

**Report of:** CHIEF PLANNING OFFICER Derek McKenzie

**Report to:** PLANNING COMMITTEE **Date of Meeting:** 11<sup>th</sup> December 2024

**Subject:** [DC/2023/01277](#)  
[Land To The East And West Of West Lane Formby L37 7AZ](#)

**Proposal:** Erection of 89 no. dwellings (C3), one six-bedroom block of supported living accommodation (C2), a new sports pavilion with associated vehicle parking, new vehicular access from West Lane and landscaping and ancillary infrastructure following demolition of existing buildings

**Applicant:** Redrow Homes Limited **Agent:** Mr Chris Garratt  
Eden Planning and Development

**Ward:** Harington Ward **Type:** Full Application - Major

**Reason for Committee Determination:** More than 4 objections received and the recommendation is contrary to this.

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## Summary

This application is seeking consent for the erection of 89 dwellings and associated infrastructure, a six-bedroom block of supported living accommodation and a sports pavilion, on two parcels of land either side of West Lane, Formby. The eastern parcel is allocated for housing while the western parcel is designated as an education and care institution in the urban centre.

In assessing the proposal having regard to the principle of development, the impact on the character of the area, the impact on living conditions, the impact on highway safety and amenity, the impact on ecology and other matters, it is considered that it complies with the aims and objectives of the Formby and Little Altcar Neighbourhood Plan and Seton Local Plan and all other material considerations. It is therefore recommended for approval subject to no objection being received from Natural England, the recommended conditions and a section 106 legal agreement.

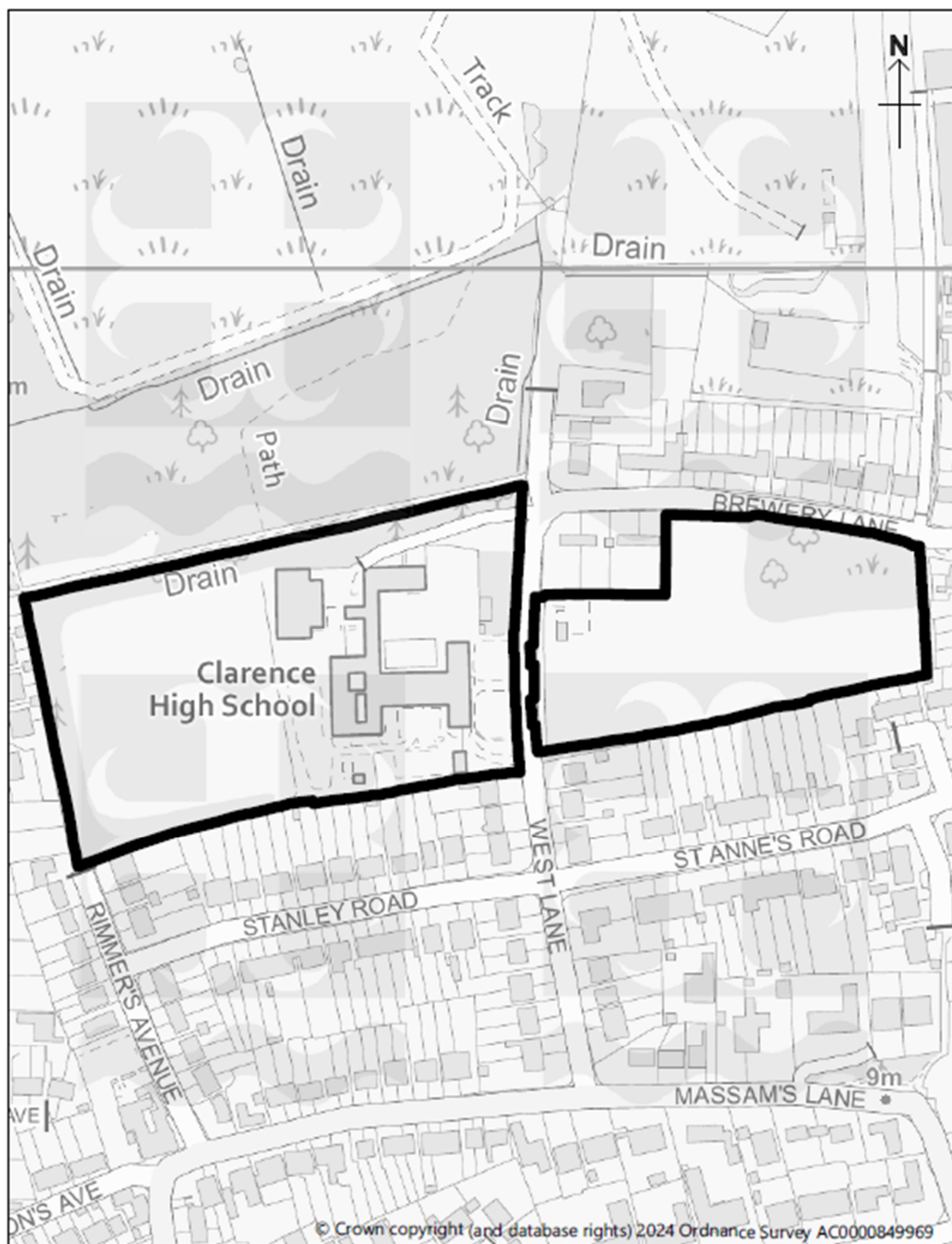
**Recommendation: Approve subject to no objection from Natural England and the signing of a section 106 legal agreement.**

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Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RY1TRONWHDY00>

## Site Location Plan



## The Site

The application site comprises two parcels of land that lie to the east and west of West Lane, Formby. The eastern parcel is allocated for housing within the Local Plan - Local Plan Policy, MN2, site reference MN2.13 Land at West Lane, Formby. The western parcel is designated as an education and care institution in the urban area (Local Plan policy HC7). The eastern parcel is bordered on all sides by a mix of residential properties with the land designated as a primarily residential area as is the western parcel, save for the north to this parcel where there is designated Green Belt and beyond that the Freshfield Dune Heath countryside recreation area and Local Wildlife Site.

