

Report to: PLANNING COMMITTEE **Date of Meeting:** 10th April 2024

Subject: [DC/2021/00924](#)
[Land Off Bankfield Lane Churchtown Southport](#)

Proposal: Erection of 9 houses, together with a new vehicular access and associated works (part alternative to application reference DC/2017/00821)

Applicant: See attached Applicants List sheet **Agent:** Mrs Helen Leggett
Emery Planning Partnership Ltd

Ward: Meols Ward **Type:** Full Application

Reason for Committee Determination: Petition endorsed by Cllr Lewis

Summary

This application was previously discussed by members of the Planning Committee on 29th June 2022, who deferred the application to enable further traffic surveys to be undertaken and review of the content of the Construction Traffic Management Plan to be carried out.

The applicant has since carried out a further traffic survey on Bankfield Lane to try and address the highway issues raised at the Planning Committee. This has been reviewed by the Council's Highways Manager who has raised no objections and is satisfied that the proposal would not give rise to highway safety concerns.

It is acknowledged that the proposed access under the current application would not fully comply with the site-specific requirements set out in Policy MN2.2 of the Local Plan. However, given the proposed access would serve a small number of units and not the wider development, and would not raise any other concern, it is considered that on balance the proposal is acceptable.

Recommendation: Approve with Conditions.

Case Officer Kevin Baker

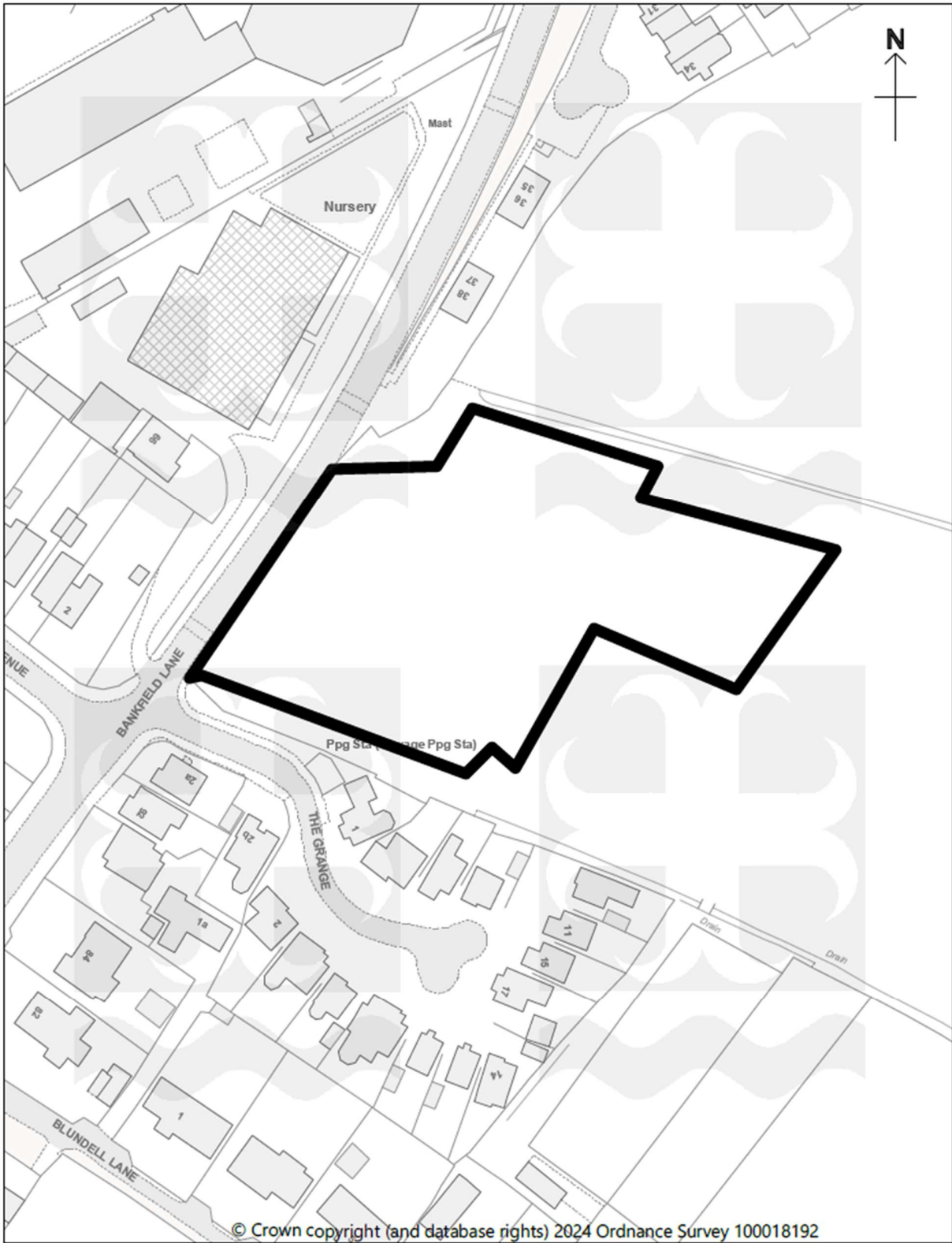
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJWCKPNWN4E00>

Site Location Plan



1. The Site

- 1.1 The site relates to a section of a larger residential development site comprising approximately 16.5 ha of arable land, with several small paddocks. The site is located to the west of the wider residential site, abutting Bankfield Lane and comprises approximately 0.32 ha of land.
- 1.2 The residential edge of Churchtown is located north and west of the site. A mix of modern and traditional residential properties are located to the north and west of the site, with housing and the former Phillips factory (now a development site for residential use, which is nearing completion) beyond on the opposite side of Bankfield Lane/Rufford Road. To the south and south east are open fields with the Three Pools waterway stretching along the eastern boundary of the wider residential site.
- 1.3 Two of the three open ditches which cut across the wider residential site, are located either side of the application site.
- 1.4 The site is relatively flat, although Bankfield Lane which sits to the west of the site increases in height in a south/north direction.

