

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 26th June 2024

Subject: [DC/2024/00432](#)
[Site Of Alt Service Station Northway Maghull](#)

Proposal: Application for approval of reserved matters (appearance and scale) pursuant to outline planning permission DC/2020/01437 granted 22/03/2021 for the erection of 2No. drive thru units

Applicant: c/o agent Drivestandard **Agent:** Mr Richard Woodford
Limited Woodford Land and Planning

Ward: Molyneux Ward **Type:** Reserved Matters

Reason for Committee Determination: Chief Planning Officer's discretion

Summary

Outline permission for two drive thru units was approved by application DC/2020/01437 in 2021. The current reserved matters application seeks approval for the design, layout and operational hours of the units.

The proposal is of an acceptable scale and design for the site and would not harm the character of the area. The living conditions of the nearby residents would not be unduly affected. Contamination, drainage and construction details would be secured by condition.

The development accords with Maghull Neighbourhood Plan and Sefton's Local Plan and therefore is recommended for approval.

Recommendation: Approve with conditions

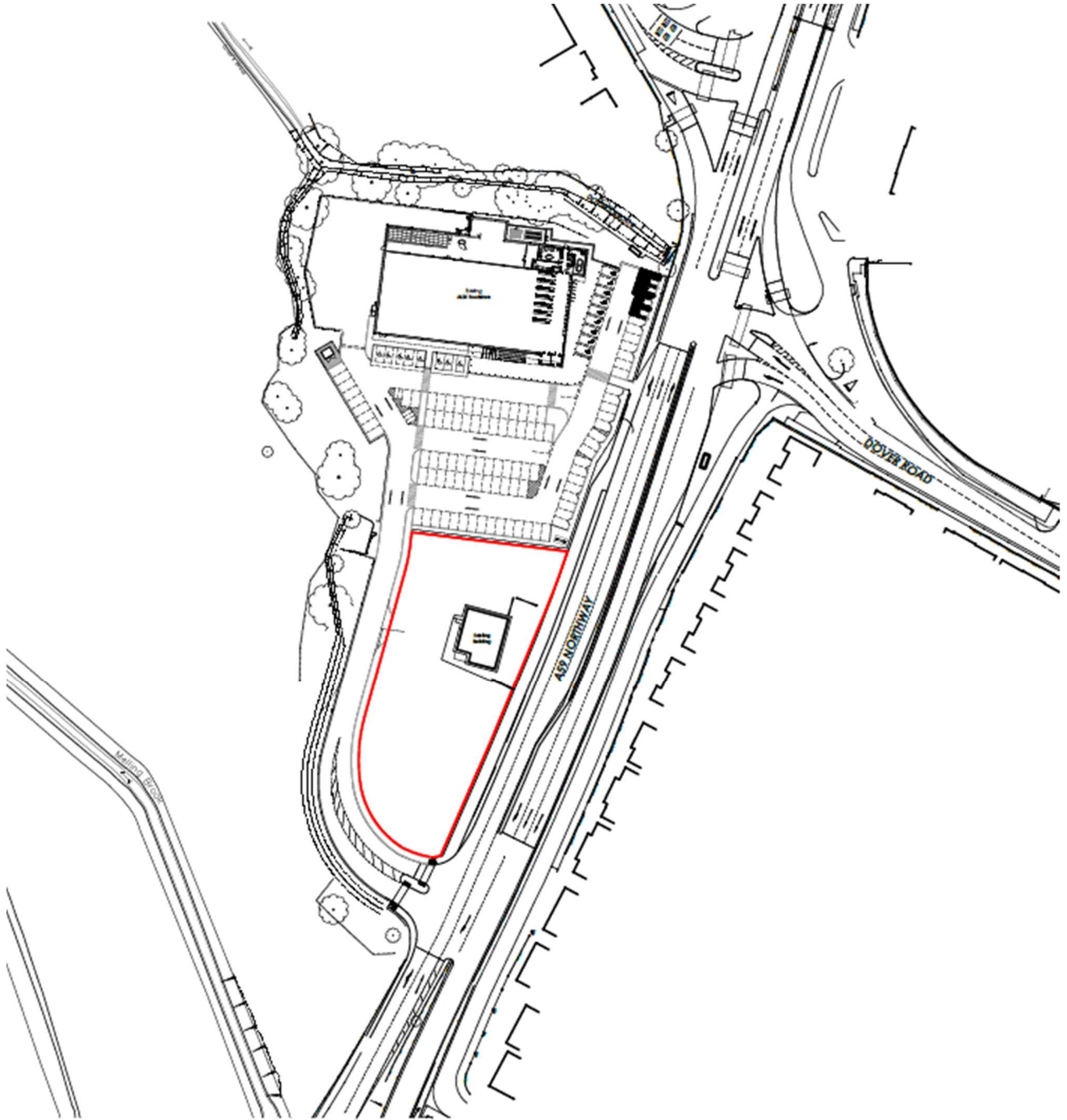
Case Officer Louise Everard

Email planning.department@sefton.gov.uk
Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S9ZSVDNWJPR00>

Site Location Plan



The Site

The site is located on the A59 Northway in Maghull. It forms part of a larger development site, which includes the ALDI food store to the north, dealt with under the hybrid planning application DC/2020/01437.

The A59 forms the eastern boundary of the site, with residential property on the other side of the highway. The existing shared access road that leads to ALDI borders the south and west boundary of the site. Along the edge of the access road is an area of dense landscaping which is next to Melling Brook and Dover's Brook.

History

There is an extensive history on this site which relates to previous uses.

The current scheme is linked to the application for the erection of a foodstore with associated access, car parking, servicing and hard and soft landscaping following demolition of existing buildings and outline permission for the erection of two drive thru restaurants (Ref: DC/2020/01437), which was approved with conditions in March 2021.

Consultations

Environmental Health Manager

No objection subject to condition

Highways Manager

No objection subject to condition

Contaminated Land Team

No comments to make in respect of the reserved matters application.

Flooding & Drainage Manager

No objection subject to condition

Merseyside Environmental Advisory Service

No objection

Local Planning Manager

No comments

Neighbour Representations

One objection was received from a local resident, raising concerns on the following matters:

Objects to 24 hour opening

Does not want illuminated signs.

Concerned that cars will be allowed 24 hours when deliveries are limited to times due to noise levels.

Can not fully oppose the units as no details of the end occupiers