The eastern parcel of land is largely free from built form, except for a small single building adjacent to West Lane. It contains a number of mature trees including those protected by a Tree Preservation Order, TPO 193, with trees to the boundary with properties on St Anne's Road to the south, Brewery Lane to the north, a footpath linking Brewery Lane and St Anne's Close to the east as well as an 'L' shaped grouping to the north east corner adjacent.

The western parcel contains a mixture of long standing buildings comprising the former Clarence High School that closed in August 2018. The buildings range from single-storey to three-storey in height, predominantly finished in facing brick with slate or concrete roof tiles with an open frontage to West Lane (with fencing and enclosures set well back from the highway). The buildings are largely concentrated to one half of the site adjacent to West Lane, with a grassed area positioned to the rear of the western parcel providing playing fields, with mature trees to the boundary edges.

Both parcels of land retain mature trees adjacent to West Lane that contribute to a wooded corridor when approaching from the south.

## History

History applicable to former uses of the land but none of the previous application are relevant to residential development to either parcel of land.

## Consultations

**Formby Parish Council:** Query the applicant's comments that the impact on highway safety will be negligible, that a nearby roundabout (at Green Lane/Church Road) will become much busier and require an update. Also raise concerns that the number of trees to be planted is less than that to be removed, thereby resulting in a net loss of tree cover

**Environmental Health:** No objection subject to conditions.

**Highways Development Design:** No objection subject to conditions.

**Flooding & Drainage:** No objection subject to conditions.

**United Utilities:** No objection subject to conditions.

**Tree Officer:** No objection subject to conditions.

**Merseyside Environmental Advisory Service:** Sought further information in respect of details of bat surveying, which will be reported on as late representations.

**Natural England:** Further information sought on mitigation measures.

**Contaminated Land Team:** No objection subject to conditions

**Network Rail:** Query as to the impacts on level crossing.

## Neighbour Representations

Representations have been received from properties on Stanley Road, St Peter's Avenue, Hawksworth Drive, Castle Drive, Brewery Lane, Kenton Close, St Anne's Road, Cable Street, Argarmeols Road, West Lane, Rimmer's Avenue, Gores Lane, Richardson Road, Rosemary Lane (all Formby), and Lawson Street (Southport) objecting to the proposal.

The representations above raise the following matters:

### Principle of Development

- Query the legal right to build on land to rear of neighbouring properties
- Further loss of green space in Formby should be opposed
- Too many houses already being built in Formby
- Houses not being sold on other housing developments in Formby so no need for this proposal
- Would have preferred the re-use and refurbishment of the existing buildings on site
- Query as to who will manage open space areas

### Impact on the Character of the Area

- Proposal represents overdevelopment showing no consideration of the wider environment
- Loss of trees unacceptable, contrary to the character of the area and contrary to Local Plan policy NH2.
- Scale of proposed development is too big for this quiet area of Formby
- The two flat blocks adjacent to Freshfield Duneheath will not blend in to the local landscape

### Impact on Highway Safety and Amenity

- Existing roads cannot cope with amount of traffic
- Congestion at entry/exit points into/out of Formby
- Concern as to increasing congestion at the level crossing on Victoria Road
- Demolition and construction traffic could give rise to harm given the size of residential roads and proximity of schools
- Impact of construction traffic could be detrimental to access and use of an extremely busy riding stables accessed from Brewery Lane

- Construction traffic/vehicles could negatively impact on access for emergency vehicles to neighbouring roads/properties
- Existing bottlenecks/issues arising from on-road parking through people using nearby heathland, which would be made worse

#### Impact on Neighbouring Living Conditions

- Noise pollution and general pollution (during construction and afterwards) that will have a detrimental effect on the health of current neighbours
- Concern as to the impacts on neighbours arising from asbestos during demolition
- Loss of sunlight to neighbouring properties as a result of new housing
- Facing windows to existing neighbours should be obscurely glazed
- Secure fencing should be provided between the proposed dwellings and neighbours
- Construction hours should be limited
- Detrimental impact upon the enjoyment and use of nearby riding stables
- Concerns about use of sports pavilion, particularly it containing a bar

#### Flooding and Flood Risk

- Removal of grassland and increased hardstanding will have an adverse impact on land drains that have already contributed to flooding within the area
- Proposal is contrary to Neighbourhood Plan policies as it will reduce the ability of the area to alleviate flooding

#### Ecology

- Detrimental impact on an area of red squirrel habitat
- Incomplete and insufficient ecology surveying, with objectors querying surveys claiming absence of red squirrel within the site as well as querying detailed technical matters
- Land within and to neighbouring sites provides habitat for many protected species (amphibians, reptiles, bats, birds) and concerns as to detrimental impacts arising from the proposal
- Unacceptable loss of trees, particularly protected trees
- Loss of trees will detrimentally impact bats and birds
- Trees bordering the development should be left untouched due to loss of habitat for species

#### Impact on Existing Infrastructure

- No consideration given to increase school places
- No consideration given to increasing medical capacity in the area (GPs, dentists)
- Unknown as to how the installation of EV points would impact the local power network
- Insufficient budget supermarkets in the area to support the development
- Insufficient leisure facilities to support further dwellings and residents

A representation was received from the Merseyside and West Lancashire Bat Group raising concerns as to the extent and robustness of ecological surveying.

