

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 16th October 2024

Subject: [DC/2024/01275](#)
[1- 11 Mersey View Brighton Le Sands L22 6QA](#)

Proposal: Change of use from offices (Class E) to a mixed use of offices and residential use including the erection of a first floor extension to create 4 self-contained flats and access to the front, and alterations to rear boundary wall

Applicant: APG Crosby BC Ltd **Agent:** Mr Philip Seddon
APG Crosby BC Ltd Philip Seddon Associates

Ward: Blundellsands Ward **Type:** Full Application

Reason for Committee Determination: Petition endorsed by Cllr Roscoe.

Summary

The application seeks to extend and alter the building to create four, two bedroom flats at first floor level and retain some office use at ground floor. Given the site's designation as primarily residential, the principle is acceptable. The design and scale of the works are appropriate and would not cause harm to the character of the area.

Acceptable levels of living accommodation would be provided to the future residents and, subject to conditions, the amenity levels of the neighbouring properties would not be unduly affected.

The proposal would not accord with the Council's Parking standards, however it is considered this would not have an unacceptable impact on highway safety as the site is very accessible.

On balance it is considered that the development complies with the relevant local plan policies and the guidance and so 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=SG514XNW0AB00>

Site Location Plan



The Site

The building is known as the Crosby Business Centre and the site address is 1-11 Mersey View in Brighton-Le-Sands.

History

An application to change the shop at 1 Mersey View from a shop into office/storage accommodation and the erection of a single storey extension at the rear of the premises (ref: S/1992/0795) was approved with conditions in February 1993.

A further application for part of the building (offices 12 & 13) for the change of use from class B1 to class D1 (physiotherapy) (ref: DC/2017/00129) was approved with conditions in March 2017.

Consultations

Highways Manager

No objection subject to condition

Environmental Health Manager

No objection subject to conditions

Natural England

No objection

Local Planning Managers

The proposal would not cause an over concentration of flat and HMO conversions within the Article 4 Direction area.

Conservation Officer

No objections

Neighbour Representations

Two representations have been received. A petition was also submitted with 32 signatures, endorsed by Cllr Roscoe. The grounds of objection from both the representations and the petition are stated as inadequate parking and concerns on how this will impact on the existing residents.

Policy Context

The application site lies within an area designated as Primarily Residential in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

1. The proposal

- 1.1 Permission is sought for the proposed extension and alteration of the existing building to create a mixed use of office and residential. The development would incorporate a first-floor rear extension to create 4 flats at the first floor, each containing two bedrooms. The ground floor would be partially retained as office use, with some areas of the existing building proposed for demolition to provide outdoor amenity space for the proposed flats.
- 1.2 The main planning issues for consideration include the principle of development, the design and impact on the surrounding area including existing residents, the living conditions of future occupiers and highway safety.

2. Principle of Development

- 2.1 As the site is located within a primarily residential area, Local Plan Policy HC3 'Residential development and Primarily Residential Areas' is applicable. The creation of four flats therefore would be acceptable in principle subject to compliance with other local plan policies, supplementary guidance and material considerations.

3. Design

- 3.1 Local Plan Policy EQ2 'Design' is of relevance and indicates that development will only be permitted where the proposal responds positively to the character, local distinctiveness, and form of its surroundings.
- 3.2 The existing building has a flat roof façade fronting onto Mersey View, with variously styled pitched roofs to the rear. The building is red brick, which has been rendered to the front. The first floor extension would be finished with a flat roof, creating a more uniformed design across the rear elevation. The alteration would not increase the height of the building from the front elevation and the flat roof design would not be out of keeping with the existing appearance. The height of the first floor extension would also sit below the roof height of the adjacent property to the rear on Brooke Road west and would not appear unduly prominent within the street scene.

- 3.3 The creation of the flats at first floor would involve the insertion of 13 windows within the front elevation. The windows are consistent with those present at first floor within the adjoining building in terms of proportions. One of the entrance points on the ground floor would be altered to create an additional entrance point to provide access to flat 3 and 4.
- 3.4 The property is located near a grade II Listed Building, 2-14 Mersey View. The Conservation Officer has confirmed that the development will not cause any harm to the listed building and the proposal complies with Local Plan policy NH11' Works Affecting Listed Buildings'
- 3.5 Overall, the design of the proposed development is considered to be of an acceptable scale and design. It would not cause harm to the character of the area and therefore would comply Local Plan Policies EQ2 and NH11.

