

Report to: PLANNING COMMITTEE **Date of Meeting:** 28th July 2021

Subject: [DC/2021/00759](#)
[Land Bounded by Wango Lane, River Alt and Leeds And Liverpool Canal, Aintree](#)

Proposal: Erection of 59 dwellinghouses including access, landscaping and associated works

Applicant: Mr Alistair Wilcock
Mullberry Homes Ltd

Ward: Molyneux Ward **Type:** Full application - Major

Reason for Committee Determination: Petition Endorsed by Councillor Carr

Summary

The proposal is for the erection of 59 dwellings and is presented as an alternative to a 53 dwelling scheme granted earlier this year which is under-construction. That permission was in itself an alternative to an original permission for 43 dwellings. The main issues to consider are design, affordable housing provision and whether the increased density gives rise to any environmental or highway safety concerns.

In conclusion, the principle of development is established. The proposed increase in dwellings is a result of substituting two rows of terraced dwellings in the centre of the site with two blocks of three-storey flats. They are considered to be of a design which respond positively to other dwellings within the development which are of similar height. The flats would be exclusively affordable which is acceptable given a general preference of many Registered Providers to manage whole blocks. There are no other issues which cannot be addressed by way of the existing conditions attached to the development under construction. The proposal complies with adopted policy and is recommended for approval.

Recommendation: Approve with conditions subject to completion of a Section 106 Legal Agreement

Case Officer Steven Healey

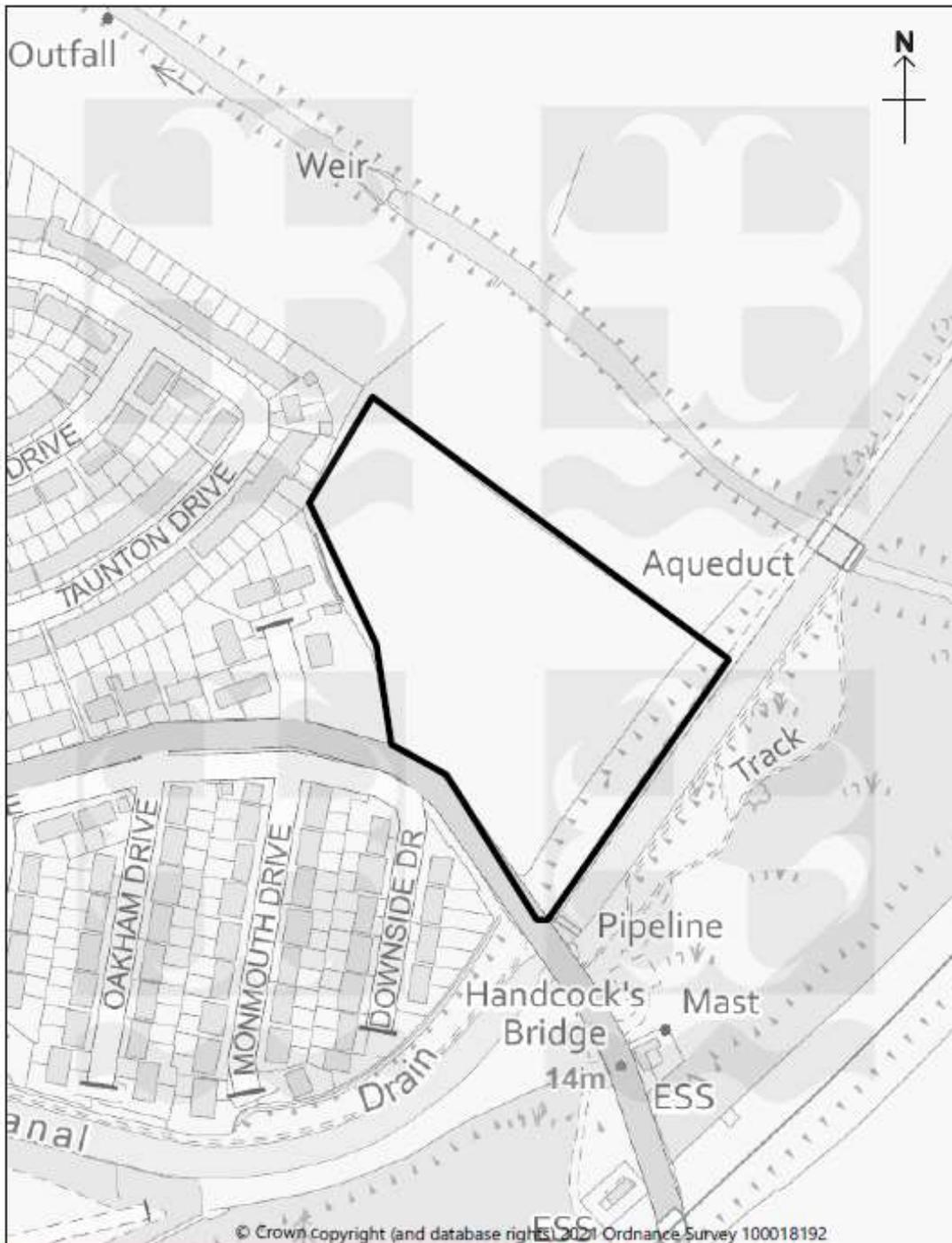
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQ69XHNWIM100>

