

Appeal Decision

Site visit made on 20 August 2024

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/M4320/W/24/3344143

Land off Bankfield Lane, Churchtown, Southport, PR9 7NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Wainhomes (North West) Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2021/00924.
 - The development proposed is the erection of 9 houses, together with a new vehicular access and associated works (part alternative to application reference DC/2017/00821).
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 9 houses, together with a new vehicular access and associated works (part alternative to application reference DC/2017/00821) at land off Bankfield Lane, Southport, PR9 7NT in accordance with the terms of the application, Ref DC/2021/00924, subject to the conditions in the attached schedule.

Preliminary Matters

2. On the original application form, the applicants were stated as Wainhomes (North West) Ltd and four other parties, being the joint landowners of the site. I have been advised that Wainhomes have now purchased all the land and that the appeal is made in their name only.

Main Issues

3. The main issue is whether the proposal accords with Policy MN2 of the Sefton Local Plan in respect of the access to the site.

Reasons

4. The principle of residential development on the site has been established by an extant hybrid planning application which granted planning permission for 128 homes (the appeal proposal forms part of this first phase) and outline planning permission for up to 200 dwellings as part of a wider housing development. The appeal proposal seeks to amend the housetypes and layout for nine dwellings and to incorporate a new access onto Bankfield Lane.
5. Policy MN2 of the Sefton Local Plan adopted in 2017, allocates housing, employment and mixed use sites including nine hectares of land at Bankfield

Lane for around 300 dwellings (MN2.2). Appendix 1 of the Plan sets out site specific requirements for some of the allocated sites including the appeal site. It is required, amongst other things, that vehicular access to the proposed development should be taken from an expanded Blundell Lane. The Policy recognises that the level of traffic generated by an allocation of the size proposed, would raise highway safety issues if it were to flow directly onto Bankfield Lane.

6. The appeal proposal seeks access for six houses from Bankfield Lane with the remaining three dwellings continuing to be accessed from the proposed internal road network via Blundell Lane. It is notable that the Council's reason for refusal only points to the technical breach with Policy MN2.2, it does not state that there would be highway safety issues should the appeal be allowed.
7. I am aware of several objections from local residents raising highway concerns. I observed on my site visit that the road has a 20 mph speed limit and that there are a number of speed humps along its length. I also saw that there are a number of other accesses in close proximity from other residential roads and also an access to a commercial premises.
8. The access proposed has an acceptable width and can provide for the turning and manoeuvring of larger vehicles such as a refuse wagon. I accept that the access lies at the base of a hill as Bankfield Lane rises over a bridge. However, acceptable sight lines can be provided for vehicles emerging and leaving the site so that a driver would have a clear view of traffic in both directions. Local residents have expressed concern about speeds on Bankfield Lane, despite it being a 20mph route with traffic calming. I acknowledge that some drivers may exceed this limit, however the visibility splays to be provided, approximately 2.4m by 43m, would remain adequate.
9. The appellant, as part of the planning application, prepared a Transport Technical Note which included a traffic survey on Bankfield Lane. This demonstrates that the proposal would have minimal impact on the capacity of the road. It is estimated that the development would generate 5 two way vehicle movements in the peak hour. This equates to an average of one vehicle every 12 minutes. This level of traffic would have a negligible impact in terms of congestion on the highway network. Accident data shows no accidents in the vicinity of the site in the last 5 years. An accident on Bankfield Lane further south is recorded but this was a pedestrian stepping into the road late at night. I also note that there are no objections from the Highway Authority.
10. The National Planning Policy Framework advises in paragraph 115 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. This is not the case here. Therefore, having regard to the evidence before me, I conclude that the proposed access would not give rise to highway safety issues.
11. I acknowledge that access from Bankfield Lane, creates conflict with the requirements of Policy MN.2. Taking account of the fact that only 6 dwellings out of an allocation of 300 would be accessed from Bankfield Lane, and that the objective of the policy requirement for the site is to ensure no harm to

highway safety and the wider road network, I find that there would be compliance with Policy MN.2 when read as a whole.

12. Accordingly, the proposal complies with the development plan and there are no other material considerations which indicate that the proposal should be determined other than in accordance with it.