2. History

- 2.1 In 2018, members resolved to approve a hybrid planning application (i.e. an application for part full, part outline planning permission) for a residential development on land off Bankfield Lane subject to a section 106 legal agreement and various planning conditions (app.ref: DC/2017/00821). The Section 106 was formally signed and permission granted in October 2020.
- 2.2 The application granted full planning permission for 128 houses, with access taken from a widened Blundells Lane via Bankfield Lane, and the provision of 7.3ha of open space to the east of the site between the developable area and Captains Waterway. This element is referred to as Phase 1.
- 2.3 Alongside the full application, outline permission was granted for the erection of up to 200 houses, with access taken from Phase 1 and linking with the widened access off Blundell Lane. The outline permission granted details of access, with all other matters being reserved for subsequent approval. This element is known as Phase 2.
- 2.4 Reserved matters for the development of 156 houses was granted planning permission in December 2021 on the phase 2 land. A total of 284 houses has therefore been granted on the site. Both Phase 1 and Phase 2 have now commenced on site.

- 2.5 This application relates to an area of land within Phase 1 and was presented to Planning Committee on 29th June 2022 but deferred to enable further traffic surveys to be undertaken and review of the content of the Construction Traffic Management Plan to be carried out. This is discussed further below.

3. Consultations

- 3.1 The following consultee comments have been received:

Local Planning Manager

No change to housing mix to that originally approved.

Environment Agency

No objection subject to flood mitigation measures being implemented.

Natural England

Do not object to the proposal but advise that further information is provided to demonstrate that there are no likely significant effects from the proposal and that the changes are assessed within an updated Habitats Regulations Assessment. Advise that advice previously provided on the original application (DC/2017/00082) still applies to this proposal.

Merseyside Environmental Advisory Service

No objection subject to condition. Have carried out an updated Habitats Regulations Assessment and advise that the Appropriate Assessment report concludes that, with mitigation/preventative measures, there will be no adverse effect upon the integrity of European sites.

Highways Manager

Advise that the proposals do not comply with the Local Plan policy because of the Appendix 1 requirement for all access to the development site to be from Blundell Lane. However, raise no objections on highway safety grounds, subject to various conditions.

Following Planning Committee's resolution in June 2022, the Highways Manager has reviewed the further traffic surveys to assess the impact of the development from the proposed show homes and associated secondary site access junction proposed onto Bankfield Lane. The Highways Manager concludes that the predicted number of vehicles visiting the show homes would not result in a significant impact on the operation of Bankfield Lane and the surrounding highway network, and there would be no highway safety impact arising from the proposals.

Department for Levelling Up, Housing & Communities

In May 2023, the Secretary of State confirmed that he had decided not to call in this application and was content that it should be determined by the Local Planning Authority.

4. Neighbour Representations

- 4.1 Neighbouring properties were first notified of the planning application in May 2021. As part of this process a petition containing 49 signatures and endorsed by Cllr Lewis was received objecting to the proposal on grounds that the proposed entrance would be dangerous and would not comply with the Local Plan. Also that the plan would be detrimental to residential amenity.
- 4.2 In addition, correspondence was received from local residents on Blundell Lane, The Grange, The Mallards, Bankfield Lane, Merlewood Avenue objecting to the proposed development. The grounds of objection can be summarised as follows:

Principle

- Goes against Sefton's own Local Plan which states that the only access to the proposed site should be via Blundell Lane. Goes against all common sense and continually ignore the well founded objections of local residents. Would have 3 new access if including the emergency access.
- Land is Greenbelt and should be protected

Flooding and Drainage

- No evidence that satisfactory disposal of surface water would occur or that a sustainable drainage system would be used.
- System would connect to existing drainage on Banfield adding to current problems

Living Conditions

- Increase in noise, dust and cosmetic damage from construction.

Design and Character

- Would destroy the charm and character of Churchtown and community by overpopulating the area, overburdening roads, increasing carbon emissions and further straining vital resources such as the NHS

Highway Safety

- New access is on a blind spot, already an accident hotspot, increasing risk to road users
- Speed humps play a minor role in reducing speed on this section especially for motorcyclists. Traffic continues to speed in excess of 50 mph.
- There has been a fatality in recent years, highway report fails to pick up on this
- Access would be on an angle which would be detrimental to easy access to the road