Site Location Plan



Sefton Council



Reference: Map reference

Date: 16/07/2021

Scale: Scale: 1:2500

Created by: Initials

The Site

The site comprises 1.8ha of land to the north of Wango Lane, Aintree currently under development. It is bounded by the Leeds and Liverpool Canal to the east, Valley Close to the west with the River Alt running close to the site's northern boundary.

History

Planning permission was granted in October 2018 for the 'erection of 43 dwellings with new access, landscaping and associated works' (reference DC/2017/02298). Planning permission was refused in February 2019 to vary house types on 16 plots due to non-compliance with the Council's housing mix and affordable housing policies (DC/2018/02287).

An alternative application for the erection of 53 dwellings which is in the process of being implemented was granted in April 2021 (DC/2020/01052).

Consultations

Canal and River Trust

No objection.

Conservation

No objection.

Environmental Health Manager

No objection subject to conditions.

Flooding and Drainage Manager

No objection subject to conditions.

Local Plans Manager

No objection.

Merseyside Environmental Advisory Service

No objection subject to conditions.

Tree Officer

No objection.

United Utilities

No objection.

Neighbour Representations

A 26-signature petition endorsed by Councillor Carr has been received by Planning Services.

Objections received from 4 addresses on Wango Lane, 3 on Downside Drive and 10 addresses elsewhere on the following grounds: -

Traffic and Highway Safety

- Greater number of vehicles associated with flats and increased traffic
- Incidents of dangerous parking in the area would be worsened
- Highway safety concerns and unsuitable access on a blind bend
- Construction traffic issues

Environmental Matters

- Raising of levels and discrepancies on plans
- Impact on canal embankment
- Increased flood risk and drainage issues
- Loss of green space and overdevelopment
- Issues associated with piling

Housing

- Flats would be out of character with the area
- Lack of affordable homes

Procedural and Other Matters

- Developer continuously changing the plans
- Flats are already being advertised online suggesting a done deal
- Director of company was formerly disqualified
- Health and safety breaches on site and with developer in the past
- Lack of an infrastructure report
- Impact on services and infrastructure

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.

Assessment of the Proposal

The proposal seeks planning permission for the erection of 59 dwellings as an alternative development to 53 dwellings currently being constructed on site. The layout of the development remains generally as approved with the increased number of units being as a result of the substitution of 6 dwellings within the centre of the site for two blocks of flats comprising a total of

12 flats in total. The main issues to consider are residential amenity, housing mix, affordable housing provision and matters relating to design and character.

Principle of Development

The application site is allocated for housing under policy MN2.34 which establishes the principle of development. Furthermore, an existing permission for 53 dwellings is in the process of being implemented. The works already carried out on site could facilitate either the approved development or the proposed development with a greater number of dwellings.

While the density is significantly higher than the indicative capacity set out within the Local Plan, this was guided by heritage constraints which have since been addressed. The density is 33 dwellings per hectare which exceeds the Council's minimum 30 dwelling per hectare standard for new residential development and is considered acceptable with respect to prevailing densities locally.

Housing Provision

The proposal comprises 59 dwellings. 18 would be affordable which exceeds the Council's 30% requirement. Pepper potting (dispersal) of affordable housing across the site is generally acceptable, although the two 6-unit apartment buildings are exclusively affordable. Whilst the two apartment buildings are adjacent to each other, effectively they are separate as they are accessed via different roads.

The applicant has advised that they have spoken to Registered Providers who would take on single bedroom flats. This is supported by policy HC1 for functional or management purposes. The most recent Strategic Housing Market Assessment recommends that two thirds of affordable units be secured as social/ affordable rent with the remaining one third being affordable home ownership. This can be secured within a section 106 legal agreement.

With regard to the remaining 41 market dwellings, the proposal complies with policy HC2 which requires a minimum of 25% to be one or two bedroom and a minimum of 40% to be three bedroom. Further to this the policy requires 20% of all market dwellings to meet Building Regulation Requirement part M4(2) 'accessible and adaptable dwellings. This can be secured within the same legal agreement.

