

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 26th July 2023

Subject: [DC/2023/00548](#)
[Porters Fuchsias Moss Side Formby Liverpool L37 OAE](#)

Proposal: Demolition of all existing structures and erection of a Use Class E food store with new vehicular access from/egress to Formby Bypass (A565), new internal vehicular access road, car parking, servicing area, public realm, and hard and soft landscaping.

Applicant: Aldi Stores Limited **Agent:** Ms Helen Mansley
Avison Young

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

Reason for Committee Determination: This is a major application with 5 or more representations on planning grounds.

Summary

The application seeks planning permission for the demolition of existing building and the erection of a new food store with a net sales area of 1,344 sq.m, along with access from a new signalised junction on the Formby Bypass, 121 car parking spaces (including 8 accessible, 9 parent and child spaces and 4 electric vehicle charging spaces), and associated landscaping.

The proposal involves the redevelopment of a previously developed site within the Green Belt. The site previously comprised several glass houses initially used for horticultural, and then for storage. Permission has been granted for 7 dwellings, and most of the glass houses were demolished in 2021. The existing development on site now comprises of one building and hardstanding.

The key issues for consideration relate to the principle of development in the Green Belt, retail Impact, highway safety, character and appearance of the area, living conditions of nearby residents, flooding and drainage, ecology and contaminated land.

The proposal would have a significantly greater impact on the openness of the Green Belt than the existing development and would amount to inappropriate development in the Green Belt failing to preserve Green Belt openness and conflicts with the purposes of including land within it.

In addition, insufficient information has been provided to demonstrate that the proposed development would not cause harm to highway safety, or that it meets the minimum requirements for accessibility.

The proposal would not give rise to concerns to living standards of neighbouring residents, ecology, or flooding.

The proposal would divert some trade away from Formby centre, but this would not be so significant as to impact on the vitality or viability of the centre. Furthermore, the food store would offer a wider choice for the area.

In summary, the harm to the Green Belt, and other harm resulting from this proposal significantly outweighs the weight given to other considerations. Consequently, very special circumstances necessary to justify the development do not exist.

Recommendation: Refuse

Case Officer Mr Rob Cooper

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Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RS8N8YNWFLD00>

Site Location Plan



The Site

The application site is located to the east area of Formby, it is outside of the settlement boundary and falls within the designated Green Belt.

Historically the site was a former horticultural nursery, although more recently it has been used for storage purposes (Class B8) until most of the buildings were demolished in May 2021. One glass house remains centrally located within the site, the rest of the land around it is now devoid of buildings, with only their concrete bases remaining.

Vehicular access is currently gained from Moss Side. The access runs between two residential dwellinghouses at Number 25 Moss Side to the left-hand side and Greenacre to the right-hand side.

Bordering the site to the east is a golf driving range, to the north is open farmland, to the south are residential properties located along Moss Side. To the west the site is bound by the 60mph dual carriageway Formby By-Pass that separates this Green Belt area from the predominantly primarily residential area of Formby.

History

The site was historically used as a horticultural nursery, but obtained planning permission in 2015 to be used for storage (Ref. DC/20140675).

In 2017, outline permission (Ref. DC/2016/02196) was granted to redevelop the site for up to 7 houses with access approved from Moss Side. Reserved Matters was subsequently approved for 7 houses in 2019 (Ref. DC/2018/02294).

Since then, applications to vary (Ref. DC/2021/00313) and discharge (Ref. DC/2021/02360) conditions to the housing permission have been granted and most of the buildings have been demolished on site.

Consultations

Highways Manager

Objects, reasons outlined in section 3 of the assessment section below.

Environmental Health

No objection subject to conditions

Air Quality

No objection subject to conditions

Tree Officer - Mr Tom Skipworth

No objection subject to conditions

Local Plans

The proposal is inappropriate development in the Green Belt, and very special circumstances would be required.

With regards to retail impact the Councils retail consultants Nexus have advised that the proposal is generally consistent with the requirement of the National Planning Policy Framework and Local Plan Policy ED2 in respect of retail impact.

Contaminated Land Team

No objection subject to conditions

Flooding & Drainage

No objection subject to conditions

Merseyside Fire and Rescue Service

No objections

Ward Councillors

Councillor Catie Page has noted that she has received very positive responses from many people within the community. The only reservations some have had are that there would need to be suitable bus services to the site, to provide access to the many non-drivers in the community.

