

Committee: **PLANNING**

Date of Meeting: **13 January 2010**

Title of Report: **S/2009/1011**
Former Dairy, 5 Marsh Brows, Formby
(Harington Ward)

Proposal: Erection of a four storey block of 12 apartments and associated car parking and amenity space following demolition of existing buildings

Applicant: Formby Hall Investments

Executive Summary

The proposal is for the construction of 12 flats on the former dairy site at Marsh Brows. The principal issues relate to the layout, design and external appearance having regard to the character of the surroundings, the impact on neighbouring dwellings and the effects on highway safety.

Recommendation(s) **Approval**

Justification

The scheme complies with the aims and objectives of the Sefton UDP and, in the absence of any other overriding material considerations, the granting of planning permission is therefore justified for the reasons set out in the committee report.

Conditions

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. M-4 Window Details
4. M8 Boundary Treatment
5. M-6 Piling
6. L-1 Protection of trees
7. Landscaping (scheme)
8. L-4 Landscape Implementation
9. H-1 Remove existing vehicular/pedestrian access
10. H-2 New vehicular/pedestrian access
11. H-5 Off-site Highway Improvements
12. H-6 Vehicle parking and manoeuvring
13. H-7 Cycle parking
14. P-2 Acoustic glazing
15. Passive ventilation
16. Con-1 Site Characterisation
17. Con- 2 Submission of Remediation Strategy

18. Con-3 Implementation of Approved Remediation Strategy
19. Con-4 Verification Report
20. Con-5 Reporting of Unexpected Contamination
21. X1 Compliance
22. S-106 Standard S106

Reasons

1. RT-1
2. RM-2
3. RM-4
4. RM8
5. RM-6
6. RL-1
7. RL-3
8. RL-4
9. RH-1
10. RH-2
11. RH-5
12. RH-6
13. RH-7
14. RP-2
15. RP-2
16. RCON-1
17. RCON-2
18. RCON-3
19. RCON-4
20. RCON-5
21. RX1
22. RS-106

Notes

1. The applicant 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/property number.

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 Section on 0151 934 4175 or development.control@technical.sefton.gov.uk for further information.

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 16 to 20 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition

Con-5 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.

Planning permission is granted subject to an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in relation to trees and public greenspace.

The applicants attention is drawn to the attached advice and guidance from Network Rail.