- Cars overtake on the bridge and agricultural vehicles come and go from JA Jones opposite the proposed access
- Access would be an accident waiting to happen. Pedestrians, cyclists and cars would be put at risk
- Would add to congestion on the bridge
- Close to existing business entrance which has restricted visibility
- Traffic leaving the cul de sac directly onto the bridge would not have time to avoid a major collision
- Severely impacts and compromises the highway safety of all other road users and pedestrians
- Route Action Programme identified Banfield Lane with a history of accidents resulting with the introduction of extensive road calming measures, including a 20 mph speed limit, in an effort to reduce speeding traffic in an already over strained highway infrastructure
- Dual standards, despite being told original scheme could not have more than one access due to conflict with Local Plan, the proposal now introduces a second access contradicting the Local Plan
- Would be much safer to reconsider the emergency entrance and place it where the proposed cul-de-sac entrance is to be considered.
- Traffic has increased significantly along Bankfield Lane since initial survey carried out, in peak periods it is extremely hazardous
- Too many junctions close to each other
- Insufficient parking available, with overflow parking on Bankfield Lane, blocking driveways
- Junction cannot be safe
- Reconsideration should be given to further access points on other roads to support the development and provide safer access to the site.
- Roads are not big enough or wide enough
- Turnover of wagons up and down Bankfield Lane supplying materials will be dangerous

Ecology

- Wildlife would be destroyed

Other Matters

- Japanese Knotweed on site, but no justification provided for its containment or removal.
- Will create unbearable pressure on local amenities and infrastructure, with insufficient medical and educational resources to meet any future demand
- Will be detrimental to the environment in terms of pollution and carbon emissions

4.3 Neighbouring residents have been renotified of the additional information received because of the Committee's resolution in June 2022. Correspondence has been received from local residents on The Mallards, Bankfield Lane, Merlewood Avenue, Blundell Lane and The Grange who are objecting to the proposal for the following grounds:

Principle

- Goes against planning policy in that access should be taken from Blundell Lane.
- The access is in direct contravention of the approved Sefton Local Plan and violated the Planning Inspectorate directive appended to MN2.2.

Living Conditions

- Increased road noise
- More noise, mess, disruption and dust

Highway Safety

- Location of the access is dangerous, there have been numerous road accidents, including one fatality.
- Increased road congestions
- Will make crossing the road more difficult
- New access will give rise to a number of safety and hazard concerns
- Drivers are prone to exceeding speed limits, new access may exacerbate this leading to higher risk of accidents.
- Traffic survey not a true version of events, increase of heavy loaded lorries, farm vehicles, buses and class 1 lorries from Holland coming over the bridge and ignoring the weight restrictions.
- Large vehicles are already dangerously turning around in roads, causing damage, the development will result in more accidents.
- Access would have a blind spot, vehicles would have no time to avoid a collision.
- Traffic survey does not record speed of the traffic, unrealistic to assume all traffic travels at 20 mph and car speeding have been witnessed, given rise to concern associated with the safety of the access.
- Access for 200+ houses has not been well thought through, consideration should have been given to an access from the Crescent
- Traffic have been avoiding Bankfield Lane due to works on the storage tank.
- Busy bus route.
- Had the access been proposed originally there is little doubt that the residential development would have been refused on the grounds that's the development of this site must take all vehicular access from an expanded Blundell Lane.
- Road traffic survey is unrepresentative of the traffic that will be proceeding along Bankfield Lane once the development starts. The roads linking the Elan Homes Balmoral Gardens estate to Rufford Road & North Road have not yet opened. All traffic from that estate (157 homes) currently exits to Balmoral Drive. Once the alternative exit roads open, many of those residents will exit the estate onto Rufford Road which leads onto the Bankfield Road bridge. So, the traffic survey cannot be relied upon as accurate.
- Cannot understand why the Council are even giving consideration to the application for the cul-de-sac, given that it's clearly in contravention of the Government Inspector's conclusions

- No consideration has been given to the existing business opposite which has expanded and uses Bankfield Lane.
- Access is unsafe, especially when an emergency entrance for blue light vehicles will be adjacent to this new entrance.
- If permission granted there would be 5 junctions within 60m, Grange, Merlewood, JA Jones entrance, emergency entrance and access to the 9 houses.
- Dual standards being applied regarding this 'second entrance' to the development site MN2.2
- Wainhomes suggest the development will take approximately 9 years to complete and the show homes will be available for most of this period. For this reason one cannot argue that this cul-de-sac is temporary
- Cyclist entrance onto Bankfield Lane has had to be moved further up the hill and will now utilise the Emergency Entrance, thereby increasing the risk of cyclists existing the site on front of many speeding vehicles travelling over the brow.
- The previous analysis included far greater detail such as duration of survey, speed of vehicles, weight of vehicles etc. all of which provide a greater wealth of data to be examined and considered by your highways experts in making their recommendations, whereas this doesn't! It doesn't mention any near-by activities which may affect the 'numbers' i.e. Rufford Road (a continuation of Bankfield Lane) having single lane traffic lights in operation at the time of the survey. It doesn't include the expected increase in vehicle numbers when the Elan Homes development on Balmoral Drive is complete nor does it mention the increase relating to the 280 dwellings by Wainhomes on Bankfield Lane.
- The Traffic Survey has lots of inaccuracies, and inconsistencies.

Other Matters

- Bridge has a weight restriction which poses a significant obstacle to the delivery of building materials by Heavy Goods Vehicles. This has implications both on structural integrity of the bridge and historic buildings if directed through Churchtown.
- Presence of Japanese Knotweed on site, no explanation given for containment or removal.
- On a flood plain with no evidence of the satisfactory disposal of surface water

- The Captains Waterway is the primary drain for the whole of the development area MN2.2 (approx.9ha) of which these 9 houses were originally included albeit now seeking an independent vehicle entrance! The 2017 report fails to identify that the Captains Waterway flows via an historic & old 'culvert' a river running underneath a river (The Three Pools); a culvert which is continuously blocked with debris & in need of restoration. Following UU construction works to build massive below ground concrete structures within the adjacent greenfield area, the locality has experienced the LOSS of permeable land & ground rainwater infiltration impacting surface water drainage in the area. The capacity of the local watercourses have been further compounded by UU introducing numerous land drains dispersing surface water into the local ditches which flow & has to be absorbed into the Captains Waterway, 'influencing' the overall capacity! The 2017 drainage statement is unsafe & current climate trends dictate updated run-off rates & projection/capacity 'modelling' based on the Captains Waterway to future proof residential homes from flooding!