A representation was received from the Lancashire, Manchester & North Merseyside Wildlife Trust who objected to the proposal due to concerns about impacts on the Freshfield Dune Heath SSSI due to increased footfall and issues associated with that (e.g. increase in disturbance from dogs and predation from cats). Also concerned about the hydrology impacts on the heath if the proposal increased the extent of standing water currently experienced there.

Representations have been received from properties on St Anne's Road, Brewery Lane that query elements of the proposal (such as impacts on construction traffic, impact on ecology through tree loss) and express concern that the retention of trees may cause loss of sunlight for future occupiers of the dwellings, particularly those bordering St Anne's Road but are otherwise supportive of the proposal putting the land to good use, in one representation, and at least do not oppose the development so long as it is not at the expense of protected species, in another representation.

## **Policy Context**

The application site lies within an area designated as a Housing Allocation (eastern parcel) and an Education and Care Institution in the Urban Area (western parcel) 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

### 1. Introduction

- 1.1. This application is seeking consent for the erection of 89 dwellings (comprising a mix of dwellinghouses and self-contained flats), supported living accommodation, a new sports pavilion and associated access and landscaping works to two parcels of land either side of West Lane.
- 1.2. The main issues to consider are the principle of development, the impact on the character of the area, the impact on the living conditions of neighbouring properties, the impacts on highway safety and amenity, the impact on protected and non-protected trees, the impacts on flooding & drainage and the impacts on ecology.

### 2. Principle of Development

- 2.1. Both sites fall within the Formby and Little Altcar Settlement Boundary as shown within the Formby and Little Altcar Neighbourhood Plan ("the NP") for which NP policy GP1 "Spatial Strategy" is applicable. This policy directs housing development to be within the settlement boundary so as to contain the spread of the town, and as such promotes the infilling of the two parcels of land up to that boundary. As the application site lies within the settlement boundary then the principle of housing development is supported by the NP, subject to other policy considerations.
- 2.2. The 2017 Sefton Local Plan ("the LP") has allocated the eastern parcel of the site for housing development with an indicative capacity of 40 dwellings (site reference MN2.13) to which LP policy MN2 "Housing, employment and mixed use allocations" is directly applicable. The principle of development for this allocated site is therefore established, subject to other policy considerations.
- 2.3. The western parcel is designated as an education institution as prescribed within LP policy HC7 "Education and Care Institutions". For sites formerly in use as schools, colleges or care institutions, as is the case here, this policy permits development for alternative use(s) that is compatible with the surrounding area where appropriate evidence is provided that the use and its ancillary facilities are surplus to recreational requirements. The proposal is seeking consent for a sports pavilion to enhance and continue the recreational use of the playing fields to the rear of the site while the wider area is residential in character.
- 2.4. Therefore, and subject to other policy considerations, the redevelopment of this site for housing and formal recreation development is acceptable in principle.

### 3. Character of the Area



- 3.1. Local Plan policy EQ2 'Design' only permits development where it responds positively to the character, local distinctiveness and form of its surroundings. This approach is also taken within Neighbourhood Plan policy ESD2 'High Quality Design'.
- 3.2. There is no consistent form or style of dwellinghouses to the neighbouring roads of West Lane, Brewery Lane, Stanley Road, St Anne's Road and St Anne's Close. The houses vary in scale, layout, form and finishing materials to external elevations and roofs. Front boundary treatments also vary (low level brick, timber, planted, mixed with occasional higher natural or built boundaries) but there are common features in respect of the set back from the highway and the retention of soft landscape front garden areas with off-street car parking areas (with some exceptions with hardstanding to the entirety of the front).
- 3.3. This application proposes a variety of dwelling house forms that draw on materials and architectural features seen to properties within nearby roads and Formby as a whole, and following amendments to the layout from when it was submitted, the run of dwellings fronting West Lane to the eastern parcel will face the road, reflecting existing residential layouts. There are two flat blocks proposed to the western parcel, which will be set back from the road and will not be readily visible from longer views along West Lane. Their scale is in keeping with that of the existing buildings to be demolished and as such the provision of buildings above 2.5 storeys is justified to this location and accords with Neighbourhood Plan policy H5 "Storey Height".
- 3.4. The set back of properties from the West Lane frontage ensures that a key characteristic of the current sites, mature trees prominent to the road with buildings making a lesser contribution, is retained thereby continuing the wooded corridor when approached from the south. Concern about the incursion of development particularly to the line of trees to the south of Brewery Lane was a cause of concern for the proposal as initially submitted due to the detrimental impacts this may have had on the prevailing character. So as to overcome this, the amended plans have removed a vehicle access serving the care facility in the eastern parcel so it is accessed, as the rest of this parcel is, from West Lane. This will reduce the extent of tree loss required along this frontage, save for that required to provide for appropriate drainage, to the betterment of the prevailing character of the area.
- 3.5. Within the development site the layout of properties is consistent with that seen elsewhere with dwellings facing access roads, and with car parking to the front or side. The rear garden depths and sizes are generally smaller than those seen to existing neighbouring dwellings but this will not be readily appreciated from public vantage points.
- 3.6. The use of soft landscaped areas to the front of properties plus areas of incidental open space within both parcels retains the sense of openness of both areas at present, while at the same time delivering a development that is a combined 23 dwellings per hectare, which reflects the density of prevailing development in the area.

