

Report to: PLANNING COMMITTEE **Date of Meeting:** 30th June 2021

Subject: [DC/2020/02580](#)
[Site Of 17 Brook Road, Maghull](#)

Proposal: Erection of a part-three, part-two storey block of 8 apartments including access, parking, landscaping and associated works.

Applicant: G+G Developments **Agent:** Mr David Morse
JMP (NW) Ltd JMP (NW) Ltd

Ward: Sudell Ward **Type:** Full Application

Reason for Committee Determination: Petition Endorsed by Cllr Y Sayers

Summary

The proposal is for the erection of a block of eight apartments. The main issues considered relate to design, impacts on neighbours and flood risk. Firstly, the proposal has been amended at the Council's request in order to reduce height, scale, bulk and massing. What is now proposed is considered to respect the form, distinctiveness and character of both Brook Road and Colbern Close which are notably different in their design and appearance. It is noted that a similarly large, albeit single dwelling, was approved on the site in 2012 and remains a live permission due to its commencement.

In regard to neighbour impacts, the amendment to the design of the proposed apartment building has reduced its dominance and as a result limits overshadowing and harm to outlook. Windows have been arranged so as to not cause an unacceptable loss of privacy and on the whole it is considered that there are ample separation distances between the building and its closest neighbours when considering the Council's adopted standards.

The site lies within Flood Zone 2. However, it is considered that the proposal passes the sequential test (i.e. sites at lower flood risk have been justifiably ruled out by the applicant), and a suitable scheme of surface water drainage is proposed. The Environment Agency is a statutory consultee in the case of development in Flood Zone 2 however has not provided a response at the time of this application being published. Nevertheless, The Flooding and Drainage Manager has raised no objection, whilst any comments from the Environment Agency will be reported as late representation. Conditions can be attached in relation to environmental protection and suitable access. Overall the proposal complies with adopted local and national policy and is therefore recommended for approval.

Recommendation – Approve with Conditions

Case Officer Steven Healey

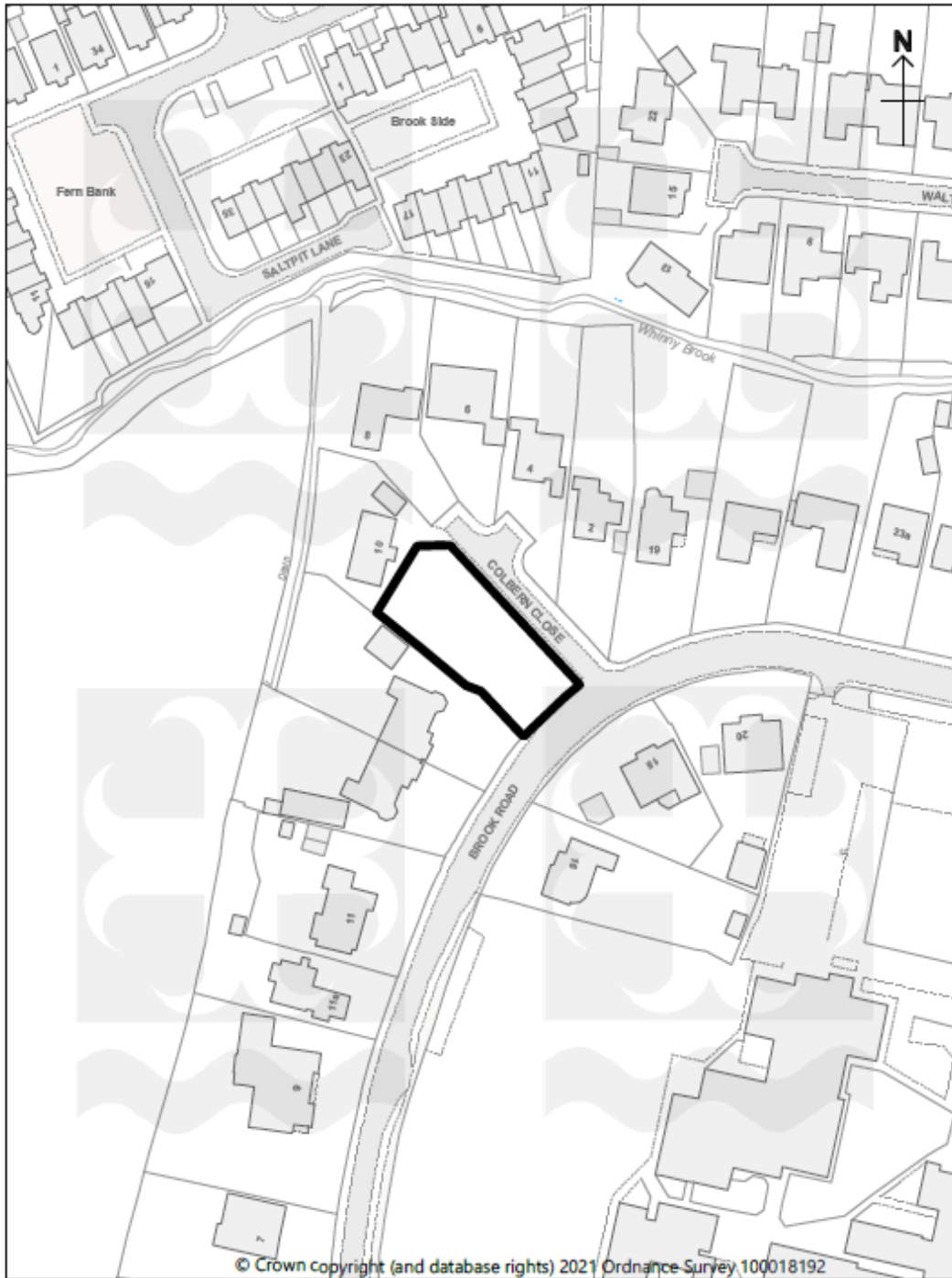
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QLC77SNWG5F00>