One neutral comment was received from a resident, making enquires as to whether the boundary of the surrounding land would be updated to screen the cars within the site from the dwellings on the opposite side of the road.

Policy Context

The application site lies within an area designated as Primarily Residential and Green Belt 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

1.Introduction

1.1 Outline permission was granted for two drive thru restaurants under the hybrid application DC/2020/01437 so the principle of this use is acceptable. The ALDI store approved by the previous application has been constructed and is fully operational. The current application seeks approval for the reserved matters for the drive thru element of the scheme. The details submitted seek to address the following conditions attached to the outline permission.

Condition 37 – Details of scale and landscaping

Condition 39 – Opening hours

Condition 41 – Employment Skills Plan

Condition 42 – Noise assessment

Condition 43 – Lighting assessment

1.2 The specific occupiers are yet to be identified; therefore, a number of matters will remain to be dealt with via conditions, including Construction Environment Management Plan (CEMP), surface water drainage scheme, details of foul drainage and sewerage, details of odour control and site

investigations.

1.3 The main issues for consideration are the design and landscaping, plus the impact on the surrounding area and highway safety.

2. Design and Landscaping

2.1 The indicative siting of the two units was assessed at the outline planning application stages and the current layout being considered is in line with this previous approval.

2.2 The unit A drive thru would be the smaller of the two units, with an internal area of approximately 168m² and would be located towards the north of the site. The shop frontage would face into the site, towards the car park area. Unit B would be located to the south of the site, with the shop frontage facing towards Northway. The second unit would be approximately 274m² internally.

2.3 The buildings will appear as prominent features in the street scene, given the open nature of the site frontage, with all elevations readily visible. Both units would be single storey and would incorporate a mixture of render and cladding panels. Timber and wood effects panels will also be added to soften the appearance of the buildings. Additional brick details have been proposed to the south and east facing elevation of unit A and all elevations of unit B, helping to break up the larger areas of render. The buildings would include suitable detailing to all elevations and their design would complement the neighbouring ALDI building. The massing of the buildings would be subservient to the surrounding context. Therefore, the overall design and scale of the units are appropriate within the site.

2.4 The Maghull Neighbourhood Plan aims to improve 'Green Corridors' within Maghull, which identifies the north-south corridor along Northway as in need of enhancement and protection. Policy MAG5 'Green Corridors' proposes that new development must not harm green corridors and tree planting was secured along the western boundary of the A59 Northway as part of the planning permission (DC/2020/01437), through a Section 106 legal agreement.