- 3.7. So as to ensure a viable development and to have regard to the indicative capacity of dwellings as included within the housing allocation a large number of protected trees will be removed from the eastern parcel of the site. The key area to be lost forms an 'L' shape from the footpath to the east of the site and leading up to Brewery Lane. Amendments to the layout resulted in a larger area of open space being left to allow good quality and healthy trees to be retained, noting that disease is affecting a number of trees within the existing group. The retention of key trees, plus the requirement of re-planting of good sized and quality trees within this area, and within the site as a whole, will retain the general character of the area over the long-term.
- 3.8. In respect of the proposed sports pavilion, this is a single-storey building of a good appearance, which will delineate between the residential and leisure uses.
- 3.9. In view of the above it is considered that the proposal has had regard to local character and will provide for a development that contributes positively to this character. The proposal is therefore acceptable on this matter.

#### **4. Living Conditions**

##### Future Occupiers

- 4.1. Good outlook is to be provided to all habitable room windows, while the garden areas to individual dwellings and the communal areas serving the flats will meet or exceed the Council's minimum requirements. Similarly, the interface distances between habitable room windows or habitable room windows to blank elevations of proposed dwellings will ensure no unacceptable harm is caused through overlooking or providing a poor outlook.
- 4.2. The submitted Noise Impact Assessment recommended that acoustically treated boundary treatment was required for the side and rear boundaries of two dwellings, Plots 75 & 89, lying adjacent to the special needs housing in the western parcel. In addition to this, there will also be a requirement in the eastern parcel for similar treatments to the boundaries of Plots 23, 24, 26, 27, 28 & 31 that lie adjacent to the parking area for the Nugent Accommodation building and the parking area serving plots 32-37. These matters could be addressed through a condition attached to any approval.
- 4.3. The use of the pavilion and the associated car parking area could give rise to harm to neighbouring residential properties through noise and general disturbance if it was to have an unfettered use and so it is considered appropriate to limit the hours it can be used to 07:00 - 22:00. A condition could be attached to any approval to restrict the hours of use.
- 4.4. Subject to the above matters being secured it is considered that the proposal is acceptable on this point.

##### Neighbouring Properties

- 4.5. As scaled from the submitted plans sufficient distance will be retained from habitable room windows within the proposed dwellings and neighbouring gardens and habitable room windows so as to ensure that there will be no unacceptable impacts on the living conditions of neighbouring properties through overlooking.
- 4.6. Being positioned north of existing neighbours to West Lane, St Anne's Road and St Anne's Close will remove the potential for harm through overshadowing to these properties. There is unlikely to be any unacceptable overshadowing impacts to neighbours on Kenton Close, positioned to the east of the proposed development, due to distance between properties aided by the existing footpath, as well as the removal of dwellings to the northeast corner (to retain more trees). The distances between properties on the south side and north side of Brewery Lane and those within the proposal is also likely to be sufficient to avoid unacceptable impacts through overshadowing.
- 4.7. It is likely that there will be short-term negative noise impacts and general disturbance arising from the implementation of any approval but these could be mitigated to a degree through measures to be agreed within Construction Environmental and Construction Traffic Management Plans, which could be secured through conditions attached to any approval.
- 4.8. Subject to conditions it is therefore considered that the proposal will not cause unacceptable impacts on the living conditions of current or future occupiers of neighbouring properties.

## **5. Highway Safety and Amenity**

- 5.1. As originally submitted while the Council's Highways Manager considered that the principle of development was accepted he had concerns about the extent of adequate pedestrian facilities to the supported living unit, vehicle manoeuvring within the sports facility and lack of accessibility of the eastern parcel to existing local amenities. The amended scheme has sufficiently overcome these concerns.
- 5.2. In addition to detailed site layout matters the Highways Manager also sought updates of accident analysis data within the local area. Upon review of this the Highways Manager agreed within the findings that there has been a low occurrence of accidents near the site and that there are no underlying safety concerns within the local highway network.
- 5.3. It is noted that objectors have raised concerns about existing capacity of the highway and wider traffic and transport infrastructure concerns but these have not been sufficiently demonstrated to a level that would outweigh the submitted information and comments made by the Highways Manager.

- 5.4. Network Rail have queried the potential impact on a nearby level crossing (at Freshfield Station) but the most direct vehicle route from the site to the level crossing is some 950m. It is not considered, similarly to the absence of issue with regards to junction capacity, that this development by itself or in combination with other developments will result in material changes to this level crossing.
- 5.5. The proposal complies with Local Plan policy EQ3 "Accessibility" and is acceptable in this regard.

## **6. Flooding & Drainage**

- 6.1. As originally submitted the Council's Flooding & Drainage Manager objected to the proposal as the surface water discharge of the western parcel to an existing sewer was to be at a rate of 29.85l/s, while that for the eastern parcel was at a rate of 31.43l/s both of which were considered to be too great and contrary to the aims of local and national policies on flood risk and management. A "greenfield flow rate" (5l/s discharge rate) was sought with a revised drainage strategy to achieve this.
- 6.2. The amended drainage strategy layout now will direct surface water from the western parcel to an existing local watercourse to the north of that site, rather than an existing sewer, while the surface water from the eastern parcel will discharge to the sewer within West Lane. Both approaches achieve a discharge rate of 5l/s each and this is considered to be acceptable.
- 6.3. In addition to the above the Flooding & Drainage Manager had concerns that flood risk outside the development, where flooding to nearby properties has historically occurred, had not been adequately addressed. The applicant submitted a Technical Note that principally considered the capacity of the ordinary watercourse, a tributary of the Wham Dyke, that flows along the norther boundary of the western parcel. This note considered that under the existing baseline scenario that flooding is predicted at the inlet to the culvert at the northeast corner of the western parcel, but that the post-development scenario where surface water flows from the development site are restricted to 5l/s would significantly reduce flood risk.
- 6.4. The Flooding & Drainage Manager agrees with the finding of the note and subject to conditions to be attached to any approval including the implementation of the agreed drainage strategy and the management and maintenance of the watercourse for the lifetime of the development, they have no objections to the proposal.
- 6.5. It is therefore considered that subject to conditions, or the entering into of a section 106 legal agreement for ongoing management and maintenance, the proposal will comply with the aims and objectives of the Neighbourhood and Local Plans in respect of reducing flood risk on the site and reducing flood risk elsewhere.