Site Location Plan



Sefton Council



Reference: Map reference
Date: 18/06/2021
Scale: Scale 1:1250
Created by: Initials

The Site

The application site comprises a vacant corner plot at 17 Brook Road, also bounded by Colbern Close, Maghull

History

Planning permission granted in June 2012 for the 'erection of a detached dwelling following demolition of the existing incorporating basement and attic accommodation' (reference S/2012/0676). It is considered that this permission remains extant as development commenced within the required 3-year period with the demolition of the previous dwellinghouse, although no subsequent work took place.

There have also been various applications associated with the previous dwellinghouse to occupy the plot, but which are of no specific relevance to this application.

Consultations

Environment Agency

No comments received to date.

Environmental Health Manager

No objection subject to conditions.

Flooding and Drainage Manager

No objection subject to conditions.

Highways Manager

No objection subject to conditions.

Merseyside Environmental Advisory Service

No objection subject to conditions.

Tree Officer

No objection.

United Utilities

No objection subject to conditions.

Neighbour Representations

Original Notification (12 Apartments)

Petition of 51 signatures endorsed by Councillor Yvonne Sayers objecting due to the proposal being out of keeping with the area has been received by Planning Services.

Objections received from 20 addresses on Brook Road and four on Colbern Close on the following grounds: -

Design and Amenity

- Overdevelopment and intensification of the site which only contained one dwelling previously
- Character of the area will be harmed, developments throughout Maghull are eroding character
- Height is out of keeping with surrounding area and taller than other buildings
- Overbearing impact of proposed development
- Development does not appear to be accessible for older residents, with no lift or disabled parking bays
- Trees and hedgerow removed previously without consent, proposal should reintroduce vegetation to boundaries instead of hardstanding
- Overlooking of neighbouring properties at limited distance
- Loss of light and outlook
- Hedgerow to boundaries will block light
- Insufficient separation distance between neighbours
- Location of bins would cause smell and noise with insufficient number of bins
- Increased noise and disturbance associated with 12 flats
- Construction traffic noise and disturbance

Transport and Highway Safety

- Increased traffic and congestion further damaging poor condition of Brook Road's surface
- Insufficient on-site parking when accounting for multiple car ownership and visitors
- Rear parking spaces could result in conflicting movements with neighbours on Colbern Close
- Noise and air pollution associated with more vehicles
- Access should be off Brook Road only

