accordance with the Information Note approved for development management purposes in December 2021. In addition, a leaflet for new householders setting out information on the Sefton coast can be secured by condition.

Natural England have raised no objections subject to these mitigation measures and their comments are reported in full at the end of this report (Appendix 2).

Bats

A Common pipistrelle bat day roost has been identified. Bats are protected species and Local Plan policy NH2 applies.

The Local Authority is required to assess the proposals against the Three Tests (Habitats Regulations) in order to determine whether a European Protected Species (EPS) licence is likely to be granted by Natural England and to exercise its duty under the Habitats Regulations. MEAS advise that if the mitigation measures proposed by the applicant are implemented in full the Three Tests will be satisfied and Natural England are likely to grant an EPS license for the site. The detailed reasoning in respect of the Three Tests assessment is provided in Appendix 3. Implementation of the mitigation measures can be secured by planning condition.

Barn owl

Evidence of nesting barn owl was observed during the daytime bat survey in July 2021. MEAS have confirmed that the proposed barn owl mitigation strategy is acceptable and can be secured by condition.

Design and Visual Impact

The planning application is for a large residential development of 291 homes including public open space and associated infrastructure. The homes are all two storeys comprising a mix of apartments, detached and semi-detached houses comprising between one and five bedrooms in a range of 22 house types.

Local Plan policy HC3 part 4 states that new residential development must achieve a minimum density of 30 dwellings per hectare of the net developable area. The proposal for 291 homes on a net site area of 7.61 hectares equates to a density of 38 dwellings per hectare and accords with the policy.

The proposed layout complies with the relevant aspects of Lydiate Neighbourhood Plan policy LNP HOU1. For part (i) of the policy, requiring the design of the proposal to complement existing development on and adjacent to the site, the proposed development is two storeys in height and constructed in brick with some contrasting render and pitched tiled roofs. One of the house types has dormers. Overall, the proposed development complements the design of properties in the area which comprise a range of dwelling styles. These range from detached and semi-detached true and dormer bungalows and houses built in differing periods. Dwellings are constructed principally of brick but with some rendering. Proposed apartments in blocks of four units have the appearance of semi-detached homes not dissimilar to existing apartments at 132 to 142 Liverpool Road close to the junction with Kenyons Lane.

In accordance with policy LNP HOU1 (ii), houses on the north-western edge face out of the site to provide natural surveillance and for part (iv) of the policy many of the houses towards the site's eastern edge face Northway and are accessed via an internal road parallel to Northway with high quality landscaping similar to the existing arrangement at Ridgeway Drive to the south.

As set out in the 'landscaping' section below and in line with part (vi) of policy LNP HOU1 the impact of the development on the rural feel of the area is mitigated by landscaping and the height of the development which is limited to two storeys.

When assessing the application against Local Plan policy EQ2 'Design', the proposal responds positively to the character, local distinctiveness and form of its surroundings, achieves a high standard of design and provides a suitable transition to open countryside through its provision of structural planting.

For the above reasons, the design and visual impact of the proposal accord with the provisions of the relevant development plan policies.

Affordable Housing and Housing Mix

Affordable Housing

Policy HC1 of the Sefton Local Plan (subsequently updated to reflect NPPF guidance) requires 30% of homes, calculated by units, in schemes of 15 homes or more in this location to be affordable. The affordable housing should be split by 67% as social or affordable rent and the remaining 33% as affordable home ownership.

The layout plan includes a schedule of the homes, identifying those which are intended to be affordable. This shows that 88 of the 291 total homes will be affordable which equates to 30.2% and meets the policy requirement.

Part 8 of Policy HC1 sets out that affordable housing should be "tenure blind" so that there are no external visual difference between the affordable and market housing. It should also be "pepper-

potted” throughout the scheme, that is a reasonable distribution of affordable housing across the site and no groupings of more than 6 affordable homes. The affordable housing is fairly well distributed through the site with just one group of more than six affordable units (plots 71-78) and these are within two separate blocks of 4 flats that are accessed from separate roads.

As the affordable housing is spread across the site, any delay to the relocation of the dairy would not undermine the timely provision of sufficient affordable housing on the wider site.