5. Policy Context

- 5.1 The application site is allocated for housing (MN2.2 Land at Bankfield Lane, Southport) and proposed open space in the Sefton Local Plan which was adopted by the Council in April 2017.

6. Assessment of the Proposal

- 6.1 This current proposal would see an amendment to the house types and housing layout of 9 houses (of the 128 previously granted planning permission under phase 1) to incorporate a new access onto Bankfield Lane. This new access would serve 6 houses within the development, with the other 3 houses continuing to gain access from the approved highway network within phase 1, via a widened Blundell Lane.
- 6.2 At the June 2022 planning committee, members expressed concern regarding the access and the impact on highway safety. In particular, members acknowledged that the houses would be used as show homes and expressed concern regarding the impact this would have at the proposed traffic junction on Bankfield Lane. The applicant has since submitted further traffic surveys to address the concerns of the Planning Committee and this is addressed in detail below.
- 6.3 The main planning issues for consideration include the principle of development, highways impacts, flooding and drainage, potential impact on the living conditions of existing and future residents, open space requirements, ecological issues, affordable housing and housing mix, historic environment, design, and trees and landscaping requirements.

Principle of Development

- 6.4 The land to which the planning application site relates is part of a wider allocation site for housing in the Local Plan, which was adopted by the Council on 20th April 2017. Policy MN2 'Housing, Employment and Mixed Use Allocations' refers to this site as MN2.2 'Land at Bankfield Lane, Southport.' Appendix 1 of the Local Plan sets out specific requirements for some sites allocated for housing, as noted below:

MN2.2 Land at Bankfield Lane, Southport

Development of this site must:

- *take all vehicular access from an expanded Blundell Lane;*
- *provide an additional pedestrian/cyclist access directly onto Bankfield Lane;*
- *provide new public open space, habitat creation, and Sustainable Drainage Systems on the adjacent land designated as 'Proposed Open Space'; and*
- *take account of the Local Wildlife Site designation in meeting the requirements of policy NH2.*

- 6.5 As can be seen from the planning history above, the principle of residential development has already been established on the site as part of the wider residential development. This includes 128 houses under phase 1 (to which this application sits within) and 156 houses for phase 2.
- 6.6 Under phase 1, the approved layout proposed the erection of 9 houses within the application site with a similar layout to that currently proposed under this planning application. The distinguishable difference with the current proposal is the introduction of a new vehicular access point directly onto Bankfield Lane to serve 6 of the 9 houses proposed under this application. The other 3 houses would continue to be accessed via the proposed internal road network approved as part of the wider residential development.
- 6.7 In this instance, whilst the principle of new housing on the application site is acceptable in principle, in terms of land use, it must be noted that it fails to comply with one of the site specific requirements set out in policy MN2.2, that being that the 'development site must ... take all vehicle access from an expanded Blundell Lane'. The development, when considered in combination with the wider residential development, would provide a secondary vehicle access onto Bankfield Lane, albeit to serve just 6 houses out of the 284 proposed.

Highway Impacts

- 6.8 The key difference with this proposal scheme, is the introduction of a new access road onto Bankfield Lane. This access road would serve 6 of the 9 properties to which the application relates as opposed to being accessed from within the new road network proposed as part of the wider residential development and accessed from a widened Blundell Lane. The other 3 houses would continue to be accessed from Blundell Lane through the internal road network.

The emergency access onto Bankfield Lane remains, although the layout of this has been amended to accommodate the alternative layout.

- 6.9 The applicant provided an updated technical note to address the amended access and road layout. This was assessed by the Council's Highways Manager along with the proposed layout, who raised no objection on highway safety grounds.
- 6.10 It is acknowledged that the proposed access point would be at the base of a slight hill rising upwards in a northern direction. It is also acknowledged that there are 3 other access points further west onto Bankfield Lane serving other residential estates and commercial premises.
- 6.11 However, Bankfield Lane is subject to a 20mph speed limit, which is controlled using speed bumps and road traffic signs. The proposed site layout plan shows that the width of the access road would be acceptable whilst vehicle 'swept path analysis' has been provided demonstrating that vehicles, including refuse vehicles, would be capable of entering and leaving the site safely. The Councils recommended visibility splays would be achievable for the proposed site access in both directions ensuring that vehicles leaving the application site would be able to have clear view of oncoming traffic in both directions.
- 6.12 It is predicted that up to 5 two-way vehicle movements in the peak hour would be generated by the development which equates to an average of 1 vehicle every 12 minutes. As a result there would be no significant traffic impact on Bankfield Lane from the proposals due to the small number of properties to be served from the proposed site access. The nearby junctions of The Grange, Merlewood Avenue and the access to JA Jones are sufficiently distanced to not cause any conflicts or queuing back from the development.
- 6.13 Notwithstanding this, members of the Planning Committee previously raised highway safety concerns, acknowledging that the homes associated with the development would act as the show homes for marketing purposes during the construction of the wider development. Their concerns were that a much greater level of traffic volume would be anticipated during this period which could give rise to highway safety concerns. Further traffic surveys were therefore sought to assess the impact of the development from the proposed show homes and the associated secondary site access junction proposed onto Bankfield Lane.
- 6.14 In response, the applicant has submitted a Traffic Survey Report to address the highway safety issues raised by members of the Planning committee. This has been reviewed by the Council's Highways Manager.
- 6.15 The Highways Manager has expressed concern with some of the data provided within the Traffic Survey and as a result have undertaken their own analysis of the full survey results. The Traffic Survey only contains a forecast of visitor numbers to the show homes, but states that during peak periods the highest number of visitors expected at a single time is 3 on weekend days, and visitors remain on-site between 30 minutes to an hour. On this basis, the TN predicts that the show homes will generate 6 vehicle trips an hour, 3 inbound and 3