## 7. Ecology

- 7.1. The applicant has submitted assessments and reports to demonstrate that residual effects on ecological features arising from demolition, clearance and construction activities can be sufficiently mitigated. An Appropriate Assessment under the Habitats Regulations has previously been undertaken by the Council's ecological advisors at the Merseyside Environmental Advisory Service (MEAS), which demonstrated that the development proposal would have no likely significant impacts on designated sites subject to mitigation measures. An updated Appropriate Assessment will be provided by MEAS having regard to the updated ecological reports submitted by the applicant. This will be reported as late representations.
- 7.2. Natural England have sought further information on the outcome of the Appropriate Assessment, prior to determination, and as such will be consulted on the revised report and will need to be agreed before determination.
- 7.3. In respect of the impacts on protected species the applicant has provided updated bat surveys that have been reviewed by MEAS. While the updated ecology and bat mitigation reports have been welcomed by MEAS they have sought clarification on a number of points namely:
  - Clarification as to the location of the eight bat roosts through the provision of an updated report clarifying the number of roosts and with the provision of a figure showing these.
  - Provision of information (within the document) as to what actions will be taken if a bat(s) is discovered.
  - Adequate justification as to the level and type of roost provision recommended for the loss of eight day roosts, considering the nature of the building and bats roosting across multiple aspects.
  - Clarification within the document as to whether the proposals for a minimum of three boxes per tree to be removed refers only to those trees categorized as PRF-I to be lost, or to all trees lost as part of the development.

- 7.4. The applicant has provided a response to the above and MEAS have been consulted on this, comments of which will be reported as late representations.
- 7.5. In addition to the impacts arising from the above, the proposal would add to recreational pressure on nearby designated sites of nature conservation through the provision of additional dwellings. The applicant has opted-in to the Council's approach to mitigate such impacts, which will be addressed through the paying of a commuted sum of £362 per dwelling and the provision of an information leaflet (Respecting Nature in Sefton Information Leaflet 3) to all first-time occupiers of the new homes.
- 7.6. As a matter of procedure this application was validated prior to Biodiversity Net Gain measures coming in to force and so the application cannot be assessed against nor be required to adhere to this national requirement. However, the Local Plan requires developments to enhance biodiversity and so a scheme to improve biodiversity through the installation of bat and bird boxes could be secured by a condition attached to any approval.
- 7.7. Subject, therefore, to the impact on protected species being acceptable or sufficiently mitigated and no objection being received from Natural England it is considered that the proposal is acceptable in this regard.

## **8. Other Matters**

### Affordable Housing

- 8.1. Due to the separation of the sites into two parcels that could be delivered independently of one another a split approach has been undertaken whereby the affordable housing contributions have been assessed on a parcel-by-parcel basis.
- 8.2. As set out in a vacant building credit statement submitted by the applicant the total floorspace to be lost from relevant buildings not in use within the western parcel of the site is 5,698.83m<sup>2</sup>, with the total proposed floorspace to the western parcel falling 225.03m<sup>2</sup> below that amount at 5,473.80m<sup>2</sup>. Therefore the application of vacant building credit ensures that no affordable housing contribution is required for this parcel.
- 8.3. For the eastern parcel the reduction in numbers of this area, from 40 to 38 to address tree matters, has resulted in a reduction in the required minimum amount of affordable housing from 13 dwellings to 12. As permitted by Local Plan policy HC1 "Affordable and Special Needs Housing" 6 of these units are to be provided as special needs housing, while the remaining 6 to be general affordable housing units. The provision of these units, and the definition of the special needs homes, could be secured within a section 106 legal agreement entered into prior any positive decision being made.
- 8.4. Subject to the securing of affordable housing within a section 106 legal agreement the proposal will accord with the Neighbourhood and Local Plans in this regard.

## Infrastructure

- 8.5. Objectors have raised concern regarding increased pressure on local services, including local schools and health services.
- 8.6. The potential increased demand for services arising from all the housing developments proposed in the Local Plan was discussed in detail during the Local Plan examination. As part of this discussion, letters of assurances were submitted from the Clinical Commissioning Groups and the Local Education Authority. These demonstrated that current facilities (health and education respectively) could cope with the increased demand from the proposed development, or that facilities could, if required, be expanded to meet an increased demand. The Inspector, in his report on the Local Plan, stated:
- "Many local people are concerned about the ability of local schools and health facilities to deal with the significant additional demands from [various sites], but there is no compelling evidence that they will not be able to cope. The Council demonstrated that there is spare capacity at some (albeit not all) local schools, and the Clinical Commissioning Groups (CCGs) have given a borough-wide assurance that they are planning to accommodate the growing demand for health services and facilities."*
- 8.7. Policy IN1 "Infrastructure" of the Local Plan provides a framework to secure facilities or contributions towards facilities to support new housing. As an example, contributions have been secured towards additional school places where it has been forecast that there may be a shortfall. In relation to Formby, information from the Council's Schools and Families Team shows that young children reaching primary school age will decrease in the short term, and that the demand for primary schools places from the Formby (and Hightown) area will decrease. This is primarily due to the births in Formby decreasing since 2014/15. More generally in Sefton, whilst the population is expected to increase as a whole by 4% to 2041, the population of school aged children (i.e. those aged 5 to 16) is expected to increase by only 2%. Sufficient places will be available in local schools to meet any increased demand from new homes being built in Formby during the Local Plan Period. Similarly, health and social services are monitored so that future issues with capacity can be addressed in consultation with those responsible for providing services.
- 8.8. In light of the above, there is no new compelling evidence that suggests that services would not be able to cope with either the development of this site on its own or cumulatively with other housing allocations in Formby. The proposed development is in accordance with policy IN1 of the Local Plan.