The provision of affordable housing is considered acceptable.

Housing Mix

Policy HC2 requires that 25% of the market homes on the site should be 2-bedroom and 40% should be 3-bedroom. The schedule of market homes shows that 51 (25.1%) 2 bed homes and 81 (39.9%) 3 bed homes will be provided. Whilst there is a very marginal under supply of 3 bedroom market homes this is offset by a marginal over provision of 2 bedroom homes and is considered acceptable.

Policy HC2 of the Local Plan also requires that 20% of the market homes must be designed to meet Building Regulations Requirement M4(2) accessible and adaptable dwellings. This can be secured by condition.

Provision of Infrastructure

Health Facilities

The South Sefton Clinical Commissioning Group (CCG) commented on the proposal and set out that there are unprecedented demands on health care provision locally, including for GP services. They consider the development proposal would exacerbate these demands and place undue pressure on existing services. They suggest a contribution be secured from the developer towards local health care facilities to enable expanded services to be provided. On the recent approvals for the Land East of Maghull allocated site the Council agreed a contribution equivalent to £572 per home. For this current proposal this would equate to a total contribution of £166,452. The CCG has agreed this is an appropriate calculation and it can be secured for local health facilities in a Section 106 agreement.

Whilst the Council will secure this payment to local health facilities, the shortage of health staff is not something that can be resolved through a contribution as it is a national issue. However, through the provision of new housing, including a range of sizes and tenures across Sefton, the ability to attract a range of key workers to the borough is increased. The issues of pressure on local services through staff shortages is not resolved by restricting new housing and can be eased by attracting people to live in the area, including through an increased choice of new homes.

Schools

The Local Plans Manager, in consultation with Education, advises that there are a number of primary schools within a reasonable distance to the proposal site. One of those schools, Lydiate Primary, has sufficient spare capacity to accommodate an increase of local school children on this development. There are plenty of spare places in Maghull's three secondary schools to accommodate any increase in secondary school pupils from this and other developments in the area. No education contributions should therefore be sought from this proposal.

Section 106 Requirements

The following matters can be secured by a Section 106 legal agreement:

- A minimum of 30% affordable housing split by 67% as social or affordable rent and 33% as affordable home ownership homes.
- A financial contribution of £18,333 to mitigate the impact of recreational pressure on the Sefton coast.
- A financial contribution of £166,452 towards local health facilities.
- Management and maintenance arrangements for the on-site public open space, landscaping strips within the highway and sustainable drainage systems.
- A £9,121.35 contribution towards monitoring of the Section 106 obligations.

Other Issues

Archaeology

An Archaeological Desk-based Assessment (DBA) has been submitted in support of the application and has been reviewed by Merseyside Environmental Advisory Service (MEAS).

In view of the site's archaeological potential, MEAS advise that a programme of archaeological work is required which can be secured by condition.

Heritage Assets

The site is within the buffer zone of several non-designated heritage assets (NDHAs). However, the Conservation Manager advises the application would have only a minimal impact on the setting of the NDHAs and only minimal impact upon their respective significance.

Waste

The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. In accordance with advice from

Merseyside Environmental Advisory Service, conditions are recommended to secure the minimisation of waste production and efficient use of resources.

Contaminated Land

Conditions have been recommended by the Environmental Health Manager to deal with any contaminated land and site remediation issues.

Minerals

The site falls within a Mineral Safeguarding Area as identified in the Local Plan. The applicant has submitted a Minerals Assessment Report in line with policy NH8 'Minerals'. The report concludes that the site is not suitable for mineral abstraction and Merseyside Environmental Advisory Service agree with this conclusion.

Broadband

A condition to secure full fibre broadband for all homes is recommended in accordance with advice contained in the National Planning Policy Framework paragraph 114.

Planning Balance and Conclusion

The proposal will provide 291 new homes, comprising a mix of one to five bedroom apartments and houses, on a site allocated for residential development in the adopted Sefton Local Plan. These will include 88 affordable homes. It also provides significant areas of public open space, including children's play facilities, which will benefit the wider community, as well as cycle and pedestrian routes linking to the surrounding area.