Neighbour Representations

Letters were sent to surrounding residents, a site notice was displayed as well as a press notice published in the local paper.

The planning department have received representations directly from 30 individuals, these include 13 objections and 17 in support.

A further 416 representations in support have been provided by a Communications and PR company working on behalf of the applicant, these comprise:

- An excel spreadsheet and copies of representations in support from 351 individuals which they received via their own web page, and
- Handwritten cards they collected from a further 65 individuals in support of the development.

The objections received raise concerns in relation to:

Principle of Development

- Impact on the Green Belt.
- Urbanisation.
- A supermarket does not constitute very special circumstances.
- Retail development should be directed to town centres and designated shopping centres.

Highways

- Additional junction and traffic lights would restrict traffic flow, extend journey times and increase congestion.
- Highways safety concerns.
- More vehicles would turn down Moss Side to avoid the lights.
- Its location would encourage more short trips by motor vehicle and dissuade walking and cycling.
- Location on eastern side of bypass unsuitable for access by cyclist and pedestrians,

Living Conditions

- Harm to outlook from adjoining residential properties.
- Increase pollution from additional vehicles.
- Noise and disturbance from plant, car park, deliveries, and servicing

Character and Appearance

- Visual impact would harm the character of the area.
- Development is not in keeping with semi-rural character.

Other Matters

- Stray golf balls from driving range could cause damage to cars and injury to people.
- There are more suitable alternative sites.

Comments of support have been made in relation to:

Economic Benefits

- Jobs created at the store, in the supply chain, and through construction of the development.
- Would increase retail choice and competition, reducing the cost of food shopping.
- Significant investment in the local area.

Highways

- Won't impact on by-pass.
- There's plenty of proposed parking.
- Will reduce travel further afield and associated CO2 emissions.

Character and Appearance

- Would improve a derelict site and improve local environment.

Policy Context

The application site lies within an area designated as Green Belt in the Sefton Local Plan which was adopted by the Council in April 2017.

The Formby and Little Altcar Neighbourhood Plan was 'made' (i.e. adopted) on 21st November 2019 and carries full weight in decision making.

Assessment of the Proposal

The main planning issues for consideration include the principle of development (Green Belt and Retail Impact), highway safety, character and appearance of the area, living conditions of nearby residents, flooding and drainage, ecology and contaminated land.

Principle of Development

1. Green Belt

Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.

1.1. Paragraph 149 of the National Planning Policy Framework 2019 (the Framework) sets out the categories of development that are regarded as not inappropriate in the Green Belt, subject to certain conditions, these include:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

1.2. Policy MN7 of the Sefton Local Plan (LP)1 relates to the Green Belt with part 2 of the policy stating that the construction of new buildings is generally regarded as inappropriate development in the Green Belt, subject to the exceptions set out in national planning policy.

1.3. In addition, Policy GP1 of the Formby and Little Altcar Neighbourhood Plan designates a Formby and Little Altcar Settlement Boundary, for the purpose of directing future housing, economic and community related development in the Parish, to the town of Formby and Little Altcar, to enhance its role as a resilient and sustainable community; and containing the spread of the Town, by promoting infilling up to its settlement boundary, essentially the A565 (Formby Bypass).

1.4. The application site previously accommodated a commercial horticultural nursey and comprised several large glass houses. Following the closure of the nurseries in 2014, permission was granted to use the glass houses to store motor vehicles, motor homes and caravans (B8 Use Class).

- 1.5. Planning permission was later granted for the demolition of the glass houses and the provision of 7 dwellings. That permission has been implemented insofar that the majority of the glass houses have now been demolished with only their concrete bases remaining, however, the houses have not been constructed. In its current state, the site is now much more open in appearance, with the exception of one remaining glass house.
- 1.6. Paragraph 149 g) is relevant in this case, and assessment is required to determine whether or not the proposed development would have a greater impact on the openness of the Green Belt than the existing development described above.
- 1.7. The proposed development does not include affordable housing, so the second bullet point above is not relevant to these proposals.

The effect of the proposal on the openness of the Green Belt.