## Incidental Open Space

- 8.9. As evident within the submitted drawings there are areas of incidental open space across both parcels that fall outside the direct control of the respective dwellings or other uses/buildings proposed. Without appropriate management of these areas, some of which will also include new tree planting, there could be the potential for harm to the character of the area through lack of maintenance and care. Management and maintenance of these areas could be secured within a section 106 legal agreement.

### Archaeology

- 8.10. MEAS have highlighted three non-designated heritage assets identified within the Merseyside Historic Environment Record within the eastern parcel of the development:

MME1150, the site of Formby Brewery, a 19th century building  
MME1164, the site of Formby Tithe Barn, an 18th century building  
MME11797, the site of Brewery House, a 19th century building

- 8.11. Previous evaluations of the site, undertaken by others, suggests that there are surviving below-ground remains in the north eastern part of the eastern parcel. As such MEAS recommend that a programme of archaeological work is undertaken to investigate, record and report of the significance of any below-ground archaeological interests. In the event of any approval this could be secured by a pre-commencement condition attached to any approval.

### Trees

- 8.12. The total number of trees to be removed are 56 individual trees and tree groups to equate to a total of 206 stems being removed, with 224 new trees to be planted along with a further 211 saplings as part of a woodland native mix. As is evident more trees are being planted than being removed and as such accords with policy in a strict by-the-numbers approach. In respect of the impact on the character of the area, this has previously been addressed in paragraph 3.7 wherein the loss of and replacement of trees was considered to be acceptable
- 8.13. The implementation of and subsequent management of the new trees can be controlled by conditions attached to any approval.

## **9. Conclusion**

- 9.1 In assessing the proposal having regard to the principle of development, the impact on the character of the area, the impact on living conditions, the impact on highway safety and amenity, the impact on ecology and other matters, it is considered that it complies with the aims and objectives of the Formby and Little Altcar Neighbourhood Plan and Seton Local Plan and all other material considerations.



It is, therefore, recommended that permission is granted approval, subject to no objections being raised by Natural England, and with the conditions that follow.

9.2 In addition to the conditions a number of measures or mitigation would have to be secured by a s106 legal agreement to cover, as a minimum, the following matters:

- Commuted sum of £362 per dwelling for mitigating recreation pressure (opt-in approach)
- Securing Affordable Housing provision and tenure split
- Securing and defining the special needs housing units
- Employment and Skills Plan for construction phase of the development
- Ongoing management of pavilion and open space in west parcel
- Ongoing management of areas of incidental open space to both parcels
- Ongoing management and maintenance of drains/drainage

### **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 – Approve subject to no objection from Natural England and the signing of a section 106 legal agreement.**

## **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 shall be carried out in accordance with the following approved plans and documents:

#### Plans

101-1 Rev G 's104 Layout West'  
101-2 Rev F 's104 Layout East'  
102-1 Rev C 'Longsection Sht 1'  
102-2 Rev D 'Longsection Sht 2'  
102-3 Rev D 'Longsection Sht 3'  
115-1 Rev B 's38 Layout West'  
115-2 Rev C 's38 Layout East'  
165-1 Rev B 'Flood Routing Plan'  
6795.01 Rev F 'Landscape Proposal Sheet 1 of 5'  
6795.02 Rev F 'Landscape Proposal Sheet 2 of 5'  
6795.03 Rev F 'Landscape Proposal Sheet 3 of 5'  
6795.04 Rev F 'Landscape Proposal Sheet 4 of 5'  
6795.05 Rev F 'Landscape Proposal Sheet 5 of 5'  
6795.06 Rev E 'Landscape Proposal Full Site'  
GA-PN-002 Rev A 'GA Ground Floor'  
GA-PN-003 Rev A 'GA Elevations'  
4012-BTL-001 Rev H 'Boundary Treatment Layout'  
4012-DSL-001 Rev AB 'Detailed Site Layout'  
4012-EVCL-001 Rev H 'Electric Vehicle Charging Layout'  
4012-LDL-001 Rev H 'Land Disposal Layout'  
4012-LP-001 Rev B 'Location Plan'  
4012-M4(2)-001 Rev F 'M4(2) Compliant Layout'  
4012-ML-001 Rev F 'Materials Layout'  
4012-PL-001 Rev B 'Parking Layout'  
4012-WML-001 Rev F 'Waste Management Layout'  
EF\_HANB\_DM.1 'The Hanbury 12 Block Elevations and Floorplans'  
EG\_AMBY\_DM.2 Rev A 'Amberley Elevation Code B1'  
EG\_AMBY\_DM.2 Rev A 'Amberley Elevation Code A1'  
EG\_CANTQ\_DM.2 'Canterbury Lifestyle'  
EF\_GAR\_SGS2 'Garage SGS\_002 EF Series Brick (B1)'  
EG\_HAMP\_DM.2 Rev A 'Hampstead Elevation Code B1/A1'  
EG\_HENL\_DM.2 'Henley Elevation Code B1'