Drawing Numbers

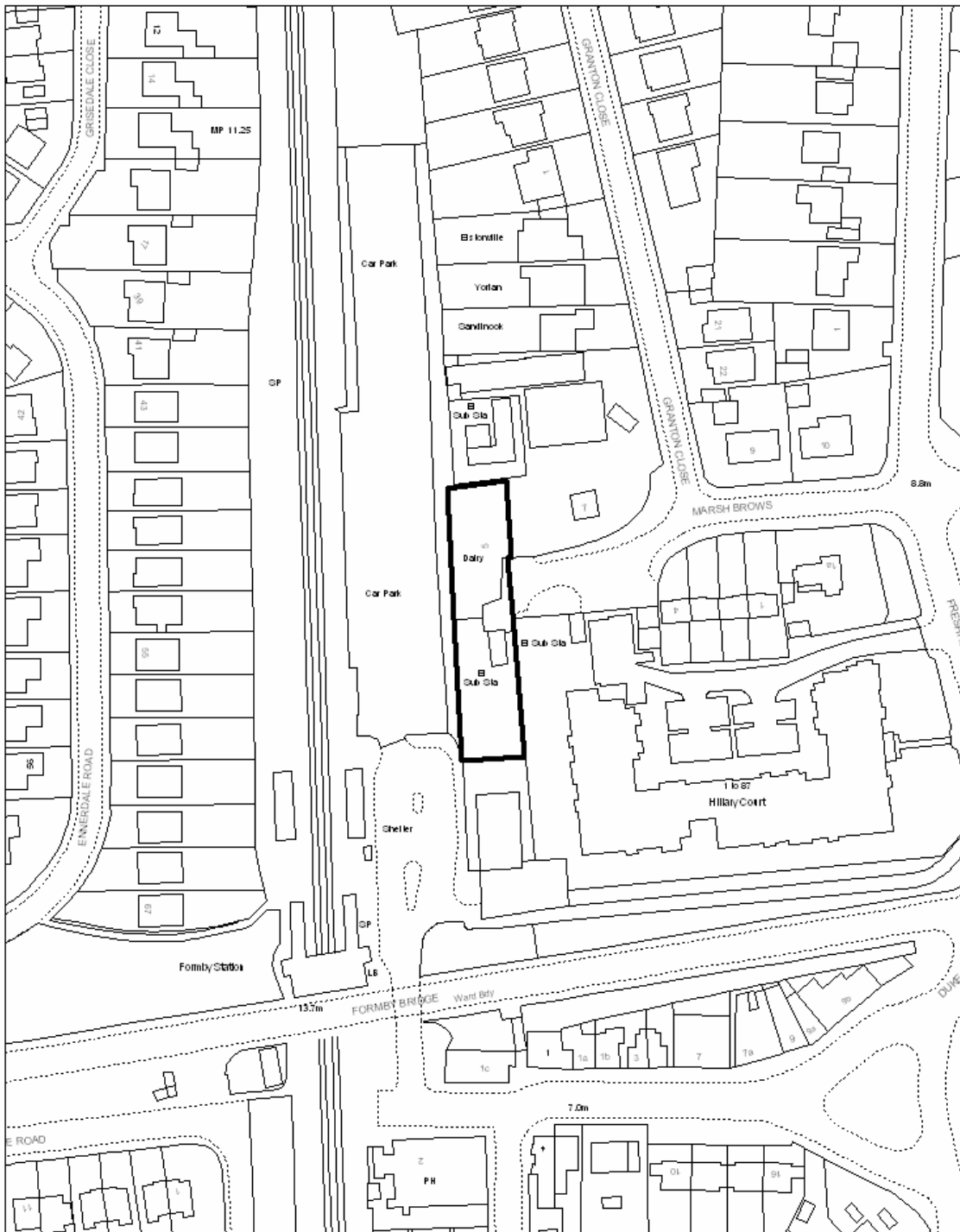
A/258/LP, 06, 07, Desk Study

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2009/1011 Former Dairy, 5 Marsh Brows Formby L37 3PD OSGR: 329195, 406934		Standard Site Plan Scale: 1:1250 Date: 31/12/2009 Drawn By: EBERT on	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921</small>		Sheet(s): 265A	Area: 1047 sqm	Ward(s): Harington Postcode Sector(s): L37 3 Polling District(s): Q6 Parish(es): Formby Cp	

The Site

The site comprises a former dairy building on the west side of Marsh Brows. The site is narrow and its length runs north to south parallel to the Formby Railway station car park on the west side. The access is on the eastern side of the site direct from Marsh Brows.

The former dairy aside, the character is generally a mix of residential property of two storey scale with the exception of the three/four storey retirement apartments at the corner of Freshfield Road/Kirklake Road.

There are electric substations adjacent to both the north and the south/east boundaries.

Proposal

Erection of a four storey block of 12 apartments and associated car parking and amenity space following demolition of existing buildings

History

Most relevant recent history is as follows:

N/2003/0369 – Outline application for two blocks of three two storey terraced houses and layout of 6 car parking spaces – refused 13 May 2003.

N/2004/1241 – Erection of two pairs of two storey semi-detached dwellinghouses with car parking spaces to front – refused 12 January 2005.

S/2009/1007 (7 Marsh Brows) – Erection of 3 terraced houses – approved 31/12/09

Consultations

Highways Development Control – no objections

Environmental Protection Director – no objections subject to piling and contaminated land conditions

Network Rail – no objections

Scottish Power – comments awaited

Police Architectural Liaison Officer – final comments awaited

Neighbour Representations

Last date for replies: 9 December 2009

Site/Press notice expiry: 23 December 2009.

Formby Civic Society object as follows:

The architectural style would be at variance with that of other buildings in the vicinity, poor transition between more traditional form of development and that now proposed;

Site too small to accommodate building of proposed size, lack of outdoor space;

Building would be excessively dominant in the street scene, would tower over three terraced dwellings proposed adjacent, impact accentuated by rectangular form of building;

Insufficient size of bin store, poor cycle storage and living facilities for occupiers, and lack of regard to SPG guidance on sustainability/Eco Homes.

Letter of objection from 49, 51 Ennerdale Road, 5, 6 Granton Close, 10 Marsh Brows, 42 Hillary Court,

- parking problems/traffic congestion,
- building too big and imposing,
- inappropriate design for the area,
- 3 storey block would be more in keeping,
- Likely noise impact for occupants and proximity of substations,
- Loss of views.

Letter of support from 9 Marsh Brows but would wish to see trees retained.

Policy

The application site is situated in an area allocated as Primarily Residential Area on the Council's Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
EDT18	Retention of Local Employment Opportunities
EP3	Development of Contaminated Land
H10	Development in Primarily Residential Areas
H12	Residential Density
H3	Housing Land Supply

Comments

Planning History

The two previously refused applications are important material considerations albeit the types and numbers of dwellings are less than now proposed.

In the case of the 2003 application, the reasons for refusal were based on the housing restraint mechanism prevalent at that time and issues over the amenity for occupiers. In particular, several main windows had direct outlooks onto the existing substation.

The sole reason for the 2004 refusal was based on housing restraint and the absence of sufficient regeneration benefit to justify approval. The layout itself was considered acceptable. There were no issues of concern that related to the impact on the amenity of nearby residents.

There are no matters arising from the history as set out above that would influence a similar decision to refuse on this application.

Design and Layout

The proposal is for a four storey building comprising a mix of render and brick, with metal roofing. The building would have appreciable balconies and afford overlooking of all public areas surrounding it. The top floor would be set back slightly from the main brick and render and would be fully glazed to reduce the bulk and mass of the building. Discussion is ongoing with the applicant to try and reduce this even further.