The visual impact of the scheme as well as its impacts on living conditions are considered acceptable subject to conditions. Whilst it is accepted that the development will generate additional traffic in the area, these impacts will be minimised by the proposed widening of Kenyons Lane and the package of improvements for pedestrians and cyclists.

Overall, the proposal is generally considered to comply with policies in the Sefton Local Plan, the Lydiate Neighbourhood Plan and the requirements of the National Planning Policy Framework. Approval is therefore recommended subject to the conditions listed below and a Section 106 legal agreement to secure affordable housing, mitigation of recreational pressure, local health facilities and management and maintenance arrangements for on-site public open space, landscaping strips within the highway and sustainable drainage systems as well as for the monitoring of these obligations.

Recommendation: Approve with conditions subject to the completion of a Section 106 Legal Agreement

This application has been recommended for approval subject to the following conditions and associated reasons:

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2) The development shall be carried out in accordance with the following approved plans and documents:

Drawing No. LP01 Location Plan

Drawing No. PL03A rev H Overall Planning Layout

Drawing No. 13176-2001 rev R05 Outline Drainage Layout (1 of 2)

Drawing No. 13176-2002 rev R05 Outline Drainage Layout (2 of 2)

Drawing No. MAN-1154-ENZ-XX-01-DR-L-45-101 rev PL01 POS Soft Landscape Plan (1 of 5)

Drawing No. MAN-1154-ENZ-XX-01-DR-L-45-102 rev PL01 POS Soft Landscape Plan (2 of 5)

Drawing No. MAN-1154-ENZ-XX-01-DR-L-45-103 rev PL01 POS Soft Landscape Plan (3 of 5)

Drawing No. MAN-1154-ENZ-XX-01-DR-L-45-104 rev PL01 POS Soft Landscape Plan (4 of 5)

Drawing No. MAN-1154-ENZ-XX-01-DR-L-45-105 rev PL01 POS Soft Landscape Plan (5 of 5)

Drawing No. MAN-1154-ENZ-XX-00-DR-L-45-101 rev PL02 POS Spine Road Soft Landscape Plan (1 of 2)

Drawing No. MAN-1154-ENZ-XX-00-DR-L-45-102 rev PL02 POS Spine Road Soft Landscape Plan (2 of 2)

Document No. ENZ.XX.00.SH.L.45.001 rev PL01 Spine Road Soft Landscape Schedule

Document No. ENZ.XX.01.SH.L.45.001 rev PL01 POS Soft Landscape Schedule

Drawing No. ML01 rev C Materials Layout Sheet 1

Drawing No. ML01 rev C Materials Layout Sheet 2

Drawing No. BH/NW/KL/EVCP/01 rev A Electric Vehicle Charging Point Plan

Typical Brick Built Sub-Station Floor Plan and Elevations

Proposed House Type Range February 2021

Ecological Survey and Assessment Version 3 updated February 2022

Arboricultural Impact Assessment Ref: P.1342.20 rev C

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) No development shall commence, including any demolition, site clearance or ground works, until a full phasing plan has been submitted to and approved in writing by the local planning authority. The phasing plan shall include full details and timing for the provision of the on-site public open space and the provision and removal of the 3 metre high acoustic barrier around Morton's Dairy. The development shall be implemented in accordance with the approved phasing plan.

Reason: These details are required prior to the commencement of development in order to ensure that the phases of development are managed properly and in order to safeguard the living conditions of the surrounding occupiers and future occupiers of the site.

- 4) No development shall commence within any phase or sub-phase, including any works of demolition, until a Construction Environmental Management Plan (CEMP) for that phase or sub-phase has been submitted to and approved in writing by the local planning authority.