Drainage, Impact on Services and Infrastructure

- Increased flood risk and potential to interrupt flow of culvert below the site, Environment Agency should be consulted
- Possibility of storage tank failing and causing flooding
- Reliance on third party land to drain site
- Increased pressure on sewer system

- Residents will have to fund the maintenance of Brook Road
- Impacts on local gas and electricity supplies which are at capacity
- Impact on services such as GPs

Other Matters

- No demand as new flats on Brook Road have not sold
- More appropriate sites elsewhere
- Other similar developments refused nearby previously
- Potential issues with covenant

Re-notification (Eight Apartments)

Objections received from ten addresses on Brook Road and Colbern Close on the same grounds as listed above with the addition of:-

- Application simply being for profit disregarding views of residents
- Proposal remains excessively large and an overdevelopment of the site
- Proposal includes townhouses close to the footway which is out of character
- Lack of parking remains
- Interface distances are still not met

Policy Context

The application site lies within an area designated as residential in the Sefton Local Plan which was adopted by the Council in April 2017. The Maghull Neighbourhood Plan was 'made' (i.e. adopted) on 24th January 2019 and carries full weight in decision making.

Assessment of the Proposal

The proposal is for the erection of a building of part-two, part-three storey in height comprising eight apartments with associated parking and landscaping. The main issues to consider are the principle of development, design and character, impacts on existing neighbours and general environmental matters such as flood risk and ecology.

The proposal was initially submitted on the basis of a larger entirely three-storey building comprising 12 apartments, however this was revised down to eight following discussions with the Council in relation to concerns over design and amenity. Neighbours were re-notified accordingly following receipt of amended plans. The revised plans initially featured two units to the rear of the building more akin to townhouses, split vertically as opposed to horizontally. The applicant has submitted a further set of revised plans so that the units are now formally classed as apartments. It was not deemed necessary to re-notify further on this basis as it has not prejudiced the ability for the public to understand the impacts of the proposed development.

Principle of Development

The application site is situated within a Primarily Residential Area subject to Local Plan policy HC3 where the development of new housing is considered acceptable in principle when consistent with other Local Plan policies.

Design and Character

The application site is positioned mid-way along Brook Road, an unadopted crescent within the Hall Lane Character Area of the Maghull Neighbourhood Plan. The area is identified as one of the oldest parts of Maghull with a mixture of established and imposing Victorian buildings which utilise red and sandstone coloured materials. A handful of Victorian and early 20th century dwellings remain on Brook Road including neighbouring number 15. The majority of properties within the immediate vicinity however, including those one Colbern Close, were constructed post-War and are of varying form and style.

The proposed apartment building is considered to respond positively to both Brook Road and Colbern Close. The three-storey frontage incorporates decorative features such as dormers, stone cills and a porch. The Design and Access Statement indicates that reclaimed brick will be used as the primary facing material, details of which can be secured by condition. The width, height and massing of the building when viewed from Brook Road is appropriate within the context of its closest neighbour, and the previously excessively large windows have been substituted for more traditionally proportioned openings.

To the side where the development fronts Colbern Close the proposal has been amended to two storey in height with the first floor in fact being incorporated within the roof space so as to

resemble the dormer bungalows which characterise Colbern Close. This part of the building would be set back from the footway with defensible planting. The proposed apartment building is certainly larger than the previous dwellinghouse which occupied the site however it is considered to be appropriately proportioned given the scale of a number of other properties on Brook Road. The 2012 permission which is a material consideration, occupied a similar 'L-shaped' footprint to the proposal at hand although the projection which ran parallel to Colbern Close was only single storey in height.

In terms of boundary treatments, the development proposes fencing to the side and rear boundaries as is already the case. The hedgerow to the side of 15 Brook Road which would separate the parking spaces to the proposed development would be retained while a low-level brick wall and planting would be introduced to the site frontages on to Brook Road and Colbern Close which is considered acceptable with respect to the surrounding character.

Overall it is considered that the proposal responds positively to the character and appearance of its surroundings, and that it complies with Local Plan policy EQ2 (Design) and Maghull Neighbourhood Plan policy MAG 4 (Character Areas).