The building has sharp glazed corners and though the building will be prominent, it is not substantially taller than the adjacent Hillary Court, with its ridge exceeding the main bulk of that building by 0.8 metres, and the eaves height broadly identical, with a substantially smaller footprint. The prevailing character of the area in respect of design plot layout is very mixed and the proposal will maintain that mix.

It may reasonably be expected that the prominent position demands a building of scale and presence. The current approach from Marsh Brows is of a substantial roller shutter door whereas the design seeks to provide a windowed arrangement directly addressing the street scene presenting excellent surveillance of the immediate surroundings.

The site has differing characteristics to its neighbours and demands a specific design approach which is more dominant.

There is no issue with the size and scale of the building provided the requirements of occupiers in respect of parking and amenity can be reconciled.

The scheme provides for a limited amenity area on the northern side, which will be in

shadow for large parts of the day and measures 130 sq metres. There is also following amendment of the drawings a grassed area adjacent to the parking court which is secure and useable. This area is slightly larger and measures 140 sq metres. The total amenity area provided is therefore 270 sq metres.

It should be emphasised that whilst this is short of the required standard, 7 of the 12 flats have their own external balconies which provide reasonable external space, and there is easy access to Duke Street Park for those occupying the flats.

The repositioning of the building to another part of the site to provide better external space would make for undue interference with the residents of Hillary Court, whilst presenting significant difficulty in respect of parking layout and the need to maintain an existing substation accessed from Marsh Brows.

Therefore, whilst the standards are not met, it is considered there are other factors that override the need to adhere slavishly to the 30 sq metre criterion.

There is a need to secure the car park where it adjoins that belonging to the railway station and a condition is attached requiring fencing to the western side of the car park. The boundary treatment adjacent to the outdoor amenity areas will require acoustic protection.

The building will require acoustic/thermal glazing for all windows with line of sight across the car park and acoustically treated passive ventilation to protect residents from noise adjacent to the railway.

Bin storage and cycle storage is provided on site and is concealed from public viewpoints.

The scheme is acceptable in respect of design and layout.

Parking/Highway Safety

There are 12 parking spaces in total and this is considered appropriate on the basis of it being one per flat. The plans also comprise a cycle store and Sheffield stands will be provided at the front of the premises for visitors.

The street is considered capable of accommodating the additional traffic likely to be generated by the proposals. The flats are also likely to appeal to non-car users given their proximity to other available modes of transport. It is not considered that the scheme will give rise to traffic hazards.

Amenity of neighbours

Planning permission was granted on 31 December 2009 for the construction of three terraced dwellings at no. 7. The windows proposed in this scheme will not cause direct overlooking of their private garden spaces and bedrooms within the scheme are specifically orientated to maximise outlook whilst at the same time not compromising the privacy of the future occupiers of those properties.

The scale of the building is likely to give rise to views from a high level over the communal areas of Hillary Court, but there will be no direct views between the habitable rooms of either. The north western corner of Hillary Court will be a minimum of 30 metres from the south and east facing windows of the new building and are also offset also at an angle.

The building will not impact on any other residents of Marsh Brows.

Trees and Greenspace

The proposal will require a total of 36 trees to be planted on site with 2 for each one to be removed. It is most likely that all of the final amount will be planted on site but the final number will be reported by way of late representation.

The original submission indicated that no trees are present on site, however, following a site inspection, a number of trees were identified and the applicant has been asked to undertake a full tree survey and the outcome of this will be reported by way of late representation. The plans do make for the retention of key trees nevertheless as part of the improved amenity area and some of these fall just outside the applicant's ownership but will not interfere with residential outlook.

There is a requirement under Policy DQ4 for public greenspace of £20,208. The applicant is agreeable to this payment and any further payment that may be required by way of a DQ3 contribution.

Employment Land Availability

As the site has most recently been in employment use, Policy EDT18 would apply with the presumption that employment land should not usually be released for other uses. However, in this instance, it is considered that exceptional circumstances apply that would allow this site to go for residential development.

This site was submitted to the Sefton Housing Land Availability Assessment 'Call for Sites' exercise, and as such has been commented on by the Council's retained consultants. As a Call for Sites site in employment use, it was also assessed as part of our Employment Land & Premises Study.

In this regard, the consultants' recommendation for this site was that it could be "released for other uses", and given that the Study is now approaching a conclusion it is considered that considerable weight can be given to this view.

Furthermore, the lawful use of the site remains B2 general industrial and consequently, the existing buildings could readily be occupied for a purpose which might in some quarters be regarded as unneighbourly and over which there would be no planning control. This is an important albeit not overriding consideration which weighs further in favour of the principle.

There is no objection on this basis to the site being released for residential purposes.

Other matters

The site is contaminated from previous usage and a full remediation exercise will be required.

The potential loss of private views is noted but this is not a material planning consideration.

Approval is recommended in anticipation of resolving all of the outstanding matters discussed in the report.

Reasoned Justification

The scheme complies with the aims and objectives of the Sefton UDP and, in the absence of any other overriding material considerations, the granting of planning permission is therefore justified.

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Case Officer: **Steve Faulkner** **Telephone 0151 934 3081**