2.5 The scheme will have formal hardstanding including paved areas around the drive thru units, leading to the entrance to the buildings. Landscaping will be provided around the boundary of the site, including the planting of 7 new trees, some areas of ornamental shrubs and a native clipped hedge along most of the site boundary. A 450mm high timber rail will surround the site to define the boundary, without compromising visibility. The proposed landscaping will help to soften the appearance of the car parking and adjoining hardstanding.

2.6 Overall, the design and layout of the buildings and landscaping are acceptable and would not harm the character of the area. It therefore would comply with the Maghull Neighbourhood Plan Policy MAG5 and Local Plan Policy ED2 'Design'.

3. Impact on surrounding area/properties

Noise

3.1 The hours of operation are to be considered by the reserved matters application, as required by condition 39. 24 hour use is being sought for both drive thru units, given the location adjacent to the motorway network. The properties most sensitive to the development are the residential dwellings on the other side of Northway, which are set over 46m from the proposed units.

3.2 A supporting Noise Impact Assessment (NIA) has been submitted with the application, which has been reviewed by the Council's Environmental Health Team. The assessment shows that the noise levels associated with the car park and drive thru use would be low. The methodology and the conclusions within the report are considered acceptable by the Environmental Health Manager.

3.3 The report includes plant noise rating level design limits within table 9 of the NIA. As the final occupants of the units are not yet known, a condition could be used to ensure that any plant and equipment to be installed within the units comply with the limits set within table 9.

3.4 The Environmental Health Manager suggested that, based on the noise data, delivery time restrictions could be secured by condition, for the time periods of most concern, 05.00-07.00 and 21.00 and 23.00. However, the following condition was attached to the original hybrid application.

32) Deliveries shall not be taken at or dispatched from the site at any time outside the hours of 0630-2200 Monday to Saturday and 0800-1900 on Sundays and Bank Holidays.

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

3.5 As the previous condition relates to the whole site, it remains applicable to the development of the drive thru units and a further condition relating to delivery restrictions would not be necessary. It is concluded that the development would not be expected to adversely affect nearby residents in terms of noise.

Lighting

3.6 A proposed lighting plan and a supporting Lighting Assessment has been submitted with the application. This concluded that the development is in a suburban location and the development site would be classified as Environmental Zone E3, a medium district brightness area. The Environmental Health Manager concludes that the proposed lighting would comfortably meet the criteria for an Environmental Zone 3 and would not result in obtrusive light which would adversely affect the nearby residential dwellings.

3.7 Merseyside Environmental Advisory Service (MEAS) have also reviewed the proposed lighting. The lighting is proposed to be controlled via an astronomical time clock to switch the lighting based on sunset/sunrise times and will feature back shields which will reduce light impact to the adjacent sites. MEAS have advised the proposed lighting is acceptable from an ecological perspective and is sufficient to recommend the discharge of condition 43.

3.8 Any signage would require separate advertisement consent and is not being considered by this application.

Scale

3.9 Given the substantial distance between the proposed units and the dwellings on the opposite side of the road and the scale of the buildings, the development would have no significant impact on the outlook or level of light enjoyed by these properties.

3.10 Overall, the development would not be harmful to the character of the area, and it would preserve the living conditions of the nearby residential properties. As such it would comply with Policies HC3 'Residential Development and Primarily Residential Areas' and EQ2 'Design' of the Sefton Local Plan.

4. Highway Safety

4.1 Access to the proposed drive thru units would be via the existing signalised junction on the A59 Northway that serves the ALDI food store.

4.2 The submitted Transport Statement (TS) and subsequent Technical Note demonstrates that the drive thru areas and space within the site could comfortably accommodate the expected vehicles and the development should not lead to vehicles queuing onto the adopted highway.

4.3 Tracking details have been provided to show that cars and 10m long delivery vehicles could safely access, egress and turn around in the drive thru for unit A. For unit B to the south the tracking for the 10m delivery vehicles shows that these vehicles would encroach into numerous car parking spaces to be able to make the required manoeuvres. As this would not affect the adopted highway, this would not cause a safety concern and could be effectively managed within the site. The tracking also shows it would encroach into the kerbed radii within the site car park adjacent to the zebra crossing between the 2 units. To resolve this a condition could be attached requiring a bollard to be provided on the junction radius, to protect pedestrians in this area. As there are no tracking details for vehicles longer than 10m, the Highways Manager advised that service or refuse vehicles longer than 10m should not be used to serve the site. A statement to this effect has been included within the Highways technical note, which would form one of the approved documents, should permission be granted.