outbound. This is considered the worst case scenario. With no evidence to disagree with the forecast provided, and acknowledging that the applicant is an experienced housing developer, it is accepted that this is an accurate forecast.

- 6.16 Taking into consideration the highest volume of traffic during the busiest periods on the road both in the week and at weekend, alongside the worst case forecast of visitor numbers to the show homes, the Highways Manager is satisfied that the temporary use of the properties as show homes during the construction of the wider development would not result in a significant impact on the operation of Bankfield Lane and the surrounding highway network.
- 6.17 A minimum of 2 car parking spaces would be provided for each property, whilst the 4 bedroom houses would include garages. To ensure any additional parking does not spill onto the highway (thus reducing the safety of the access junction) the Highways Manager has recommended that double yellow lines be implemented along the Bankfield frontage towards the junction with the Grange.
- 6.18 The proposal would retain the approved emergency access, albeit the layout of this would slightly change to that approved to accommodate the amended layout of the development. Access for pedestrians and cyclists to the wider residential development would still be permitted across this emergency access, whilst the proposal would incorporate a new pavement to the eastern side of Bankfield Lane linking to The Grange. Dropped kerbs would need to be provided to ensure safe access for pedestrians towards the western side of Bankfield Lane and the wider area. This could be conditioned.
- 6.19 From a construction perspective, it has been demonstrated through the submission of a full Construction Environmental Management Plan as part of the wider housing development that the development can be appropriately accessed without causing significant harm to the surrounding highway network. This would see delivery/construction vehicles accessing the site from Blundell Lane. Whilst this application is a stand-alone application, it is reasonable to apply a condition to ensure that construction management of the site is consistent with that approved for the wider development.
- 6.20 Given the design of the proposed access and small number of houses to which it would serve, it is considered that the proposal would be acceptable from a highway safety perspective. The development would ensure that there is acceptable car parking provision within the site, whilst the layout would ensure that pedestrians and cyclists would be capable of accessing both this site and the wider housing site safely. The proposal therefore complies with Policy EQ3 'Accessibility' of the Sefton Local Plan.

Flooding and Drainage

- 6.21 The applicant has submitted the 'Flood Risk Assessment' (FRA) relating to the wider residential development as previously proposed (and accepted) under the original application. Whilst there have been slight amendments to the layout of the 9 proposed houses, there has been very little change to the site-specific circumstances in relation to flooding and drainage to that which was previously assessed for the wider residential development. The Environment Agency is satisfied with the proposed works and considers the measures previously agreed remain relevant to this application (i.e. that lend levels be raised and the development be constructed in accordance with the Floor Risk Assessment and proposed mitigation measures).
- 6.22 It is considered that, provided the development is consistent with the mitigation measures proposed in accordance with those agreed under the wider residential development in relation to flood risk and drainage, the proposed development would be acceptable in this regard and complies with Policy EQ8 'Flood Risk and Surface Water' of the Local Plan.

Living Conditions of Residents

- 6.23 The proposed layout and scale of housing would not be too dissimilar to that previously approved. The Councils recommended interface distance between the proposed houses and existing houses would be met, whilst each property would have an acceptable level of private outdoor amenity space.
- 6.24 The original planning application for the wider residential development proposed a condition seeking a scheme of acoustic insulation to properties fronting Bankfield Lane and this remains relevant to the current proposal. Similarly, any increase in noise and dust associated with the construction phase of the development can also be controlled by condition.
- 6.25 The proposal is considered acceptable in terms of living conditions for both the existing and future occupiers and complies with Policy EQ2 'Design' of the Local Plan.

Open Space Requirements

- 6.26 The proposed application would not affect the public open space being provided as part of the approved wider residential development, which meets the requirements set out in Appendix 1 of the Sefton Local Plan (site specific requirements) and housing allocation MN2.2.

Ecology and landscaping

- 6.28 As recognised in the determination of the wider residential development, the development site is close to several national and international sites and Policy NH2 of the Local Plan applies. Although the proposal is for 9 houses, it is part of a wider residential development which would result in increased visits (recreational pressure) to recognised sites of ecological importance.

- 6.29 The wider residential development was subject to a Habitats Regulations Assessment. This has been updated to reflect the amended layout and to address up to date case law. The current application is in line with the previous approval and as such it is considered that likely significant effects identified for the previous approval remain unchanged. The Appropriate Assessment concluded that there would be no significant effects on the recognised sites subject to mitigation measures including the submission of a landscape and habitat management plan for the public open space (linked to the wider residential development) and provision of an advisory leaflet within the sale pack of each dwelling to promote the use of the public open space. The proposal therefore complies with Policy NH2 'Nature' of the Local Plan.
- 6.30 The provision of the open space and its landscaping was secured through the original permission by way of planning condition and section 106 legal agreement. The current proposal does not physically impact on the open space and as such the controls required by the wider residential development remain in force. The provision of a household leaflet, however, could be conditioned as this would be directly related to the 9 houses proposed under this application.
- 6.31 As is the case with the wider residential development, the proposal would not cause harm to local ecology subject to mitigation measures being put in place.
- 6.32 The applicant has submitted a detailed planting plan which includes planting with native hedgerows, tree planting and wildflower meadow creation, which would benefit on site biodiversity and would help soften the appearance of the development in the wider street scene.