EG\_LEAMQ\_DM.2 'Leamington Lifestyle Elevation Code B1'  
EG\_LEAMQ\_DM.2 'Leamington Lifestyle Elevation Code A1'  
EG\_OXFOQ\_DM.2 M4(2) 'Oxford LS Elevation Code A1 Brick'  
EG\_OXFOQ\_DM.2 M4(2) 'Oxford LS Elevation Code A1 Render'  
EG\_SHR3\_DM.2 'Shrewsbury 3 Elevation Code B1'  
EG\_SHR3\_DM.2 'Shrewsbury 3 Elevation Code A1'  
EG\_TS2\_M.2 'Tavy/Spey M4(1) Elevation Code B1'  
EG\_TS2\_M.2 'Tavy/Spey M4(1) Floorplans'  
EG\_TT4\_M.2 'Tavy M4(1) Floorplans'  
EG\_TT4\_M.2 'Tavy M4(1) Elevation Code B1'  
EG\_TT4\_M.2 'Tavy M4(1) Elevation Code A1'  
The Nugent 6 Bedroom Elevations and Floor Plans  
The Weaver Elevations and Floor Plans  
Bin and Cycle Store

### Documents

Flood Risk Assessment and Drainage Strategy, Project No 21-2409.01, deltasimons July 2023  
Watercourse Modelling Technical Note, Project No 21064, Banners Gate Limited 25 October 2024  
Transport Assessment, ref BD/ML/VACE/ITM17387-001D, i-Transport July 2023  
Accident Analysis Update, ref ITM17387-003 TN, i-Transport February 2024  
Arboricultural Impact Assessment, ref 8763.03.001, Version 7, TEP October 2024  
Arboricultural Method Statement, ref 8763.04.001, Version 1, TEP October 2024  
Landscape and Visual Appraisal, ref 8763.02.001, Version 4, TEP July 2023  
Ecological Assessment, ref 8763.01.002, Version 7, TEP December 2024  
Bat Mitigation Strategy, ref 8763.01.007, Version 2, TEP December 2024  
Desk Study & Ground Investigation, report No. 21RED194/DSGI, Betts Geo November 2021  
Noise Impact Assessment, report no P21-548-R02v2, Hepworth Acoustics June 2023  
Vacant Building Credit Statement (version 2), ref EDN2285, Eden March 2024

Reason: For the avoidance of doubt.

### **Before the Development is Commenced**

- 3) No development other than that associated with demolition 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 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.

- 4) No development other than that associated with demolition shall commence until the approved scope of works for the investigation and assessment must be 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 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 other than that associated with demolition shall commence until a remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, has been submitted to and approved in writing by the Local Planning Authority. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development. The remediation strategy must be carried out in accordance with the approved details at all times.

Reason: The details are required prior to development 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) No development shall commence (including demolition) until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority to cover activities associated with demolition, site clearance and construction hereby approved

The approved statement shall be adhered to throughout the construction period and shall include but not be limited to:

- measures for the control of noise, vibration and dust during demolition of buildings and structures
- measures for the control of noise, vibration and dust during site clearance
- measures for the control of noise, vibration and dust during construction
- the justification for (to demonstrate best practicable means) and details of the chosen method of any piling and/or ground compaction

Reason: To safeguard the living conditions of neighbouring occupiers, land users and the features of the Sefton Coast SAC during both the demolition, site clearance and construction phases of the development.

- 7) No development or demolition shall take place on the eastern parcel until the implementation and submission of a report on a programme of archaeological works has been secured. That programme of archaeological works should be undertaken in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority prior to works taking place. The WSI must include the following:

- o A phased programme and methodology of site investigation and recording;
- o A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest;
- o Provision for appropriate publication and dissemination of the archaeology and history of the site;
- o Provision for archive deposition of the report, finds and records of the site investigation; and
- o Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

Reason: In the interests of built heritage.

- 8) No development shall commence, including any works of demolition, until a Highways Construction Management Plan has been submitted to, and approved in writing by, the local planning authority to include but not be limited to details of the times of deliveries to the site, size and number of vehicles associated with demolition and clearance, the number and type of vehicles to be used during construction, the route of construction vehicles to/from site, any construction vehicle compound(s) and details of all wheel washing facilities.

The approved management plan shall be adhered to throughout demolition and construction.

Reason: This is required prior to the commencement of development in order to ensure the safety of highway users during both the demolition and construction phase of the development. If the details are not approved prior to commencement it will prejudice the safety of highway users.

- 9) a) No development shall commence above slab level until a detailed scheme of highway works for the provision of 4 no. site accesses from West Lane (including dropped kerbs and tactile paving) has been submitted to and approved in writing by the Local Planning Authority.

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

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

#### **During Building Works**

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

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.

#### **Before the Development is Occupied**

- 11) a) The development shall not be occupied until a detailed scheme of highway works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Footway reinstatement to redundant vehicle crossings on West Lane;
- Full reconstruction of the footways along both sides of West Lane for the full frontage of the site and for a further 10m to the south of the southern extent of the site on the western side and 10m to the north of the northern extent of the site on the western side;
- Provision of dropped kerbs and tactile paving at the junctions of West Lane/Stanley Road/St Annes Road and West Lane/Massams Lane;
- Improvements to Formby Public Footpath No.5, on the east boundary of the eastern parcel development extending from Brewery Lane to St Annes Close to include widening, surfacing with an approved material and provision of lighting.