- 1.8. The fundamental aims of Green Belt policy are set out in paragraph 137 which are to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 1.9. The remaining glass house is 5.6m in height, has a footprint of approximately 673 Sq.m. and a volume of 4,200 m³. The building is set back from the Formby Bypass and positioned relatively centrally within the site. Its frame, glazed elevations and roof make for a relatively lightweight appearance, which reflects its countryside location. Its distance from the site boundary and existing hedgerow means it's not particularly prominent from public vantage points on the Formby Bypass and the edge of Formby Village.
- 1.10. With regards to established use, planning permission (DC/2014/01675) was granted for the storage of cars, caravans and mobile homes, however this was subject to conditions preventing the storage of goods and vehicles outside of the buildings. Given that most of the buildings have been demolished this has significantly opened the site and reduced the available internal storage space.
- 1.11. In contrast, the proposed new food store building would be solid form, elevation finished in brick and various types of cladding, typical of a building ordinarily found in an urban setting. In terms of scale, it would be taller with a mono pitched roof rising to a height of 6.4m on the front elevation, it would be 70m wide, have a substantially larger footprint of 1931 sq.m and a significantly greater volume of 11,400 m³. Overall, the building would be almost three times larger than the existing.

- 1.12. Whilst it is acknowledged that the existing building does have some effect on openness, the net difference in scale and mass of the proposed new building is substantial. The proposed building would appear much more prominent and permanent when compared to the existing light weight building and the relative openness of the existing site, clearly leading to a material visual intrusion when viewed from public vantage point on the Formby Bypass, and from adjoining private properties.
- 1.13. The existing development on site is not particularly visible from the existing road network owing to the level of existing hedge and tree planting along its boundaries. As well as visually containing the existing development, it provides a softer green transition from the settlement to the west and the Green Belt to the east. The proposal is to remove a large section of this hedge along the Formby Bypass to create the new access junction. The loss of this boundary treatment, and provision of expansive new hard surfacing associated with the access would be highly visible and would appear as an encroachment into the Green Belt. It would also allow for views of the expansive car park area, and larger building.
- 1.14. Activity is also a factor in assessing the impact on openness of the Green Belt. A supermarket will, by its nature, attract a lot of customers and vehicles, each entering and egressing the site and many using the car parking area. This will be very apparent from the views created by the access into the site from the A565. This will undoubtedly result in far greater comings and goings than the existing use. It will also be illuminated much more than the existing development, and likely to be illuminated in the evening up to 10pm. These factors will undoubtedly have a greater urbanising effect and cause greater harm to the openness of the Green Belt than the existing development.
- 1.15. Whilst the proposal involves the re-development of previously developed land, it would clearly have a greater impact on openness than the existing development and would result in substantial harm to the Green Belt. It would also be contrary to the purpose of checking the unrestricted sprawl of large built-up area and safeguarding the countryside from encroachment. The proposal is therefore inappropriate development in the Green Belt, and it is contrary to Policy MN7 of the Sefton Local Plan and the National Planning Policy Framework.
- 1.16. The applicant has stated the glass houses historically comprised a greater volume and have also presented a fall-back argument in the form of an extant planning permission for 7 dwellings. However, the glass houses have been demolished so no longer exist, and the dwellings have not been constructed, therefore, neither can be considered as 'existing development' for the purposes of assessing the paragraph 149 g) of the NPPF but are other considerations to be considered.

1.17. Consequently, the proposal is inappropriate in the Green Belt and very special circumstances would be required. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations, these have been considered in a separate section below.

2. Retail Impact

2.1. The application is supported by a retail statement which includes a sequential test which looks at whether there are any alternative preferable sites and retail impact test which assesses the impacts on trade and the vitality and viability of the town centre. The information has been reviewed and assessed by the Councils retail consultants Nexus, whose conclusion and recommendations are below:

2.2. *'Planning application reference DC/2023/00548 provides for the erection of an 1,843 sq.m food store on land to the north of Moss Side and east of Formby Bypass. The site is located well approximately 1.3 kilometres from Formby district centre and is therefore clearly out of centre in retail planning policy terms.*

2.3. *Paragraph 91 of the NPPF indicates that planning applications for retail uses that are not in an existing centre and not in accordance with an up-to-date development plan should be refused planning permission where they fail to satisfy the requirements of the sequential approach or are likely to result in a significant adverse impact.*