Type of Housing

- 6.33 The proposed development would result in a change to house types, with more 3 bed houses being proposed (as opposed to 4 bed houses approved under the original application). However, this would not significantly impact on the housing mix or affordable housing provision approved under the original permission, which would still be compliant with Policy HC2 (Housing Type, Mix and Choice) of the Local Plan.

Design and Historic Environment

- 6.34 The layout, design and scale of the proposed housing would be similar to that previously approved and as such would complement the wider residential development. It would also be acceptable when viewed against the wider street scene, particularly along Bankfield Lane to which it would be most prominent, reflecting the modern housing which sits either side of the application site. Appropriate landscaping would also be introduced.
- 6.35 The proposal would not impact on the setting of the nearby Grade II listed Ravenmeols Farm or Churchtown Conservation Area.
- 6.36 The proposal would comply with Policies EQ2 'Design', NH11 'Works Affecting Listed Buildings', Policy NH12 'Conservation Areas', Policy NH14 'Scheduled Monuments and Non Designated Archaeology' of the Local Plan.

Impact on Services and Developer Contributions

- 6.37 Residents have raised concern regarding increased pressure on local services, including impact on local schools and health services.
- 6.38 This matter was previously addressed, both by the Inspector into the Local Plan (2017) and when considering the original application. The current proposal does not seek to increase the housing numbers. It is considered that the proposal would not have any greater impact on the local services.
- 6.39 Local Plan policy IN1 'Infrastructure and developer contributions' states that developer contributions may be sought to provide or enhance infrastructure to support new development. The Council intends to secure financial contributions towards primary schools' provision on developments of 11 homes or more. At 9 homes, the development falls outside of the threshold for financial contributions. However, it is linked to the wider residential development which secured a financial contribution for the 9 houses which this application would replace. The applicant has not sought to vary the section 106 legal agreement, which remains relevant. It is considered that the proposal satisfies the requirements of Policy IN1 of the Local Plan.

Trees and Landscaping Requirements

- 6.40 Local Plan Policy EQ9 'Provision of Public Open Space, Strategic Paths and Trees' is of relevance when considering the trees and landscaping requirements.
- 6.41 The application site does not impact on the public open space approved under the original permission or the more formal public areas throughout the wider development. The site

layout plan illustrates tree planting within the garden areas, which would be managed by future residents.

- 6.42 Subject to a condition seeking full details of the proposed landscaping scheme, the proposal is considered to comply with Policy EQ9 of the Local Plan.

Other Issues

- 6.43 Concern has been expressed regarding the presence of Japanese Knotweed on site and the lack of information provided with the application regarding the containment or removal of such. The original planning permission was accompanied by a specialist Japanese Knotweed assessment. This identified 2 areas of Japanese knotweed, neither of which was in the area to which this current application relates. The original permission includes conditions which seek the treatment and eradication of the identified area of Japanese Knotweed, but also mitigation if any previously unidentified Japanese Knotweed is found. A similar condition could be attached to ensure the same level of protection continues to be provided.

7. Conclusion

- 7.1 The principle of residential development on the application site has previously been established on the site for 284 houses, under the original hybrid application and subsequent reserved matters.
- 7.2 The proposal would see an amendment to the house types and housing layout of 9 houses (of the 128 previously granted planning permission under phase 1) to incorporate a new access onto Bankfield Lane. This new access would serve 6 houses within the development, with the other 3 houses continuing to gain access from the approved highway network associated with the previously approved access from a widened Blundell Lane.
- 7.3 Subject to conditions, the development would not give rise to concerns relating to flooding/drainage, living conditions (of both existing and future residents), open space, ecology, housing type/mix, design, historic environment, local services, trees and landscaping.
- 7.4 However, the introduction of a new access road onto Bankfield Lane would be contrary to Local Plan policy MN2.2 which sets out a specific requirement to take all vehicular access from an expanded Blundell Lane. The proposed access would be an additional access onto Bankfield Lane, with the expanded Blundell Lane access remaining as part of the wider housing development.
- 7.5 Notwithstanding this, the Highways Manager has fully assessed the proposal, along with the additional details submitted to address members' concerns expressed at the June 2022 Planning Committee. The Highways Manager has concluded that the proposed access and

development would not give rise to highway safety concerns when in permanent use as houses or when being used as show homes for a temporary period, to assist with the sales of the houses whilst the development is being built.

- 7.6 It is acknowledged that the proposed access would therefore not comply with the site-specific requirement set out in Policy MN2.2. However, given that this access would serve a small number of units and not the wider development and noting the comments of the Highways Manager, it is considered that there are no strong grounds to refuse the application. It is therefore considered that on balance the proposal is acceptable.

8 **Equality Act Consideration**

- 8.1 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.

- 8.2 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 - Approve with Conditions.

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of three 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 hereby granted shall be carried out strictly in accordance with the following details and plans:-

1328WHD/BLS-LP27 Rev.A;
1328WHD/BLS-PL01 Rev.KKv2;
3.113CB/P/BU/L10/300;
CLPD 013/P01;
BRU-P2;
HAV-P1;
TRE-P1
Newton House Type (dated Feb 2019);
SDG/SE/1.2/B.