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

Reason: To improve accessibility and to ensure the safety of highway users.

- 12) No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling or within a designated car parking area for that dwelling and that space shall thereafter be kept available for the parking of vehicles for the duration of use of that dwelling.

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

- 13) No dwelling shall be occupied until an access road has been constructed to at least the base course level to enable access to that particular dwelling.

Reason: To ensure that acceptable access is achieved to the development and to safeguard other highway users at all times.

- 14) The sports pavilion shall not be used until space has been laid out within the site for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available for those uses for the duration of the use of the pavilion and.

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

- 15) a) The sports pavilion, Nugent Accommodation and the two blocks of apartments shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority.

b) The facilities shall then be implemented prior to first use/occupation.

c) The facilities shall thereafter be retained for the duration of the specific use/building hereby approved.

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

- 16) No dwelling shall be occupied until a Traffic Regulation Order (TRO) for a 20mph speed limit on the proposed access road serving that dwelling is implemented in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safety of highway users.

- 17) No dwelling shall be occupied until a detailed scheme of street lighting on the proposed access road serving that dwelling has been submitted to and approved by the Local Planning Authority.

No dwelling shall be occupied until the approved street lighting scheme has been implemented to sufficiently address that particular dwelling.

Reason: In the interests of highway safety.

- 18) Prior to the first occupation of any of the dwellings the drainage scheme shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 101-1, Rev G - Dated 31.05.24 and Drawing 101-2 , Rev E, Dated 31.05.2024 which was prepared by Redrow. For the avoidance of doubt surface water must drain at the restricted rate of 10 l/s split between 2 connections, either of which to exceed 5 l/s.

Prior to the occupation of any dwelling a verification report must be submitted to and approved by the Local Planning Authority to confirm the implementation of the drainage scheme.

The drainage scheme must then be retained thereafter.

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

- 19) Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

(i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

(ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.



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

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

- 21) Prior to the first occupation of the dwellings to plots 23, 24, 26, 27, 28, 31 (eastern parcel) 75 & 89 (western parcel) details for a suitably designed 2m high acoustic barrier to the side and/or rear boundaries must be agreed in writing with the Local Planning Authority.

The approved scheme must be installed before the dwellings become occupied and retained thereafter for the duration of use of the dwellings.

Reason: To ensure sufficient living conditions for future occupiers.

- 22) Prior to the first occupation of any of the dwellings hereby approved details of the number, type and location of bird nesting boxes and bat boxes to be installed must be submitted to and approved by the Local Planning Authority.

The boxes must then be installed prior to the first occupation of any of the dwellings or in accordance with an agreed timetable and retained thereafter.

If any boxes are to be installed on trees outside of the curtilage of the dwellings then a management plan for their ongoing retention and maintenance must be submitted to and approved by the Local Planning Authority

Reason: To enhance biodiversity.

- 23) No part of the development shall be occupied until a landscape management plan has been submitted to and approved in writing by the local planning authority.

The management plan shall cover a period of no less than 25 years and shall demonstrate how new planted trees (outside of dwelling curtilage) and incidental areas of open space will be managed.

The management plan shall be implemented prior to first occupation of any dwelling.

Reason: To ensure appropriate management of trees and open space.

- 24) Prior to the first occupation of any dwelling a detailed method statement for new trees planted adjacent to pavements and carriageways must be submitted to and approved by the Local Planning Authority.

The relevant trees shall then be planted in accordance with the approved details.

Reason: To secure appropriate arboricultural practice and to ensure highway safety.

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

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

#### Ongoing Condition

- 26) The sports pavilion hereby approved shall not be used outside the hours of 07:00 - 22:00.

Reason: To safeguard the living conditions of neighbouring occupiers and land users.

#### Informatives

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail [snn@sefton.gov.uk](mailto:snn@sefton.gov.uk) to apply for a street name/property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at [HDD.Enquiries@sefton.gov.uk](mailto:HDD.Enquiries@sefton.gov.uk) for further information.
- 3) There will be a requirement for the applicant to enter into a s278 Highways Act 1980 Legal Agreement to facilitate the works on the adopted public highway and a s38 Highways Act 1980 Legal Agreement to have the proposed new carriageways and footways within the development adopted by the Council. Please contact Sefton's Highway Development and Design team in this respect - email: [HDD.Enquiries@sefton.gov.uk](mailto:HDD.Enquiries@sefton.gov.uk)
- 4) There are a variety of piling methods available, some of which cause considerably greater noise and vibration than others. It is common for the prevailing ground conditions to influence the chosen method of piling. Where the prevailing ground conditions would permit more than one piling method, the Council would expect the contractor to choose the method which causes the least amount of noise and vibration, in accordance with the following hierarchy:

Pressed-in methods, e.g. Hydraulic jacking

Auger / bored piling  
Diaphragm Walling  
Vibratory piling or vibro-replacement  
Driven piling or dynamic consolidation

Should the contractor propose to use a method which is not the preferred lower impact option, then satisfactory justification will need to be provided in order to demonstrate the piling method that is utilised meets Best Practicable Means (BPM). Please note vibration monitoring will be required for all piling projects. For further advice on what to include in your piling methodology scheme and current standards please contact Sefton's Pollution Control Team (email [ETSContact@sefton.gov.uk](mailto:ETSContact@sefton.gov.uk))

- 5) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 3, 4, 5, 10 and 20 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition 10 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.