2.4. *In respect of the sequential approach to development, we have reviewed all the sites identified by the applicant and do not believe that any are both available and suitable to accommodate the application proposal, even allowing for appropriate flexibility. We are unaware of any other sequential sites offering realistic potential to accommodate the proposal and, as such, find that it accords with the requirements of paragraphs 87 and 88 of the NPPF. It also accords with the sequential test set out at Local Plan Policy ED2.*

2.5. *The adopted Local Plan identifies that an impact threshold of 500 sq.m applies to the site. As such, there is a formal requirement to consider retail impact in determining the application. In respect of the first part of the impact test, we are unaware of any relevant in-centre investment which could be prejudiced by the application proposal.*

2.6. *In terms of the second part of the impact test, the principal in-centre trade diversion will occur from Formby district centre (and its Waitrose store most particularly). We have undertaken a revised 'sensitivity test' to understand the likely level of trade diversion from this store and have visited Formby to understand its general vitality and viability. Based on this, we are satisfied that there would be no 'significant adverse' impact arising as a consequence of the development.*

- 2.7. *Notwithstanding this, we again note that applicant identifies at paragraph 8.4 of its Planning and Retail Statement that an adverse impact should be weighed in the planning balance in determining the application. On this basis, the Council can consider the diversion of trade away from Formby district centre to be a negative impact capable of being weighed in the balance. Conversely, it is also relevant that Formby currently has relatively limited choice in respect of main food shopping (with most main food shopping being undertaken at its Tesco or Waitrose stores) and a current need to travel some distance (to Birkdale or to Crosby) in order to access a discount food store. The improvement in customer choice is a positive consideration in accordance with paragraph 90 of the NPPF.*
- 2.8. *In conclusion, the application proposal is found to be generally consistent with the requirement of the NPPF and Local Plan Policy ED2 in respect of retail impact.*
- 2.9. *Local Plan Policy SD2 identifies that development should help support Sefton's town and local centres to diversify and thrive. However, there is no policy mechanism to indicate how this would be achieved or any clear guidance as to how the policy would be breached in practice (other than that set out at Policy ED2). Given the scale and nature of the application proposal, we also find no direct policy conflict with the requirements of Policy SD2.*
- 2.10. *Given the above, we conclude that the refusal of planning permission for this application proposal would not be supported on retail and town centre planning policy grounds alone (subject to conditions to ensure that the proposal continues to trade as a supermarket in the manner set out by the planning application documents, should planning permission be approved)'.*
- 2.11. Having regard to the above advice, the proposal is considered to be acceptable in relation to policies SD2 and ED2 of the Sefton Local Plan. It is also considered to be consistent with Policy WS4 of the Neighbourhood Plan. However, the negative impact of diversion of trade away from Formby district centre, and the positive impacts of consumer choice will be weight in the balance.

3. Highway Safety

- 3.1 Concerns have been raised by local residents in relation to the provision of a new junction, additional traffic impeding the flow of traffic along the Bypass and causing highway safety issues. The applicant has submitted a transport assessment (TA). The Local Highway Authority has been consulted and the Highways Manager objects, in summary the concerns are as follows:

Safety

- 3.2. Access to the site would be provided from the A565 Formby Bypass, in the form of a new signalised junction, this would not include pedestrian crossing facilities, as the applicant proposes a separate controlled toucan crossing to the south. The A565 Formby Bypass has a speed limit of 60mph in the vicinity of the site and as a result, the introduction of the separate signal-controlled crossing would not be acceptable. The proposed site access junction would need to be fully signalised and incorporate the pedestrian and cycle crossing facilities across all three arms with the crossings staggered for all three arms.
- 3.3. The pedestrian/cyclist facilities along the eastern side of the bypass are currently separated from the carriageway by a grassed verge. The plans show the verge being removed and the footways being directly adjacent to the carriageway. Given the speed limit and vehicle speeds along this section of the bypass having no separation would not be acceptable and do not meet the relevant standards. A Road Safety Audit (RSA) has not been provided, and the application fails to demonstrate that the highway proposals would be safe.