4. Residential Amenity

Outlook and Privacy

- 4.1 The building directly behind the application site is 37 Brooke Road West, which has been converted into flats. There are several windows on the side elevation which would face towards the proposed extension. The proposal would introduce additional height to the rear and bring the building closer to these windows.
- 4.2 Sefton's Conversion to Flats and Houses in Multiple Occupation Supplementary Planning Document (SPD) recommends minimum separation distances in relation to the privacy and outlook. To ensure privacy there should be a minimum distance of 18 metres between a main window in a habitable room and another window of a habitable room in a property opposite. A minimum distance of 12m is recommended between a habitable room and a blank wall (or a wall with a non-habitable room window) to ensure a reasonable outlook/level of light.
- 4.3 The first floor window within the side elevation of no.37 appears to be a window to a habitable room. This room also benefits from an additional window within the rear elevation, which serves as an additional source of light and outlook. The first floor side window would face towards the outdoor patio area proposed for flat 1. There would be a separation distance of approximately 10m to the patio area and 13m to the first-floor extension, which does include a living room window. The patio is proposed to have an obscure glazed screen, which would ensure privacy to both the new patio area, plus the window to the habitable room to the side of no.37 and the living room window proposed in flat 1. The layout is slightly short of the 12m separation distance with regards to outlook and light, however as this first floor room to No 37 also benefits from an unobstructed rear facing window it is not considered that the shortfall would significantly affect the living conditions of the resident using this room.

- 4.4 In addition, there is a second-floor window in the side elevation of no.37 which also appears to be a habitable room. However, due to the level of this window, it would mostly sit above the screened patio and apartment level at first floor and therefore the outlook to this room would not be significantly affected by the extension to the building. Also given the height difference and the angle, it is not considered that direct views into this room would be afforded from the proposed apartments.
- 4.5 The majority of the windows proposed in the rear elevation would be set over 10.5m from the garden areas of the dwellings to the rear, 37 Brooke Road West and 56 Heathfield Road, which is sufficient distance to preserve the privacy of the outdoor amenity spaces. The exception would be the living room windows in flat 3, which would be set approximately 8.8m from the facing boundary to the garden of no. 37. To address this shortcoming, these windows could be partially obscure glazed up to 1.7m from floor level of this room, to preserve privacy at eye level but still allow light and outlook for the top portion of the window.
- 4.6 Due to the proposed arrangement with regards to privacy screen and obscure glazing, which could be secured by conditions, it is considered that the privacy levels of both the existing and further residents would not be compromised.

Proposed flats

- 4.7 The four flats would be located at first floor. Access to flat 1 and 2 would be provided through a communal lobby, accessed from the side of the building on Brooke Road West. An entrance to flats 3 and 4 would be provided within the front of the building. The four flats exceed the minimum standards for internal floor space set out in The Conversion to Flats and Houses in Multiple Occupation SPD.
- 4.8 Each habitable room is expected to have at least one window with a reasonable outlook and prospect. Each room does have a window which would provide a reasonable outlook, with the only shortcoming being the living room window in flat 3, which would be partially obscure glazed. However, this compromise would allow a degree of outlook from this room and on balance is considered acceptable given the other aspects of amenity would be satisfied across the accommodation.

- 4.9 In terms of private outdoor amenity space, the SPD sets a minimum of 20m² per flat, with a total of 80m² required for the proposed development. The layout includes three patio areas at first floor, which would directly serve flats 1, 2 and 4, and would provide approximately 15m², 20m² and 26m² respectively. Two further communal spaces of amenity space would be created at the ground floor, providing a further 33m² and 39m². As such a combined area of 130m² of outdoor amenity space would be provided, which considerably exceeds the recommended provision. The bins are proposed to be located within these yard areas at ground floor, which can easily be accommodated given the excess amount proposed. The proportions of the outdoor amenity spaces would allow them to be useable and with the inclusion of a condition to ensure the bins are appropriately screened, it is considered the outdoor amenity proposed would be good quality.
- 4.10 The Environmental Health Manager has recommended a sound insulation scheme to protect residents from disturbance from the commercial use at ground floor, plus suitable acoustic glazing and acoustic treated ventilation to ensure adequate protection from road traffic noise from Mersey View. These measures could be secured by condition.
- 4.11 Taking the above into consideration, the development would provide a good standard of accommodation and overall living conditions for future residents. Where the standards in the guidance are not fully met, it is not considered that this would lead to any unacceptable harm and therefore the proposal is in compliance with Local Plan Policy HC4 'House Extensions, Houses in Multiple Occupation and Flats'.