Living Conditions of Future Occupiers and Existing Neighbours

Living Conditions of Future Occupiers

The proposal is subject to Local Plan policy HC4 and the accompanying guidance 'Flats and Houses in Multiple Occupation' which provides guidance on suitable living conditions. The proposal would comprise eight apartments, two being 3-bedroom and six being 2-bedroom. The majority of apartments exceed the Council's internal gross floor space requirements and the recommended room sizes for main bedrooms – two apartments measures 1sqm less than the 61sqm standard. It is considered that all habitable rooms would be afforded a good level of light, and although a total of four bedrooms would only benefit from skylights, thus restricting outlook, these are secondary bedrooms and given the good outlook provided from other habitable rooms within the same apartment it is considered living conditions on the whole would be acceptable.

In terms of the level of private outdoor amenity space, the apartments would benefit from a communal garden of over 230sqm which exceeds the 160sqm requirements set out in the Council's guidelines for flat developments.

Concerns have been raised over accessibility within the building for elderly or disabled occupiers. Building Regulations would however ensure level access is provided to the ground floor which contains three of eight apartments. There is no policy requirement for a scheme of this size to provide fully 'accessible and adaptable dwellings' with the threshold being 50 dwelling schemes under policy HC1 of the Local Plan.

Impact on Existing Neighbours

The proposal has the potential to impact on several neighbours including those adjoining at 15 Brook Road and 10 Colbern Close.

In considering the impacts on No.15 Brook Road, the proposed building at its closest point would be 7m. This would be where the blank side gable of the proposed building faces the turreted feature of number 15 which contains multiple windows, half of which face away from the development. Given the windows serve the same room on each floor it is not considered that significant harm would be caused to outlook. There are several windows to the main side elevation of number 15, but given the proposed building would be angled away and set further back from the boundary towards the rear with no overlooking windows it is considered that there would be no loss of privacy to number 15 or unacceptable loss of outlook or light.

Regarding impacts on 10 Colbern Close the blank west-facing gable of the proposed building would be 12m from the front elevation of this neighbour. Given the modest height of this part of the building (reduced from an initial three storeys) and ample separation it is considered that there would not be a harmful loss of light or outlook to the neighbour. All other properties across Colbern Close are at a distance exceeding 21m and thus it is considered that no harm would be caused to the living conditions of these residents.

The Environmental Health Manager has raised no objection in principle but has suggested that acoustic fencing be provided to the development along with a condition for noise control of plant and equipment. Given the small domestic-scale of the proposal these recommendations are not deemed necessary or reasonable. There is no evidence the proposal would cause excessive noise above comparable developments and the parking spaces are not located so as to cause disturbance to neighbouring gardens for example. Concerns were initially raised over the location of bin stores however these have since been repositioned away from neighbouring boundaries.

Environmental Matters

Flood Risk and Drainage

The application site is located within Flood Zone 2 indicating a medium risk of fluvial flooding – up to 1% chance in any given year. The applicant has submitted a Flood Risk Assessment and Sequential Test in order to accord with Local Plan policy EQ8 and directing development away from areas at high flood risk. The Exceptions Test (which requires the development to demonstrate that public benefit outweighs flood risk), is not required in this instance given the development is not classed as ‘Highly Vulnerable’ within a Flood Zone 2 area (as identified in national planning guidance), only dwellings with basement accommodation would be.

The Flood Risk Assessment has been reviewed to the satisfaction of the Council’s Flooding and Drainage Manager. In terms of surface water drainage, it is proposed to discharge into Whinney Brook at an attenuated rate (achieved through underground storage and a hydrobrake) via an existing surface water drain. There are two options in order to connect to the surface water drain which would require third party consent. If this is not achievable the application would have to

vary the permission and pursue the next most sustainable method of surface water drainage. Residual risk of the drainage system failing is not a grounds to refuse the application subject to appropriate maintenance and management which can be secured by condition. Foul water would be drained on a separate system connecting to an existing United Utilities sewer on Colbern Close.

In Flood Zones 2 and 3, developments of this size must satisfy the Sequential Test. To this extent the applicant has submitted a detailed statement which is considered acceptable. While the applicant has only searched within Maghull for alternative sites as opposed to the wider 'Sefton East Parishes' area defined in the Council's Flood Risk Information Note, the area surrounding urban Maghull itself is Green Belt which presents its own issues. Nevertheless, the Information Note states that 'Reasonably available sites would for example be those 'in the ownership of the applicant or sites included in the first 5-year period of the latest the Strategic Housing Land Availability Assessment (SHLAA)'. Both of these points apply as the site is under the applicant's ownership and is included on the 2019 SHLAA as a new build housing site with planning permission in place.