Traffic Impact

- 3.4. The transport assessment (TA) uses survey data from discount food stores which is unacceptable as Aldi stores now have a much larger share of the sales market than previously and do not reflect the definition of a discount food store. Some data used also comes from edge of town centre and neighbourhood centre sites, which do not reflect the location of this development. The TA also uses surveys undertaken during periods of covid restrictions. Therefore, the TA does not provide a satisfactory assessment.
- 3.5. The site layout drawings do not show the full extent of the 2 existing traffic lanes on the Formby Bypass that are proposed to go into 3 lanes and the tie-in points so the revised highway geometry proposed cannot be properly assessed against the junction modelling produced in the TA.
- 3.6. The TA does not take account of all the relevant committed development sites in the area. Notably it does not include the housing allocation on Liverpool Road (MN2.27) or the Strategic Employment Site (MN2.49) to the south. Furthermore, the traffic counts do not include queue surveys on all legs of the junctions, the proportion of new, pass-by and diverted trips in the TA is not based on any evidence.
- 3.7. As a result, the application fails to demonstrate that the proposals would not have a significant traffic impact on the highway network, nor that the proposals for the site access junction and toucan crossing would be appropriate in traffic capacity terms and suitably safe.

Accessibility

- 3.8. The site fails to meet the minimum accessibility criteria. With regards to public transport, the 2 no. bus stops on Southport Road are approximately 600m and 700m away from the site which is contrary to Institute of Highways and Transportation 'Planning for Public Transport in Developments' (1999) guidance which recommends that the maximum walking distance to a bus stop should be 400 metres.

Other Highways Matters

- 3.9. Concerns are raised in relation to the sources of accident data uses, the tracking drawings not demonstrating that cars and servicing vehicles could safely manoeuvre within the site. Concerns also raised in relation to reversing of delivery vehicles and conflict with shoppers.
- 3.10. An additional note has been provided stating that the applicant would be prepared to fund improvements to open countryside and green belt connections from Formby and associated footpath routes. However, these would not address the shortfalls in accessibility of the planning application.

Highways Summary

- 3.11. In summary there is a lack of information to demonstrate that the proposed development would be safe. The site is not adequately sustainable as it fails to meet the minimum accessibility criteria of the MASA in the adopted 'Sustainable Travel and Development' SPD and has not proposed suitable mitigation measures to address the lack of accessibility. It is also contrary to both the National Planning Policy Framework, which states that developments must be sustainable, and Sefton Local Plan policy EQ3 (Accessibility). The proposal is also inconsistent with policies GA2 (Accessibility Audits and Travel Plans) and GA3 (Provision for Pedestrians and Cyclists) of the Neighbourhood Plan.

4. Design and Appearance

- 4.1. Policy EQ2 (Design) of the Local Plan and ESD2 (High Quality of Design) of the Neighbourhood Plan seek to ensure high quality design that development responds positively to the character of the area.
- 4.2. The proposed new building would be of a modern design and appearance, it would have a mono-pitched roof designed to slope up away from the properties on Moss Side at the rear up to the front elevation.
- 4.3. The facing materials on the front elevation would comprise of red brick at the lower levels, high level glazing, and vertical timber cladding on the upper parts. The western elevation would have full height glazing, wrapping slightly around the north elevation, creating an entrance feature on the north-western corner of the building. The rear would be predominantly blank and finished in a contrasting grey cladding material.

- 4.4. The design and appearance of the building in itself is considered to be of high quality, and the use of sustainable building materials, and energy saving features are considered to be consistent with Local Plan Policy EQ2 and Neighbourhood Plan Policy ESD2, in that specific regard.
- 4.5. However, this does not overcome the concerns highlighted above regarding the scale and mass of the development and the harm that would be cause to the Green Belt.

5. Living Conditions, Noise and Air Quality

- 5.1. The nearest residential properties are located at off Moss Side, two of these properties share rear boundary fences with the site, however they do have relatively long gardens, the rear elevations of the dwellings would be more than 35m away from the rear elevation of the proposed food store, with landscaping proposed in between. A third house is located next to the existing access and orientated at 90 degrees to the proposed food store. It does have two windows on the side, these are understood to be secondary and are approximately 10m from the rear elevation of the proposed food store. Consequently, impact on outlook could not be a justified reason for refusal.
- 5.2. The application is accompanied by a Noise Impact Assessment report, the Environmental Health Manager is satisfied with the methodology and associated mitigation measures and agrees that the impacts on nearby dwellings would be low. The report and associated mitigation measures could be secured by condition. Conditions are also recommended to restrict deliveries to between 06.00-23.00 hours, limitations on external lighting to protect the amenity of nearby residents, a Construction Environmental Management Plan, and detail of piling methods to be agreed if these are to be used.
- 5.3. The applicant has provided an air quality assessment report with the application, this considers impacts from the construction activities and from traffic during the operational phase. The associated modelling concludes that in the first year the impact of traffic related emissions would be negligible, and levels of nitrogen oxide and particulate matter would be within national air quality standards. The report also makes recommendations to mitigate potential impacts during construction. The Environmental Health Manager is satisfied with the conclusions of the air quality assessment. He has recommended a condition for the control of dust.