The CEMP shall include:

- The proposed times construction works shall take place.
- Details of temporary construction access.
- Parking arrangements for vehicles of site operatives and visitors.
- Arrangements for the loading, unloading and storage of plant and materials.
- The location of the site compound.
- Wheel washing/road sweeping measures.
- Measures to control the emission of dust and dirt during construction.
- Measures to control the emission of noise during construction.
- Details of external lighting to be used during construction.
- The name and contact details of person(s) accountable for air quality and dust issues.
- A programme for issuing information on construction activities to the occupiers of nearby dwellings.
- A construction traffic routing plan.
- The times of the movement of heavy goods vehicles to and from the site.
- A site waste management plan.
- Details of any piling and the days and times when piling activity is proposed.
- A sensitive lighting strategy which protects ecology and does not result in excessive light spill onto retained and newly created habitats.
- No tree or scrub removal between 1 March and 31 August inclusive, unless informed by a suitably qualified ecologist in order to protect breeding birds.
- Reasonable Avoidance Measures for protection of hedgehog and common toad.
- A method statement for treatment and/or removal of invasive plant species.

The approved CEMP shall be implemented throughout the period of demolition, site remediation and construction.

Reason: To safeguard the living conditions of local residents, and to maintain highway safety.

- 5) No development or demolition shall take place within any phase or sub-phase until a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) within that phase or sub-phase has been submitted to and approved in writing by the local planning authority. The WSI must include the following five steps:
- A phased programme and methodology of site investigation and recording;
 - A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest;
 - Provision for appropriate publication and dissemination of the archaeology and history of the site;
 - Provision for archive deposition of the report, finds and records of the site investigation; and
 - Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: The details are required prior to development or site clearance commencing to ensure that recording takes place at an appropriate period during the development process.

- 6) No development shall commence until the approved scope of works for the investigation and assessment has been undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the local planning authority. The report shall include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. Remediation shall proceed in accordance with the approved details.

Reason: The details are required prior to development or site clearance commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 7) No development shall commence until a remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, has been submitted to and approved in writing by the local planning authority. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works,

site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development. The remediation strategy must be carried out in accordance with the approved details at all times.

Reason: The details are required prior to development or site clearance commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

During Building Works

- 8) In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by condition 16.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 9) A minimum of 20% of new market properties shall meet Building Regulation Requirement M4(2) for accessible and adaptable dwellings.

Reason: To ensure an appropriate range of house types are available on the site.

- 10) No development shall commence above slab level until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by the local planning authority. The scheme shall include the construction of a new priority junction including dropped kerbs and tactile paving at the site access on Liverpool Road.

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

Reason: These details are required prior to commencement above slab level to ensure that acceptable access to the development is achieved and to ensure the safety of highway users.

- 11) Prior to construction of access roads commencing above slab level a detailed scheme of traffic calming designed to maintain vehicle speeds at 20mph or less on the proposed access roads within the development site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full before any dwelling within that phase of development is occupied.

Reason: These details are required prior to commencement above slab level to ensure the safety of highway users.

- 12) Prior to construction of access roads commencing above slab level a detailed scheme of street lighting on the proposed access roads within the development site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full before any dwelling within that phase of development is occupied.

Reason: These details are required prior to commencement above slab level to ensure the safety of highway users.

- 13) Foul and surface water drainage for the development shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawings 13176-2001 & 13176-2002, both Rev R05 and dated 02/03/21, prepared by WATERCO.

No surface water will be permitted to drain directly or indirectly into the public sewer. Foul and surface water shall drain on separate systems. The drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

- 14) Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the local planning authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. The barrier/fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas.

Reason: To prevent damage to the trees/ hedges in the interests of visual amenity.

- 15) The Mitigation Strategy for Roosting Bats (Section 5.6) and the Barn Owl Mitigation Strategy (Section 11.5) of the Ecological Survey and Assessment Report Version 3 dated 16 February 2022 shall be implemented in full during the demolition and construction phases of the development.

Reason: To safeguard conservation of species/habitats.

Before the Development is Occupied

- 16) Before any part of the development hereby permitted is occupied/brought into use a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 17) Prior to the occupation of the first dwelling, full details of an information pack to be provided to residents promoting the use of suitable alternative natural greenspace and highlighting the sensitivity of the Sefton Coast Special Area of Conservation, shall be submitted to and approved in writing by the local planning authority. The approved information must be provided to future residents on first occupation of each dwelling thereafter.

Reason: To mitigate impacts on the Sefton Coast Special Area of Conservation.