Reason: To ensure a satisfactory development.

Before the Development is Commenced

- 3) No development shall take place until a site specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust, water pollution, ecology and site lighting. The plan should provide for:
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - Proposed Construction hours
 - Proposed hours for deliver and removal of plant, equipment, machinery and waste from the site.
 - Measures to control the migration of mud from the site by vehicles during construction
 - Mitigation measures to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours.
 - Control measures for dust and other air-borne pollutants, including a dust management plan in order to minimise the impacts of construction dust.
 - Measures to prevent pollution of control waters during construction.
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
 - Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the development;
 - the control and removal of spoil and wastes;
 - Adequate provision for contractor parking
 - Mitigation measures for the protection of water vole, breeding birds, water courses, hedgerows and retained vegetation;
 - A lorry routing schedule
 - Measures to control flooding on site during construction

The development shall be implemented in accordance with the approved CEMP.

Reason:

To ensure the impacts of the construction phases onto the environment are minimised.

- 4) No development shall commence until a preliminary investigation report has been submitted to and approved in writing with the Local Planning Authority. The report must include:
- Desk study
 - Site reconnaissance
 - Data assessment and reporting
 - Formulation of initial conceptual model
 - Preliminary risk assessment

If the Preliminary Risk Assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a competent person (as defined in the DCLG National Planning Policy Framework, March 2012). The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

- 5) 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.

- 6) Prior to commencement of development a detailed 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, must be prepared and is subject to the approval in writing of the Local Planning Authority.

a) 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 and commencement of its use.

b) In the event that the proposed remediation scheme involves the provision of a ground cover system a plan indicating the existing and proposed external ground levels on the application site shall be submitted for approval to the Local Planning Authority.

c) The development shall proceed in accordance with the external ground levels approved under (b) unless the Local Planning Authority gives its prior written approval to any variation.

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.

- 7) Prior to commencement of development above ground level, a scheme of works for the proposed vehicular access onto Bankfield Lane shall be submitted to and approved in writing by the Local Planning Authority

No dwelling unit shall be occupied until the vehicular access to the site has been constructed. These works shall be in accordance with the approved scheme.

Reason: In the interests of highway safety.

- 8) Prior to commencement of development above ground level, a scheme (and full construction details) for the construction of the site access and the following off-site improvement works has been submitted to and approved by the Local Planning Authority:

- Traffic Regulation Order to deliver 'no waiting at any time' restrictions on the southern side of Bankfield Lane between the emergency access and The Grange, including junction protection markings on both sides of the proposed site access junction and The Grange
- Introduction and upgrading of pedestrian crossings with dropped kerbs and new tactile paving at Bankfield Lane and Blundell Lane, The Grange, Merlewood Avenue and Verulam Road
- Introduction of emergency access from Bankfield Road, which should be a minimum of 3.7m wide with appropriate provisions to prevent unlawful vehicular access. This should also

have a 2m wide pedestrian access leading to The Grange for pedestrian permeability including installation of dropped kerbs across Bankfield Lane.

No part of the development shall be brought into use until a timetable for the required highway improvement works have been agreed. The works shall then be constructed in accordance with the details approved and the agreed timetable of works.

Reason: In the interests of highway safety and the satisfactory development of the site.

- 9) Prior to commencement a noise report shall be submitted to the Local Planning Authority to identify which plots are likely to breach both the 50dB and 55dB noise levels for the private outdoor amenity space and a suitable scheme of appropriately designed acoustic barriers for plots that exceed these levels shall be agreed in writing with the Local Planning Authority. The approved scheme shall be implemented before the dwellings become occupied and retained thereafter.

Reason: In the interest of residential amenity.

- 10) Prior to the commencement of development, the details of a foul water drainage scheme shall be submitted to and approved by the Local Planning Authority. The following foul water drainage details shall be agreed with the local planning authority in liaison with the public sewerage undertaker:
- The location of the point of connection for foul water to the existing public sewer;
 - The timing arrangements for the pumped foul discharge;
 - The storage requirements for the pumped foul discharge; and
 - The rate of discharge for the pumped foul discharge.

There shall be no connection of foul water to the public sewer other than in accordance with the agreement reached with the local planning authority in liaison with United Utilities.

Prior to occupation of the first dwelling, the development shall be implemented in accordance with the approved details.

Reason: To secure proper drainage and in order to manage the risk of flooding and pollution from the public sewerage system, it is necessary to agree the specific details of the approach to foul water drainage for each phase. This shall include agreeing the location of the point of connection to the public sewer and the approach to foul water pumping.

- 11) No excavations shall commence on site until a detailed strategy and method statement for minimising the amount of construction waste resulting from the development has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the extent to which waste materials arising from the construction activities will be reused on site, and demonstrating that as far as reasonably practicable, maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse,

recycling, composting or disposal. All waste materials shall thereafter be reused, recycled or dealt with in accordance with the approved strategy and method statement.

Reason: To ensure appropriate waste management and recycling measures.

- 12) No development shall commence above slab level until a sustainable surface water drainage scheme (including timetable for implementation), has been submitted to and approved in writing by the local planning authority. No surface water shall discharge into the public sewerage system either directly or indirectly. Any surface sustainable drainage features interacting with sewers offered for adoption should be designed in accordance with CIRIA C753 'The SuDS Manual'. The scheme shall be implemented in accordance with the approved details and timetable and retained thereafter in perpetuity.