6. Trees and Hedgerow

- 6.1 Policy ESD7 (Trees and Landscape) of the Neighbourhood Plan states that Hedgerows should be preserved or enhanced with a view to achieving a soft transition between the urban area and the countryside. The proposal involves losing a substantial section of hedge to open up the entrance. The Tree Officer has been consulted and is satisfied that suitable replacements could be achieved onsite.

- 6.2. Whilst this may compensate for the loss to some degree and would not justify a refusal on these grounds alone, there would still be some harm caused as the development would not maintain a soft transition between the urban area and the countryside, which needs to be taken into account in the overall balance.

7. Flooding and Drainage

- 7.1. The application lies within Flood Zone 1 defined by the Planning Practice Guidance as having a low probability of flooding. However, in accordance with policy and guidance, due to the scale of development the applicant has provided a Flood Risk Assessment and outline drainage strategy. The Lead Local Flood Authority (LLFA) has been consulted, whilst initial concerns were raised in relation to drainage details and compliance with the sustainable drainage hierarchy, they have no objections subject to outstanding matters being addressed by a planning condition. Therefore, is not a reason for refusal.

8. Habitats and Ecology

- 8.1. The applicant has provided an ecological survey report in support of their application, looking at onsite habitats and potential for various species. It found some semi-natural habitat would be lost on site but that this could be mitigated through appropriate landscaping. Amongst others, the survey found negligible ecological importance for amphibians, it's also found negligible potential for roosting bats, with some potential for some foraging. Recommendations in the report included pre-commencement checks for various species, avoidance of bird nesting season, lighting details, plan to remove invasive species as well as enhancements such as bird and bat boxes, hedgehog highways, and suitable planting. These matters could be suitably addressed by individual conditions or through a Construction Environmental Management Plan.

9. Contaminated Land

- 9.1. The application has been submitted with a phase 1 and 2 geo-environmental assessment report. The Contaminated Land Officer has raised no objections but has stated that further investigations are required in parts of the site previously used for vehicle storage and a workshop. These further investigations and remediation works could be controlled by way of planning conditions. Subject to these conditions the proposal complies with Policy EQ6 of the Local Plan.

10. Other Considerations

- 10.1. The site previously comprised of several larger green houses and poly tunnels associated with the previous horticultural use of the site. These covered much of the site and had a combined volume of 27,000 m³. However, most of these have been demolished, with only one (4,200 m³) building remaining. Given that these buildings no longer exist, little weight can be given to this matter, as they do not currently affect the openness of the Green Belt, and do not justify the harm that would be caused by the proposed food store.
- 10.2. Their removal was a significant factor in the justification for granting outline planning permission (DC/2016/02196) for up to 7 dwellings in the Green Belt. However, that was on the basis that the cumulative volume of the dwellings was a maximum of 8,500m³, this has been secured by a planning condition. The reserved matters (DC/2018/02294) have also been approved, and the permission has been implemented by virtue of the demolition works and the permission is now extant, therefore it does constitute a fall-back, and a comparison of the schemes must be considered.
- 10.3. The approved dwellings would have a volume of 8,461m³, they were also carefully designed to reflect the sites rural fringe location, their layout and form is like that of a farmstead, with the buildings laid around a central courtyard. The elevations of the dwelling utilise traditional materials and have similar appearance to brick farm buildings. Also, the rear gardens located between the buildings and the boundaries of the site, retaining a sense of openness, landscaping and greenery around the built form. The dwellings would also be detached with gaps in between allowing for separation and visibility through. Additional planting was also proposed around the boundaries of the site, the existing access onto Moss side would be used and the hedgerow along Formby Bypass would be retained.
- 10.4. In comparison the volume of the food store building would be 11,400m³, approximately 35% greater than the approved dwellings. And whilst the food store would be lower in overall height, it would have a larger footprint, and width of 70m, overall, its scale and mass would appear substantially larger having an obvious greater visual impact on openness. Due to its siting in the southern part of the site it would be much closer to existing housing on Moss Side and the Formby Bypass making it visibly more dominant to neighbouring occupiers and users of the bypass. The visual prominence would be worsened by the removal of the existing boundary hedgerow to create the new access junction, resulting in views into the site of the building, the extensive car parking areas and the activities within, along with the associated comings and goings of vehicles, signage, lighting and overall commercial appearance.