- 18) No dwelling hereby approved shall be occupied until details of full fibre broadband connections to all proposed dwellings within the particular phase or sub-phase has been submitted to and approved in writing by the local planning authority. The infrastructure shall be installed prior to occupation and made available for use immediately on occupation of any dwelling in accordance with the approved details.

Reason: To ensure adequate broadband infrastructure for new dwellings and to facilitate economic growth.

- 19) No dwelling shall be occupied until the electric vehicle charging point for that dwelling has been installed and is operational in accordance with the approved details. The approved infrastructure shall be permanently retained thereafter.

Reason: To facilitate the use of electric vehicles and to reduce air pollution and carbon emissions.

- 20) The development shall not be occupied until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Bus stop improvements to the stops of both sides of the A59 north of the Kenyons Lane junction, including the provision of bus laybys.

- Provision of a new bus stop with shelter and access kerbs on the south east side of Liverpool Road approximately 95 metres north east of the proposed access junction serving the site.
- Construction of a minimum 3 metre wide shared use path running along the perimeter of the site from the proposed pedestrian/cycle access opposite Moss Lane to its junction with the exiting footway on the A59 adjacent to the eastern boundary of the development site.
- Construction of a 2 metre wide footway along the south east side of Liverpool Road from the site access road to the proposed pedestrian/cycle access opposite Moss Lane.
- Upgrading of the existing pedestrian refuge on Liverpool Road at its junction with the A59 to provide for pedestrian and cycle use.
- The provision of dropped kerbs on both side of Liverpool Road adjacent to the pedestrian refuge to be upgraded.
- Construction of a series of 3m wide shared use paths along the eastern boundary of the site connecting the development with the existing footway along the western side of the A59.
- The widening of Kenyons Lane to provide a two lane approach to the junction with the A59.
- The construction of a new priority junction including dropped kerbs and tactile paving at the site access on Kenyons Lane.

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

Reason: These details are required prior to occupation to ensure that acceptable access to the development is achieved and to ensure the safety of highway users.

- 21) Prior to the first occupation of any dwelling all areas required for vehicle parking, turning and manoeuvring for that dwelling shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.

Reason: To ensure that enough car parking is provided for the development and to ensure the safety of highway users.

- 22) No dwelling shall be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained in perpetuity thereafter.

Reason: To ensure that enough cycle parking is provided for the development in the interest of promoting non-car based modes of travel.

- 23) No part of the development shall be brought into use until visibility splays of 2.4 metres by 25

metres at all driveways and road junctions within a particular phase or sub-phase have been provided clear of obstruction to visibility at or above a height of 1.0 metres above the carriageway level. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure adequate visibility for those entering and exiting the site and to safeguard other highway users at all times.

- 24) No dwelling shall be occupied until visibility splays of 2.0 metres x 2.0 metres measured down each side of its driveway and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 1.0 metres above the footway level. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure adequate visibility for those entering and exiting the site and to safeguard other highway users at all times.

- 25) Prior to the first occupation of any dwellings within a particular phase, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected, including acoustic barriers to be provided within the site, shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the dwellings become occupied and retained thereafter.

Reason: To ensure an acceptable visual appearance to the development, to protect the living conditions of future occupiers of the site and to ensure that the privacy of neighbouring occupiers/land users is retained at all times.

- 26) Prior to the first occupation of any dwellings within a particular phase, full details of a scheme of acoustic glazing and ventilation for dwellings within that phase shall be submitted to and approved in writing by the local planning authority. The approved glazing and ventilation units must be installed before the dwellings become occupied and retained thereafter.

Reason: To safeguard the living conditions of occupiers of the site.

- 27) No dwelling hereby approved shall be occupied until full details of an equipped children's play area, including a timetable for implementation, to be provided within the site have been submitted to and approved in writing by the local planning authority. The play area shall be provided in accordance with the approved details and retained as such thereafter.

Reason: To promote a healthy lifestyle and ensure that play equipment is provided in a timely manner.

- 28) No dwelling shall be occupied until a gap of 13cm by 13cm has been provided within the base of each length of boundary fencing serving the respective plot in order to maintain

connectivity for hedgehog. The gap shall be maintained free of obstruction at all times.