5.Highway Safety

- 5.1 There are two existing off-street parking spaces associated with the existing use as offices, at the side of the premises. It is proposed to provide two additional off-street parking spaces, which would also be used by the retained offices.
- 5.2 In accordance with the Sefton Council Parking Standard the proposed four 2-bedroomed flats would require the provision of a total of nine off-street parking. However, there is no scope to provide additional parking within the site and the flats are proposed as a car-free development. Cycle storage would be provided for the proposed flats.
- 5.3 The submission has been supported by a highways Technical Note (TN) and a Minimum Accessibility Standard Assessment (MASA). In the MASA, most of the target scores have either been met or exceeded, demonstrating the site is accessible by range of means of transport, including walking, cycling and public transport.
- 5.4 The site is not within a town or district centre as defined in Policy ED2 of the Local Plan, where car free developments may be permitted in accordance with the Sustainable Travel and Development SPD. It is acknowledged that the development may cause some overspill parking in the surrounding area. However, there are currently no restrictions to parking within the side roads off Mersey View.

- 5.5. For the development to be resisted on highway safety grounds it would need to be demonstrated that the proposal would generate such significant trips and on-street parking demand as to lead to unacceptable impacts. The TN and the MASA demonstrate that there is good access to local amenities and that highway safety will not be compromised.
- 5.6 In terms of the office space, the existing total gross floor area of 517m² would be reduced to 386m². Based on the existing floor space, the parking requirements for the existing office would be 15 spaces. Currently there is only two, which represents a shortfall of 13 spaces. However, it is acknowledged that this is an existing situation. The total parking requirements for the reduced office space would be 11 spaces; two additional parking spaces would be created, providing a total of four spaces for the offices.
- 5.8 As such the Highways Manager has advised that development would not lead to an unacceptable impact in terms of highway safety and has raised no objections. Therefore the development is considered to comply with Local Policy EQ3 'Accessibility'.

6. Equality Act Consideration

- 6.1 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.
- 6.2 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.

7. Planning Balance and Conclusion

- 7.1 The site is located within a primarily residential area and therefore the development to create four flats is acceptable in principle. The design and scale of the proposed extension and alterations are appropriate within the site and would not cause harm to the character of the area.

- 7.2 The layout would afford a good level of internal accommodation and subject to conditions, the privacy and outlook of the neighbouring and future residents would not be unduly affected. The proposal would also provide sufficient private outdoor amenity space.
- 7.3 While the development would not provide parking in accordance with the Council's parking standards, it is not considered that highway safety would be compromised, as the site is very accessible.
- 7.4 On balance it is considered that the development complies with the relevant local plan policies and the guidance within the Conversion to Flats and Houses in Multiple Occupation SPD and is therefore recommended for approval.

Recommendation - Approve with conditions

Time Limit for Commencement

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

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

Approved Plans

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

1926 / 01 A - Location Plan
1926 / 02 B - Ground Floor Plan as Proposed
1926 / 03 A - First Floor Plan as Proposed
1926 / 04 A - Elevations as Proposed
1926 / 05 - Sections and Site Plan as Proposed

Reason: For the avoidance of doubt.

Before the Development is Occupied

- 3) Prior to the occupation of the flats hereby permitted a suitable scheme of sound insulation that protects the newly created residential dwellings from the ground floor commercial operations shall be submitted to and approved in writing by the local planning authority. The

sound insulation works shall be completed as approved before the use of the building begins and be retained thereafter.

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

- 4) Before the development hereby permitted is first occupied, the living room windows within flat 3 shall be fitted with obscured glazing up to a height of 1.7m above the floor level, to a specification of no less than level 3 of the Pilkington Glass Scale and any part of the windows that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason: To ensure that the privacy of neighbouring occupiers/land users is retained at all times.

- 5) Prior to the occupation of the flats hereby permitted, details of the obscure glazing privacy screens around the patios 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: To ensure an acceptable visual appearance to the development.

- 6) Prior to the occupation of the flats hereby permitted a suitable scheme of acoustic glazing and acoustically treated ventilation for all habitable rooms shall be submitted to and approved in writing by the local planning authority. The sound insulation works shall be completed as approved before the use of the building begins and be retained thereafter.

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

- 7) 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 dropped crossing to correspond with the proposed parking layout as shown on drawing no. 1926 / 05 and reinstatement of the existing.

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

- 8) No flats shall be occupied until space has been laid out within the site in accordance with drawing no 1926 / 02 B (Ground Floor Plan as Proposed) for four cars to be parked and that space shall thereafter be kept available for such purposes thereafter.

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

- 9) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details shown on drawing number 1926 / 02 B (Ground Floor Plan as Proposed) and they shall be retained thereafter.

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

- 10) Before any of the flats hereby permitted are occupied/brought into use, details of the proposed screening of the refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The storage arrangements shall be completed in accordance with the approved details and shall be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse/recycled materials.

Informatives

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.