10.5. Overall, the proposed food store would have a significantly greater impact on openness, and a greater sense of urbanisation and encroachment into the Green Belt east of the bypass when compared to the proposed housing. So, whilst significant weight should be attached to the fallback position as a material consideration, for the reasons stated above it would be much less harmful than the proposed food store.

10.6. The applicant has also provided the following list of benefits the scheme would provide, these have been addressed in turn:

- **The Aldi food store will significantly enhance consumer choice and competition in Formby's convenience goods retail sector by providing the first discount food store in the town. The Aldi offer is of particular benefit in this regard, given the 'cost of living crisis' that the UK is presently facing and the fact that Aldi is currently the UK's lowest-priced supermarket.**

Given the limited options currently available in the town, the introduction of an additional food store would inevitably provide consumers with more choice and increase competition between retailers. Particularly given the applicant specialises in low-cost shopping. Therefore, moderate weight should be given to this benefit.

- **The introduction of an Aldi food store in Formby will play a very important role in reducing residents' need to travel further afield to access discount food store provision. Indeed, based on empirical evidence of existing shopping patterns the proposed discount food store is anticipated to 'clawback' some £6.5m of convenience goods expenditure which leaks to existing discount food stores in Birkdale, Crosby and Burscough. Keeping more residents shopping locally will reduce car use, support more sustainable travel patterns and is evidently vastly more beneficial for Formby's local economy.**
- **In this regard, the Carbon Footprint Analysis submitted as part of this planning application has found that the discount food store's introduction, and its associated reduction in miles travelled by Formby residents by car for discount groceries, would result in the saving of an estimated 0.10 tonnes of CO2 emissions per day, or 32.73 tonnes of CO2 emissions per year. This sustainable travel and environmental benefit should be afforded significant weight.**

With regard to the two points above, a reduction in the length of car journeys made by local residents is a positive factor, and it is acknowledged that this would have a large effect on the carbon footprint of some local residents that choose to shop at that store. However, the proposed food store is out of the town centre, on the edge of Formby and on the opposite side of a busy dual carriage way away from the main settlement area, so it does also has the potential to encourage additional shorter car journeys when the residents may have otherwise walked. Overall, moderate weight should be given to this matter.

- **Aldi will create 40-50 quality full and part-time jobs; delivering further indirect jobs through services supporting the new food store, and also providing a range of temporary construction jobs. The vast majority of positions will be made available to local people via targeted work with organisations such as Job Centre Plus.**
- **The proposal offers the guarantee of deliverable economic development with Sefton by a multinational supermarket brand Aldi, which will help boost the local economy and will assist in attracting further investment in Formby. Indeed, the overall economic value of Aldi's investment is anticipated to exceed £5m.**

The proposed development would bring economic benefits to the area, through employment during construction and operation. There is no specific evidence that it would attract further investment, but it is not unreasonable to expect such a food store would. Full weight should be given to these economic benefits.

- **The proposal will bring about significant environmental and visual improvements to this prominent site on Formby Bypass. It will replace what is currently a derelict and partially demolished long term vacant site with a modern food store with active frontage to Formby Bypass set within attractive landscaping. Such development will improve the visual appearance of this derelict site to the overall benefit of the surrounding area.**

The development would indeed result in positive environmental enhancements to the site. However, much of the site is already well screened by hedgerow and existing residential properties, and not particularly visible from public vantage points. There would also be some negatives in the removal of mature hedgerow along the Formby Bypass to create the access, visually this would appear as encroachment and urbanisation. It must also be noted that the site benefits from an extant permission for residential purposes, in a lucrative area of Sefton where there appears to be a healthy demand. The applicant has provided no evidence to demonstrate why the housing development cannot be completed which, as demonstrated above, would bring improved environmental enhancements in any case. Therefore, on balance moderate weight should be attributed to this.