Reason: to secure biodiversity enhancement.

Ongoing Conditions

- 29) Within the first planting/seeding season following completion of a particular phase of the development, all planting, seeding or turfing comprised in the approved details of landscaping for that phase shall be carried out; and any trees or plants which within a period of 5 years from the completion of that phase of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure an acceptable visual appearance to the development.

- 30) Within 6 months of the development being first occupied or brought into use a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the local planning authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Reason: In order to meet sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

- 31) No tree which is to be retained shall be cut down, uprooted or destroyed, or have surgery undertaken, without the written approval of the Local Planning Authority, within 1 year from the completion of the development. Any such trees removed or dying shall be replaced with trees of a size and species to be agreed in writing with the Local Planning Authority in the next available planting season.

Reason: To ensure an acceptable visual appearance to the development.

Notes to Applicant

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.
2. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.
3. There will be a requirement for the applicant to enter into a s278 Highways Act 1980 Legal

Agreement to facilitate the works on the adopted public highway and a s38 Highways Act 1980 Legal Agreement to have the proposed new carriageways and footways within the development adopted by the Council. Please contact Seftons Highway Development and Design team in this respect - email: HDD.Enquiries@sefton.gov.uk

4. The applicant is advised of the requirement to implement the following Traffic Regulation Orders (TROs):
 - Introduction of waiting restrictions to prohibit parking at all times on the proposed site access junctions at Kenyons Lane and Liverpool Road
 - Introduction of waiting restrictions to prohibit parking at all times along both sides of Kenyons Lane from its junction with the A59 to a point adjacent to no.62 Kenyons Lane
 - Introduction of waiting restrictions to prohibit parking at all times along the north side of Kenyons Lane from a point adjacent to no.62 Kenyons Lane to no less than 40 metres west of the proposed site access road
 - Introduction of a 20mph speed limit on the proposed access roads within the development site.

5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 6 and 7 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition 16 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.

6. This permission is subject to a Section 106 legal agreement.

Appendix 1 Appropriate Assessment

Appendix 1:

Habitats Regulations (Appropriate Assessment): DC/2021/00887 - Land North of Kenyons Lane, Lydiate

Appropriate Assessment determines if the proposals will have an adverse effect on the integrity of the national sites network. A clear distinction has been made between embedded mitigation measures, which are essential features and characteristics of the proposals and additional avoidance and mitigation measures that are solely designed to avoid significant effects on the national sites network.

The shadow HRA⁵ submitted by the applicant concludes there will be likely significant effects on the following designated sites:

- Sefton Coast SAC;
- Dee Estuary SAC;
- Ribble and Alt Estuaries SPA;
- Mersey Narrows and North Wirral Foreshore SPA;
- Ribble and Alt Estuaries Ramsar site; and
- Mersey Narrows and North Wirral Foreshore Ramsar site.

The shadow HRA includes a Stage 1 Test of Likely Significant Effects which concludes the following likely significant effects on the above designated sites, of which I am in agreement:

- Recreational pressure impacts alone to both habitat destruction and damage to petalwort or qualifying bird species (in-combination effects not assessed in Stage 1);
- Loss of functionally-linked land of qualifying bird species; and
- Disturbance/displacement of qualifying bird species using functionally-linked land during constructional and operational (recreational pressure) phases.

The resultant likely significant effects have been taken through to Stage 2 Appropriate Assessment and integrity Test.

⁵ *Shadow Habitats Regulations Assessment (HRA) Results of Wintering bird Surveys, ERAP Ltd., September 2021, ERAP ref: 2020-204c*



Table 1. Appropriate Assessment for Land North of Kenyons Lane, Lydiate (Sefton ref: DC/2021/00887)