Reason: These details are needed prior to the commencement of development in order to promote sustainable development, in order to secure proper drainage and to manage risk of flooding and pollution.

- 13) No development shall commence above slab level until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include: i) a timetable for its implementation, and ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. The sustainable drainage system shall be implemented and thereafter, managed and maintained in perpetuity in accordance with the approved details.

Reason: These details are needed prior to the commencement of development in case design changes are necessary; in order to promote sustainable development, in order to secure proper drainage and to manage risk of flooding and pollution.

During Building Works

- 14) a) The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than development required to carry out the remediation.
- b) Following completion of the remedial works identified in the approved remediation strategy, a verification report that demonstrates compliance with the agreed remediation objectives and criteria must be produced, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

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.

- 15) a) 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 is subject to the approval in writing of the Local Planning Authority.
- b) 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 20.

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.

- 16) Notwithstanding the details show on the approved plans, no final finish to any external elevation shall be applied unless it has previously been agreed with the Local Planning Authority.

Reason: To ensure that the finishing to external elevations is to the satisfaction of the LPA.

- 17) The mitigation and management of water vole shall be carried out in accordance with the recommendations as outlined in the Water vole survey and mitigation strategy [ERAP (Consultant Ecologist) Ltd: ref: 2020-324c] dated October 2021.

Reasons: To protect the Water vole habitat during the lifetime of the scheme.

- 18) a) No dwelling shall be constructed until full details of the existing and proposed ground levels (referred to as Ordnance Datum) within the site and on land and buildings around the site by means of spot heights and cross sections, and proposed finished floor levels of all buildings and structures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved level details.

b) Prior to the construction of external elevations above finished floor levels (FFL) on plots adjoining existing residential properties, the FFL shall be subject to a topographical survey to be submitted to and approved in writing by the Local Planning Authority. No property adjoining any existing residential property shall be occupied until cross sections based on a

topographical survey of the level of rear gardens as completed have been submitted to and approved in writing by the Local Planning Authority.

In the event that the surveys identified in (b) and (c) fail to confirm that the FFL and site levels correspond to the levels as approved, or are not within 100mm of those levels, a new planning application shall be submitted for those plots to which the variation relates.

Reason: In order to safeguard the living conditions of nearby occupiers and to safeguard the character and appearance of the area.

- 19) In the event that any previously unidentified Japanese Knotweed 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 with immediate effect in that area and within a 7m buffer of the area. A remediation strategy shall be submitted to the Local Planning Authority for approval. The approved strategy must be applied to the affected area.

A validation report confirming that the remediation treatment has been carried out and that that part of the site has been free of Japanese Knotweed for 12 consecutive months shall be submitted to and approved in writing by the Local Planning Authority. No works shall take place within a 7m buffer of the affected area, until the validation report has been approved by the Local Planning Authority.

Reason: To eradicate Japanese Knotweed from the development site and to prevent the spread of the plant through development works.

Before the Development is Occupied

- 20) All hard and soft landscaping works shall be carried out in accordance with the details hereby approved. All landscaping applicable to each relevant plot shall be completed within the next planting season following the plot occupation.

Reason: In the interest of visual amenity.

- 21) No dwelling unit shall be occupied until details in respect to the proposed street lighting for has been first submitted to and approved in writing by the Local Planning Authority, and thereafter each development phase shall be implemented in full accordance with the approved details.

Reason: To ensure the preservation of visual amenity, highway safety and residential amenity.

- 22) No dwelling unit shall be occupied until visibility splays of 2.4 metres by 43 metres have been provided clear of obstruction to visibility at or above a height of 1 metre above the

carriageway level of Bankfield Lane. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

- 23) No dwelling unit shall be occupied until the associated areas for vehicle parking, turning and manoeuvring have been 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: In the interests of highway safety

- 24) The development shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The provisions of the approved Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to promote sustainable means of transport.

- 25) No dwelling shall be occupied until a scheme for the provision of measures to reduce greenhouse gas emissions, including a timetable for implementation, has been submitted to the Council for approval. The scheme shall include, as a minimum, details of electric vehicle charging points to be installed on each dwelling with a dedicated parking space and for communal parking areas. The development shall be implemented in accordance with the approved details and agreed timetable.

Reason: To promote energy efficient within the development.

- 26) A suitable scheme of acoustic glazing for all dwellings shall be agreed in writing with the Local Planning Authority. The approved scheme shall be implemented before the dwellings become occupied and retained thereafter.

Reason: In the interest of residential amenity.

- 27) A suitable scheme of acoustically treated ventilation for all dwellings shall be agreed in writing with the Local Planning Authority. The approved scheme shall be implemented before the dwellings become occupied and retained thereafter.

Reason: In the interest of residential amenity.

- 28) No dwelling shall be occupied until details in respect to the proposed boundary treatment has been first submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in full accordance with the approved details.

Reason: In the interest of visual amenity.

- 29) Finished floor levels of the development hereby approved shall be set no lower than 3.01m above Ordnance Datum (AOD) or lower than 0.15m above adjacent ground level.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 30) Prior to occupation of the dwellings hereby approved, a colour copy of a leaflet, produced by MEAS and approved by Natural England, to inform residents about the Sefton Coast and the importance of the European sites, and responsible user code and the locations of suitable alternative natural greenspaces shall be included in the sales pack.

Reason: In order to comply with Habitat Regulations Assessment and protect the ecological interest of the area.