- ***Aldi's introduction will offer important sustainability benefits, including the provision of four car parking spaces that are equipped with Electric Vehicle Charging Points ('EVCP'). Furthermore, below ground infrastructure will be put in place to add further EVCPs in the future – future proofing the Aldi food store in terms of this emerging mode of private travel. Aldi will provide electricity free of charge to customers.***

Building Regulations would require the installation of at least one Charging Point (and 1/5 spaces must be provided with cable routes). Charging points would also be requirement required for new housing development on the site. Therefore, there would be some additional benefit which should be attributed moderate weight.

- ***An important accessibility benefits offered by the proposed development is the new pedestrian crossing facility across the Formby Bypass in proximity to the junction with Moss Side, providing a safe crossing point for local residents.***

However, the site is not in the most sustainable location, and in any event a safe crossing facility would be necessary to make the development accessible and acceptable in highways and policy terms, therefore limited weight should be given to this.

- 10.7. The applicant has also provided a Technical Note that looks at nearby Public Rights of Way (PROW) and suggests that the applicant is prepared to make financial contributions to improve these. However no detailed schemes have been provided, and very little weight can be given to this.

11. Overall Planning Balance

- 11.1. The proposal would be inappropriate development in the Green Belt as it would not preserve the openness, and would not safeguard the countryside from encroachment, thereby conflicting with the purposes of including land within it. The proposal would also be outside of the settlement boundary as identified in Policy GP1 of the Neighbourhood Plan.
- 11.2. The application fails to demonstrate that the proposed development would not cause harm to highway safety, or that it meets the minimum requirements for accessibility. The proposal would also divert a small amount of trade away from Formby district centre, and result in the loss of hedgerow.
- 11.3. On the other hand, the proposal would provide economic benefits that are given full weight, it would provide retail choice, has the potential to reduce travel and air quality, would provide some environmental improvements and additional electric vehicle charging points which are all given moderate weight. Little weight is given to the pedestrian crossing, as accessibility is a policy requirement.
- 11.4. Little weight can be given to the glass houses that once stood on the site. Significant weight is attached to the fallback position as a material consideration, however, that development would be less harmful to the Green Belt than the proposed food store.
- 11.5. The National Planning Policy Framework states that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

11.6. As set out in the National Planning Policy Framework substantial weight must be given to the harm to the Green Belt. This harm would not be clearly outweighed by the other considerations set out above so as to amount to the very special circumstances required to justify the proposal.

12. Conclusion

12.1. For the reasons set out above, the proposal would be inappropriate development in the Green Belt and there are no very special circumstances to justify the proposal. The proposed development is contrary to Sefton Local Plan Policy MN7, and the National Planning Policy Framework.

12.2. The application also fails to demonstrate that the proposed development would not have a severe impact on the highway network, an unacceptable impact on highway safety, or that it meets the minimum requirements for accessibility and is therefore contrary to Policy EQ3 of the Sefton Local Plan, Policies GA2 and GA3 of the Neighbourhood Plan, and the guidance contained in the Council's adopted Sustainable Travel and Development Supplementary Planning Document.

12.3. The proposal is therefore considered unacceptable and should be refused.

Equality Act Consideration

Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development.

Recommendation - Refuse

Reason for Refusal

This application has been recommended for refusal for the following reasons:

- 1) The proposal would be inappropriate development in the Green Belt, by virtue of the harmful impact it would have on openness and conflict with the purposes of including land within the Green Belt, due to the scale and mass of the proposed building, construction of the access and car parking and the associated activities of the proposed use. This harm would not be clearly outweighed by the other considerations, consequently very special circumstances do not exist to justify the proposal. The development is contrary to Policy MN7 and the National Planning Policy Framework.
- 2) Insufficient information has been provided to demonstrate that the proposed development would not have a severe impact on the highway network, not have an unacceptable impact on highway safety, or that it meets the minimum requirements for accessibility. The development is contrary to Policy EQ3 of the Sefton Local Plan, Policies GA2 and GA3 of the Neighbourhood Plan, the National Planning Policy Framework, and inconsistent with the Sustainable Travel and Development Supplementary Planning Document.