Receptor	Likely significant effect	Proposed Mitigation Measures	Adverse effect on site integrity with mitigation?
Qualifying habitats and species of Sefton Coast SAC, Ribble and Alt Estuaries SPA, Martin Mere SPA (and associated Ramsar sites)	<p><i>Disturbance and possible displacement of qualifying species through increased recreational pressure as part of the quantum of development in Sefton and the City Region.</i></p> <p>The local area has several playing fields and swing parks, PRoWs, country walks and access to Leeds to Liverpool canal. Canals provide a unique recreation experience. These existing SANGs are of an appropriate size for daily dog walking and sports activities and are likely to provide an alternative to the Coast for dog walkers. Whilst not comparable to the Coast, it is likely the ability to easily access the Leeds to Liverpool Canal by foot (nearest access 900m southwest) will alleviate recreational pressure. The canal also connects with a network of bridges and country lanes which are well used for walking and will reduce recreational pressure on the Coast. Evidence shows that approximately 3-3.5km is a standard requirement for dog walking. It is therefore considered that the distance to the canal and local SANGs is more favourable than the Coast for regularly dog walkers living at the</p>	<p>Sefton's updated Information Note⁷ on recreational pressure has been verified for immediate use for development purposes. This requires large developments (10+ dwellings) to contribute a commuted sum towards mitigating recreational pressure irrespective of other mitigation measures such as leaflet or signage.</p> <p>The new Outer Zone (>5km) figure of £63 per dwelling quoted in the Information Note, for which this development would qualify, requires a commuted sum of £18,333 (63 (£) x 291 (dwellings)) for this proposal.</p> <p>The Information Note also requires proposals of 10+ dwellings to provide an information leaflet to be</p>	<p>Provided that the production and implementation of information leaflet is <u>secured by a suitably worded planning condition</u> and a commuted sum is <u>secured by Section 106 (or other) legal agreement</u>, there will be no adverse effect on the integrity of the national sites network.</p> <p>The applicant can be directed to the adopted Sefton information leaflet⁸ on the MEAS website.</p>

⁷ <https://www.sefton.gov.uk/media/4485/202112-recpressureinfo-note-draft.pdf>

⁸ http://www.meas.org.uk/media/11047/lcr_leaflet_sefton.pdf



	<p>development. The Mersey Narrows and North Wirral Foreshore SPA and Ramsar site is within the Port Estate therefore not publicly accessible. The Sefton Coast SAC and Ribble & Alt Estuaries Ramsar are 8km west and accessible at Crosby and Formby. The development site is not within the 5km Zol (Liley <i>et al</i> 2017⁶) from where the majority of recreational pressure occurs.</p> <p>Frequency of visitation to the coastal national sites network sites will be reduced by the local greenspace provision due to the rural area adjacent to the site, local SANGs, canal and country lanes. However, local SANGs alone is not sufficient to avoid adverse effects on the national sites network and Ramsar sites.</p>	<p>provided at point of sale. This aims to encourage use of SANGs over the national sites network, including a responsible user code.</p>	
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⁶ Liley, D., Panter, C., Marsh, P. & Roberts, J. (2017) *Recreational Activity and Interactions with Birds within the SSSIs on the North-West Coast of England*. Footprint Ecology / Natural England.

Merseyside Environmental Advisory Service – delivering high quality environmental advice and sustainable solutions to the Districts of Halton, Knowsley, Liverpool, St.Helens, Sefton and Wirral



Appendix 2 Natural England Response

Date: 24 February 2022
Our ref: 382917
Your ref: DC/2021/00887



Diane Humphreys
Sefton Council

Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

[REDACTED]
BY EMAIL ONLY

T 0300 060 3900

Dear Diane Humphreys,

Planning consultation: Amendment - Erection of 291 dwellings together with new vehicular accesses off Liverpool Road & Kenyons Lane, public open space, children's play area & ancillary infrastructure.

Location: Land North of Kenyons Lane, Kenyons Lane, Lydiate.

Thank you for your consultation received by Natural England on 09 February 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Sefton Coast Special Area of Conservation (SAC), Ribble & Alt Estuaries Special Protection Area (SPA) and Ribble & Alt Estuaries Ramsar.
- damage or destroy the interest features for which Sefton Coast Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:

- The provision of a commuted sum towards mitigating increased recreational pressure.
- Provision of an residents information pack which explains the sensitives of the nearby designated sites, promotes the use of nearby Sustainable Alternative Natural Greenspaces (SANGs) and includes a 'responsible user code'.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

For clarification, Natural England has reviewed the following documents to inform our response:

- Shadow Habitats Regulations Assessment (HRA) Results of Wintering Bird Surveys (ERAP, September 2021).
- Merseyside Environmental Advisory Service (MEAS) consultee response dated 22 February 2022.