In addition to the above the Environment Agency is a statutory consultee in the case of certain development in Flood Zone 2. The body has been consulted however no comment has been received at the point of this report being published. Nevertheless, the site benefits from planning permission for a dwelling, in what remains a Primarily Residential Area and it is considered that the Sequential Test is passed. Given the lack of objection from the Flooding and Drainage Manager, it is considered that the development is acceptable in flood risk terms and complies with policy EQ8 of the Local Plan. It is not anticipated that the Environment Agency will come to a different conclusion, however, any comments will be reported in late representation.

Ecology

The site is located close to the Whinny Brook Local Wildlife Site however Merseyside Environmental Advisory Service considers it is unlikely the proposal would lead to adverse impacts on the site due to the nature of the minor development. It is however recommended that protective and reasonable avoidance measures be implemented during vegetation clearance and construction works which can be secured by condition in order to prevent harm to species such as breeding birds and hedgehog. A lighting scheme has been recommended in order to minimise light spill on to nearby habitat however this would not be reasonable on a residential development comprised a single modest sized building. Biodiversity gain can be achieved through a detailed Landscape Plan which provides habitat encouraging of Red Squirrel. This can be secured by condition also. Overall it is considered that the proposal complies with policy NH2 (Nature)

Other Matters

Transportation, Access and Highway Safety

The application has been assessed by the Council's Highways Manager who has raised no objection on highway safety grounds. The access arrangements are acceptable and boundary treatment would be of a height not to impinge visibility. The proposal includes 12 parking spaces which is considered acceptable given the completion of an Accessibility Checklist which highlights that there are good public transport links within the locality. In order to support sustainable modes of transportation, cycle storage can be secured by condition as can electric vehicle charging points. The applicant has already committed to installing four such charging points which exceeds the Council's standards and is supported.

Comments have been made stating that Brook Road is in a poor condition and that the development would cause further damage to the road. As the road is unadopted, maintenance is not the responsibility of the Local Authority. One resident clarifies that this is the responsibility of the Brook Road Residents Association, which would also have to provide consent to carry out works to the highway. A Construction Traffic Management Plan has been requested by the Highways Manager which is reasonable and can be secured by condition.

Infrastructure and Low Carbon Design

The National Planning Policy Framework states under paragraph 112 that planning decisions should support the expansion of communication networks such as full fibre broadband connections. This is supported within the Local Plan and Council's guidance for new residential development; this can be secured by condition.

Electric vehicle charging points can also be secured by condition for the apartments in accordance with the Council's guidance on 'Sustainable Travel and Development'.

Construction Phase

The Environmental Health Manager has requested a Construction Environment Management Plan be secured by condition in order to minimise, noise, dust and general disturbance during the construction phase. Given the location of the development and modest scale this request is reasonable and can be secured by condition.

Other Neighbour Comments

Concerns have been raised over the loss of vegetation on site, as this has already occurred it is not relevant to the application. Furthermore, new planting is proposed, if this were to reach a height to cause loss of light or nuisance this could be addressed as a civil matter or through a high hedge complaint.

Concerns have been raised over the impact on infrastructure and services, however the proposal being of modest scale is deemed unlikely to place significant burden on local GP surgeries or schools for example. Furthermore, in accordance with policy IN1 of the Local Plan the Council does not seek developer contributions towards local infrastructure on schemes of this size.

Other comments have been received stating that there is no demand for the apartments and other sites should be developed instead. Protective covenants have also been mentioned by local residents. These matters are not material considerations.

Comments have also been made purporting that a similar development was refused nearby although no specific site is mentioned. In any event each application must be assessed on its own merits.

Planning Balance and Conclusion

Taking all the above into account, the proposal is considered acceptable. The building has been reduced in height, scale and bulk from that initially submitted so as to respond positively to the character of both Brook Road and Colbern Close. The amendments have also reduced the impact on neighbouring properties so that there would be no significant loss of light. There are no windows which would result in unacceptable levels of overlook and on balance it is considered that neighbours would continue to benefit from a good level of privacy and outlook, acknowledging the proposal would naturally present a much different aspect than the previous dwellinghouse.