Living Conditions of Future Occupiers

The main difference from the approved scheme of 53 dwellings is the introduction of flats. All other dwellings continue to benefit from a good standard of living in terms of outlook, light, privacy and garden sizes.

The proposed flats would be single bedroom, all exceeding the Council's standard floorspace requirement of 37sqm at almost 60sqm. The two blocks of flats would benefit from gardens in excess of 180sqm which again exceeds the Council's adopted standards.

Design and Character

The layout of the proposed development would be largely as approved maintaining a large area of open space to act as a buffer to the listed Valley House. The proposed apartment buildings are a noticeable addition to the development however not one which is considered likely to result in adverse visual impacts. They would be of relatively modest width, similar to the terrace dwellings that would be replaced and although three storeys in height there are multiple examples of two and a half storey dwellings throughout the development of similar height, as is evident from the submitted street scene drawing which shows the flats within context of neighbouring plots.

In terms of style the flats would incorporate a gable-ended room with dormers, and decorative brick banding which are consistent with the traditional style of the approved dwellings throughout the remainder of the development. Overall the proposal is considered to be of acceptable design.

There is no change to the scheme with regard to the impact on trees, namely the linear band which is to be retained along the northern boundary.

Access, Transportation and Highway Safety

A cause of concern of local residents is disturbance associated with the construction of the development, in particular issues with construction traffic. There is an approved Construction Traffic Management Plan in place which the developer must adhere to. Planning Services has investigated any reported breach of the Plan and has reminded the developer of their responsibilities.

The Highways Manager has raised no objection to the proposal itself. The main change to the approved scheme is the introduction of 12 flats within the centre of the site. These are provided with 12 parking spaces which is deemed acceptable given all of the flats are one-bedroom. The absence of a single visitor parking space is acceptable given parking would be available on street also.

Environmental Matters

Ground Levels

Concerns have been expressed over the raising of levels and purported discrepancies. The submitted Site Plan shows finished floor levels and corresponding garden levels the same as those approved through permission DC/2020/01052. Conditions requiring the validation of levels closest to Wango Lane and Taunton Drive are reasonable and necessary.

Flooding and Drainage

The proposed method of surface water drainage remains as approved for the 53-dwelling scheme. This includes attenuated discharge into an existing surface water drain which has an outfall into the River Alt and is considered acceptable by the Flooding and Drainage Manager.

Ecology

Merseyside Environmental Advisory Service has raised no objection to the proposal subject to ongoing compliance with the approved Ecological Mitigation Strategy and Construction Environmental Management Plan.

Other Matters

Impact on Services

The proposed increase in units would not have a noticeably greater burden on local services than the previously consented scheme with respect to the existing population of the wider Aintree settlement. In accordance with Local Plan policy IN1 however financial contributions are sought to support built infrastructure for primary schools within the area. The applicant has already paid just under £60,000 which would leave £46,112.50 to be paid for the current proposal (which excludes contributions for one-bedroom dwellings/flats). This can be secured through a legal agreement.

Procedural Matters

It has been queried why the Council has allowed the developer to change their plans for the site on multiple occasions. Planning Services only has the power to 'decline to determine' applications in exceptional circumstances and this would not occur where there is a substantial or material change such as increasing unit numbers.

With regard to claims that the developer is advertising the flats proposed as part of the current application, this is entirely at their own risk pending the outcome of the planning application.

Other Neighbour Comments

Residents have also expressed concerns over the history of the developer and health and safety practices on site. These are not a planning consideration and the latter is the responsibility of the Health and Safety Executive.

Planning Balance and Conclusion

Taking all of the above into account the proposal is considered acceptable. The increased density above what has already been granted permission does not result in any harmful impact. The design of the two apartment buildings is considered acceptable with respect to the approved

house types and an acceptable housing mix and level of affordable housing is provided which can be secured through a legal agreement. The proposal complies with adopted local and national policy and is recommended for approval.

Recommendation - Approve with Conditions Subject to Completion of a S106 Legal Agreement

Conditions

Approved Plans

- 1) The development is hereby permitted in accordance with the following approved plans and documents:
 - Location Plan (Drawing Number 100)
 - Proposed Site Plan (150 T)
 - House Types BD262 (Rev A), BD362, (J) DER (AAH), EE3S (P), D5/S5 (N), JJ2S (AH), IR (B), KK2S (AAC), KK3S (AAF), MR (R) and 1 Bed Flats
 - Landscape Plan (MHWL-WW-01-P)
 - Road and Drainage Layout (056)
 - Golden Harvest Facing Brick, Breedon Roof Tiles and photograph depicting render and stone cills and window surrounds

Reason: For the avoidance of doubt.

During Building Works

- 2) The provisions of the submitted Construction Environment and Traffic Management Plans must be implemented in full during the period of construction.