Conditions

13. I have had regard to the conditions suggested by the Council which I have considered against the advice in the Framework and Planning Practice Guidance.
14. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty (conditions 1 and 2).
15. Condition 3 requires the submission of a Construction Environmental Management Plan (CEMP) in order to safeguard the amenity of adjacent residents and the environment. To address any on site contamination, conditions 4, 5, 13 and 14 are necessary. The Council suggested two differently worded conditions which relate to a remediation strategy. I have only imposed one to avoid duplication.
16. In the interests of highway safety, conditions 6 and 7 are required to ensure the implementation of a suitable site access and off site highway improvement works. I have amended the wording of the Council's suggested conditions to avoid duplication and for clarity. The submission of a noise report and a scheme of mitigation, acoustic glazing and ventilation is necessary to safeguard residential amenity (conditions 8, 25 and 26). Conditions 9, 11, 12 and 28 are necessary to require a foul drainage scheme, a surface water drainage scheme and its management and maintenance, as well as flood risk mitigation to ensure the site is properly drained and to manage flood risk and pollution.
17. I attach condition 10 to ensure appropriate waste management and recycling measures are in place during construction. In order to protect the character and appearance of the area and visual amenity, conditions 15, 17, 19, 20, 27 are necessary for the submission of the details of the proposed materials, details of finished floor levels, landscaping, street lighting and boundary treatments.
18. In the interests of ecology and biodiversity, conditions 16, 18 and 29 are required to protect water vole habitat, manage Japanese Knotweed should any be present on the site and to inform future residents about the Sefton Coast and the importance of European protected sites.
19. In the interests of highway safety, conditions are necessary to ensure appropriate visibility splays are provided, that adequate on site car parking and manoeuvring is put in place, and that a Travel Plan is prepared and implemented (conditions 21, 22 and 23). I attach condition 24 to promote energy efficiency and provide for electric vehicle charging points within the development.

Conclusion

20. For the reasons given above, and having had regard to all other matters raised, I allow this appeal,

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 1328WHD/BLS-LP27 Rev A – Location Plan; 1328WHD/BLS-PL01 Rev LL Site Layout and Landscape Structure Plan; 3.113CB/P/BU/L10/300 Brancaster Plans and Elevations; CLPD013/PO1 Detailed Planting Plan; BRU-P2 Brunswick Plans and Elevations; HAV-P1 Havesham Plans and Elevations; TRE-P1 Trevithick Plans and Elevations; Newton House type Plans and Elevations, no drawing ref, dated Feb 2019; SDG/SE/1.2/B Standard Double Garage Plans and Elevations; 1328WHD/BLS2-AC01 Rev A Access off Bankfield Lane.
- 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 Local Planning Authority. 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 include, but not be limited to:
 - a) Procedures for maintaining good public relations including complaint management, public consultation and liaison.
 - b) Proposed construction hours.
 - c) Proposed hours for delivery and removal of plant, equipment, machinery and waste from the site.
 - d) Measures to control the migration of mud from the site by vehicles during construction.
 - e) Mitigation measures to minimise noise disturbance from construction works.
 - f) Procedures for emergency deviation of the agreed working hours.
 - g) Control measures for dust and other air-borne pollutants, including a dust management plan in order to minimise the impacts of construction dust.
 - h) Measures to prevent pollution of control waters during construction.
 - i) Measures for controlling the use of site lighting whether required for safe working or for security purposes.
 - j) 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.
 - k) The control and removal of spoil and wastes.
 - l) Adequate provision for contractor parking.
 - m) Mitigation measures for the protection of water vole, breeding birds, water courses, hedgerows and retained vegetation.

- n) A lorry routing schedule.
- o) Measures to control flooding on site during construction.

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

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

- 5) 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 approved in writing by 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.
- 6) Prior to commencement of development above ground level, a scheme (and full construction details) for the construction of the site access 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 in accordance with the details approved.

- 7) Prior to commencement of development above ground level, details of the following off-site improvement works shall be submitted to and approved in writing by the Local Planning Authority:
- a) 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
 - b) 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
 - c) 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 has been agreed in writing with the Local Planning Authority. The works shall then be constructed in accordance with the details approved and the agreed timetable of works.

- 8) Prior to the commencement of development, 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 thereafter retained.
- 9) Prior to the commencement of development, the details of a foul water drainage scheme shall be submitted to and approved in writing 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:
- a) The location of the point of connection for foul water to the existing public sewer;
 - b) The timing arrangements for the pumped foul discharge;
 - c) The storage requirements for the pumped foul discharge; and
 - d) 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.

- 10) 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.
- 11) 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.
- 12) 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.
- 13) The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation.

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 approved in writing by the Local Planning Authority, prior to commencement of use of the development.

- 14) 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 and agreed 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 13.

- 15) Notwithstanding the details shown on the approved plans, no final finish to any external elevation shall be applied unless it has previously been agreed in writing by the Local Planning Authority.
- 16) 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.
- 17)
 - i) 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.
 - ii) 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 (i) and ii) above, 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.

- 18) 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 in writing. 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 in writing by the Local Planning Authority.

- 19) 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.

- 20) No dwelling shall be occupied until details in respect to the proposed street lighting 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.
- 21) No dwelling 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.
- 22) No dwelling shall be brought into use 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.
- 23) 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.
- 24) 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 in writing. 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.
- 25) 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.
- 26) A suitable scheme of acoustically treated ventilation for all dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the dwellings become occupied and retained thereafter.
- 27) 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.
- 28) The approved scheme shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed with the FRA:

Finished floor levels are set no lower than 3.01m above Ordnance Datum (AOD) or lower than 0.15m above adjacent ground level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied with the scheme, or within any period as may be agreed in writing by the Local Planning Authority.

- 29) 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.