The site is located within Flood Zone 2, however it is considered that the development passes the Sequential Test and that an appropriate scheme of surface water drainage is proposed. The development itself would therefore not increase risk of flooding to the site itself or neighbouring land. Subject to conditions it is considered that the proposal complies with adopted local (Sefton and Maghull) and national policy. The proposal is therefore recommended for approval.

Recommendation - Approve with Conditions

Approve with Conditions

Conditions

Time Limit for Commencement

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

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

Approved Plans

- 2) The development shall be carried out in accordance with the following approved plans and documents: Location Plan (Drawing 007) received by the Council on 4th February 2021, Proposed Site Layout (006 Rev 008), Proposed Ground Floor (001), Proposed First Floor (002), Proposed Second Floor (003), Proposed Elevations (004 and 005) and Proposed Street Scene Elevations (005) received by the Council on 18th June 2021 and Proposed Landscaping Scheme received on 21st June 2021.

Reason: For the avoidance of doubt.

Prior to Commencement of Development

- 3) No development shall commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall include the following: -
 - Reasonable avoidance and protective measures in relation to terrestrial mammals and breeding birds;
 - Pollution, noise and dust control measures;
 - Details of piling methodology should this be necessary;
 - Measures to minimise construction waste

Reason: To protect the ecological interest of the area, the amenity of adjacent land users and prevent air, ground and water pollution.

- 4) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must include a programme of works, days and hours of working, a site layout during the construction phase, relevant contact details, routes to be taken by delivery vehicles, methods for traffic management including directional signage and full details of the proposed measures to ensure that mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance. The provisions of the approved Construction Traffic Management Plan shall be implemented in full during the period of construction.

Reason: This is required prior to the commencement of development in order to ensure the safety of highway users during both the construction phase of the development.

During Building Works

- 5) Samples of the facing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: In the interest of visual amenity.

Before the Development is Occupied

- 6) Surface water sustainable drainage works, comprising all components of the surface water drainage system, shall be carried out in accordance with the details contained within the approved Surface Water Drainage Strategy (25/01/2021/ C-0001/ Shape Consulting). The surface water sustainable drainage scheme shall be fully constructed prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the approved Surface Water Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure satisfactory drainage facilities are provided to serve the site and in order not to increase flood risk elsewhere.

- 7) No part of the development shall be occupied until full details of the arrangements to secure funding and maintenance of the approved drainage scheme (condition 6) for the lifetime of the development through an appropriate agreement have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be managed and maintained as such thereafter.

Reason: To ensure satisfactory drainage facilities are provided to serve the site and in order not to increase flood risk elsewhere.

- 8) No part of the development shall be brought into use until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed vehicular and pedestrian accesses onto Brook Road and Colbern Close and associate crossing and dropped kerbs. 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: In order to ensure safe and suitable access.

- 9) No part of the development shall be brought into use until 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.

- 10) No apartment shall be occupied unless and until an electric vehicle charging point for that residential unit has been installed and is operational in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning. The approved infrastructure shall be permanently retained thereafter.

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

- 11) No apartment shall be occupied until details of full fibre broadband connections to all proposed apartments within the development has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed prior to occupation and made available for use immediately on occupation of any apartment in accordance with the approved details.

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

- 12) No part of the development shall be brought into use until space and facilities for secure, covered cycle parking, have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, and these facilities shall be retained thereafter for that specific use.

Reason: In the interests of highway safety and ensuring choice of travel.

- 13) No part of the development shall be brought into use until a scaled plan and elevational drawings showing the proposed low-level brick boundary wall to the boundaries fronting Colbern Close and Brook Road has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment must be erected prior to occupation of development.

Reason: In the interests of visual amenity.

Ongoing Conditions

- 14) The hard and soft landscaping scheme hereby approved under condition 2 must be carried out in full within the first available planting season following first occupation of development. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season.

Reason: In the interest of visual amenity, ecological enhancement and to ensure satisfactory tree replacement.