Reason: In the interest of highway safety, to protect the ecological interest of the area, minimise waste and prevent land and water pollution.

- 3) The Ecological Mitigation Strategy (P.927.17 Rev C) must be implemented as part of the development throughout the course of construction and during the lifetime of development thereafter.

Reason: To prevent harm to protected sites and species.

- 4) The recommendations of the submitted Invasive Species Method Statement shall be carried out in accordance with Timetable for Himalayan Balsam Treatment.

Reason: To prevent the spread of an invasive plant species on site.

- 5) Clearance of vegetation within the band of trees to the northern boundary of the site must be carried out in accordance with the scheme approved under reference DC/2018/02105 in consultation with the Council's Tree Officer.

Reason: In the interests of visual amenity and conservation.

- 6) The protective barriers as specified within the Arboricultural Impact Assessment (P.927.20 Rev A) must be erected around the outer limit of the crown spread of all trees and hedgerow shown to be retained (T3, T4 and G2). The protective tree barriers shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored or trenches dug within these enclosed areas.

Reason: To prevent damage to the trees in the interests of visual amenity.

- 7) Prior to the construction of external elevations above finished floor level (FFL) of dwellings on plots 1-5 and 46-53 the finished levels shall be subject to a topographical survey to be submitted to and approved in writing by the Local Planning Authority.

The results of these surveys shall confirm that the FFL of those plots are constructed to the levels approved under condition 1 and no further construction above FFL of external elevations of dwellings on those plots shall take place until approval is given as required above.

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

Reason: This matter is fundamental in order to safeguard the living conditions of nearby occupiers, to safeguard the character and appearance of the area and ensure satisfactory drainage.

- 8) Prior to the construction of external elevations on plots 1-5 and 46-53 the levels of gardens, adjacent highways and other public areas shall be subject to a topographical survey to be submitted to and approved in writing by the Local Planning Authority.

The results of these surveys shall confirm that the levels of those plots and adjacent areas are constructed to the levels approved under condition 1.

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

Reason: This matter is fundamental in order to safeguard the living conditions of nearby occupiers, to safeguard the character and appearance of the area and ensure satisfactory drainage.

Before the Development is Occupied

- 9) No part of the development shall be brought into use until the sustainable urban drainage system has been installed and is operational in accordance with the following details and plans:- Road & Drainage Layout (056), Typical Section Through Attenuation Pond (056).

Reason: To ensure satisfactory drainage facilities are provided to serve the site

- 10) A scheme of works for the proposed vehicular access on to Wango Lane must be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until this means of access has been constructed in accordance with the approved scheme.

Reason: In the interests of highway safety.

- 11) A scheme of works for the following off-site improvements and alterations must be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved scheme(s):-

- Construction of a 2m wide footway along the full frontage of the application site including the provision of tactile paving at pedestrian crossing points
- Keep clear markings at the junction of the new vehicular access
- Provision of new tactile dropped pedestrian crossings at the entrance of Valley Close, in front of 57 Wango Lane and the east-bound bus stop within the central reservation of Wango Lane opposite.

Reason: In the interests of highway safety and to improve accessibility to public transportation.

- 12) No part of the development shall be brought into use until visibility splays of 2m by 43m at the proposed junction with Wango Lane have been provided clear of obstruction to visibility at or above a height of 1m above the carriageway level. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

- 13) 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 dwelling.

Reason: In the interests of highway safety.

- 14) 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.

Reason: In the interests of ensuring sustainable choice of travel.

- 15) No dwelling shall be occupied unless and until an electric vehicle charging point for that dwelling 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 Authority. The approved infrastructure shall be permanently retained thereafter.

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

- 16) No dwelling hereby approved shall be occupied until details of full fibre broadband connections to all proposed dwellings within the development have been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed and be operational prior to occupation of any dwelling and shall be retained thereafter in accordance with the approved details.

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

Ongoing Conditions

- 17) The hard and soft landscaping scheme hereby approved under condition 1 must be carried out in accordance with a timetable to be agreed in writing with the Local Planning Authority. 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 interests of visual amenity and conservation.

- 18) The approved Bat and Bird Box Plan (P.927.20.06) shall be installed within one month of practical completion of the building to which they would be attached, while the single Schwegler 2F Bat Box to be fixed to a tree shall be installed within one month of the tree thinning works having been completed.

Reason: In order to mitigate the loss of protected habitat.

Informatives

- 1) The developer is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name and property numbers.
- 2) The developer is advised that agreements under section 38 and 278 of the Highways Act 1980 will be required to ensure the implementation of off-site highway improvements. 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 Control Team on Tel: 0151 934 4175 for further information.
- 3) The applicant, their advisers and contractors should be made aware that if any European protected species (in this case bats and/or otter) are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.