4.4 A Travel Plan is required for the development as specified in the 'Sustainable Travel and Development' SPD and a Construction Traffic Management Plan would be required in order to minimise the impacts of construction traffic. These can be secured through planning conditions.

4.5 Subject to conditions the Highways Manager has confirmed that the proposal would have no adverse highway safety implications. The development would therefore accord with Local Plan Policy EQ3 'Accessibility'.

5. Other matters

5.1 The hybrid application which granted outline permission for the drive thru units included conditions reserving the details on site investigation, drainage arrangements and a Construction Environment Management Plan (CEMP) for future approval. These conditions remain applicable for the part of the site relevant to the reserved matters application and would require these details to be submitted for agreement prior to the commencement of the drive thru scheme.

5.2 An Employment Skills Plan has been submitted to discharge condition 41. Comments on its suitability are still outstanding from Sefton@work.

6. Planning Balance and Conclusion

6.1 The principle of the development for the drive thru units was accepted on the site through the granting of outline permission as part of the hybrid application, DC/2020/01437.

6.2 The design and scale are appropriate for the site and respect the character of the area. Suitable landscaping would be included around the site boundaries to soften the appearance of built form and hardstanding. The proposal would lead to the development of vacant land and the redevelopment would improve the appearance of this prominent site.

6.3 Sufficient evidence has been provided to demonstrate that the development would not cause harm to the living conditions of the surrounding residential properties.

6.4 Issues relating to contamination, drainage and construction remain controlled by conditions attached to the outline permission.

6.5 The development is considered to comply with the Maghull Neighbourhood Plan and the relevant policies within the Sefton Local Plan.

7. Equality Act Consideration

7.1 Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

7.2 The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development

Recommendation – Approve with conditions.

Time Limit for Commencement

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

Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

Approved Plans

- 2) The development shall be carried out in accordance with the following approved plans and documents:

0100 Rev.A – Location Plan
 0102 Rev.C – Proposed Site Plan
 0103 Rev.B – Boundary Treatment
 0104 Rev.A – Proposed GA Plan
 0105 Rev.A – Proposed GA Plan
 0106 Rev.A – Proposed Roof Plan
 0107 Rev.A – Proposed Roof Plan
 0108 Rev.B – Proposed Elevations
 0109 Rev.B – Proposed Elevations
 1001 Rev.P02 – Landscape Plan

Reports

Hepworth Acoustics Noise Impact Assessment – Report No: P23-472-R01v2 (February 2024)
 BWB Lighting Impact Assessment - MDT-BWB-ZZ-XX-RP-E-0001 LIA (February 2024)
 Transport Statement - Ref: 847-01/TS01 (20th February 2024)
 Technical Note No.1 (12th June 2024)

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) 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. The approved statement shall be adhered to throughout the construction period.

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.

Before the Development is Occupied

- 4) Within the first planting/seeding season following completion of the development, all planting, seeding or turfing comprised in the approved details of landscaping (drawing no.1001 Re.P02) 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.

- 5) The development shall not be occupied 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 the provision of a bollard at the internal junction radius, but not directly adjacent to the crossing, to protect any pedestrians from vehicles overrunning.

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 ensure the safety of highway users.

- 6) The development hereby permitted shall not be occupied until the areas for car parking and cycle parking have been provided in accordance with the details on Drawing No.0102 Rev.C. These parking areas shall be retained for their intended purpose during the lifetime of the development.

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

- 7) The development shall not be occupied or brought into use until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the local planning authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Reason: In order to meet sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

Ongoing Conditions

- 8) Any plant and equipment to be installed on site shall comply with the noise rating level design limits, as detailed in Table 9 within the approved Noise Impact Assessment (Report No: P23-472-R01v2, February 2024). The plant and equipment shall thereafter be operated and maintained in accordance with these details for as long as the use continues.

Reason: To safeguard the living conditions of neighbouring/adjacent occupiers and land users and/or to ensure an acceptable visual appearance.

Note to Applicant

- 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 to apply for a street name/property number.