Internationally and nationally designated sites

The application site is within 8.5km of Sefton Coast SAC, Ribble & Alt Estuaries SPA, Ribble & Alt Estuaries Ramsar and Sefton Coast SSSI.

Please see the subsequent sections of this letter for our advice relating to SSSI features.

Habitats Regulations Assessment (HRA)

Natural England has reviewed the HRA in Appendix 1 and 2 of MEAS consultee response. We note they have undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment of the concludes that your authorities are able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigate on measures are appropriately secured in any planning permission given.

- The provision of a commuted sum as set out in the accompanying HRA of this application to contribute towards mitigating recreational pressure in line with Sefton's Information Note: Managing and mitigating the impact of recreation pressure on the Sefton Coast (December 2021). We advise this should be secured a section 106 agreement or other legal agreement.
- The provision of a residents information pack which explains the sensitives of the nearby designated sites, promotes the use of nearby Sustainable Alternative Natural Greenspaces (SANGs) and includes a 'responsible user code'. This should be secured by a suitably worded planning condition to mitigate any increased recreational pressure on nearby designated sites.

However, prior to granting planning permission, we advise that the detail from the Shadow HRA of why likely significant effects via loss of functionally-linked land and disturbance of qualifying bird species can be ruled out, be included within the HRA. This will ensure all the relevant detail is within one document and enables the HRA to act as a standalone document to support your decision audit trail.

Sefton Coast SSSI

Our concerns regarding the potential impacts upon the Sefton Coast SSSI coincide with our concerns regarding the potential impacts upon the international designated sites, therefore we are content that, providing the application is undertaken in strict accordance with the details submitted and providing the above conditions are secured, the development is not likely to damage the interest features for which the site has been notified.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it

¹ 2021 Information Note: Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton's Interim Approach

and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

If you have any queries relating to the advice in this letter please email consultations@naturalengland.org.uk quoting the reference number at the top of this letter.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Should the proposal change, please consult us again.

Yours sincerely

Florence Aves
Planning and Development Adviser
Cheshire, Greater Manchester, Merseyside & Lancashire

Appendix 3 Three Test Assessment

Appendix 2: Three test assessment

DC/2021/00887 – Land at Kenyons Lane, Lydiate

The three tests are set out in Regulation 55 of the Habitats Regulations 2017. The three-test assessment of the proposals is set out below.

Test 1: Regulation 55(1)(e): *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*.

The proposal comprises erection of 291 dwellings together with public open space, children's play area and ancillary infrastructure. This will provide a significant contribution to the local social and economic requirements and in delivery of housing within the Sefton Local Plan. **This test has been satisfied.**

Test 2: Regulation 55(9)(a): *“that there is no satisfactory alternative”*

The development site is included as an Allocated Site for housing development within the Sefton Local Plan (site ref: SR4.48, policy ref: MN2.28). The site has been selected due to its size (97ha) and proximity to existing transport and social infrastructure. The demolition of farm buildings for residential development will make a significant contribution towards meeting housing targets during the Local Plan period. **This test has been satisfied.**

Test 3: Regulation 55(9)(b): *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*

A Mitigation Strategy for Roosting Bats has been included within the Ecological Survey and Assessment report – Version 3 (*ERAP, February 2022*). The proposed mitigation includes registration of the site under a Bat Mitigation low impact Class Licence including temporary and permanent replacement roosting provision, a toolbox talk, pre-commencement search and ecological supervision. The proposed mitigation measures are acceptable. Provided that these mitigation measures are secured by a suitably worded planning condition and implemented on site in full then **this test has been satisfied.**

Merseyside Environmental Advisory Service – delivering high quality environmental advice and sustainable solutions to the Districts of Halton, Knowsley, Liverpool, St.Helens, Sefton and Wirral

