

## Planning Committee

21 July 2016

**Reference:**  
**APP/16/00550**

**Area Team:**  
**North Team**

**Case Officer:**  
**Miss A McDougall**

**Ward:**  
**Oxton**

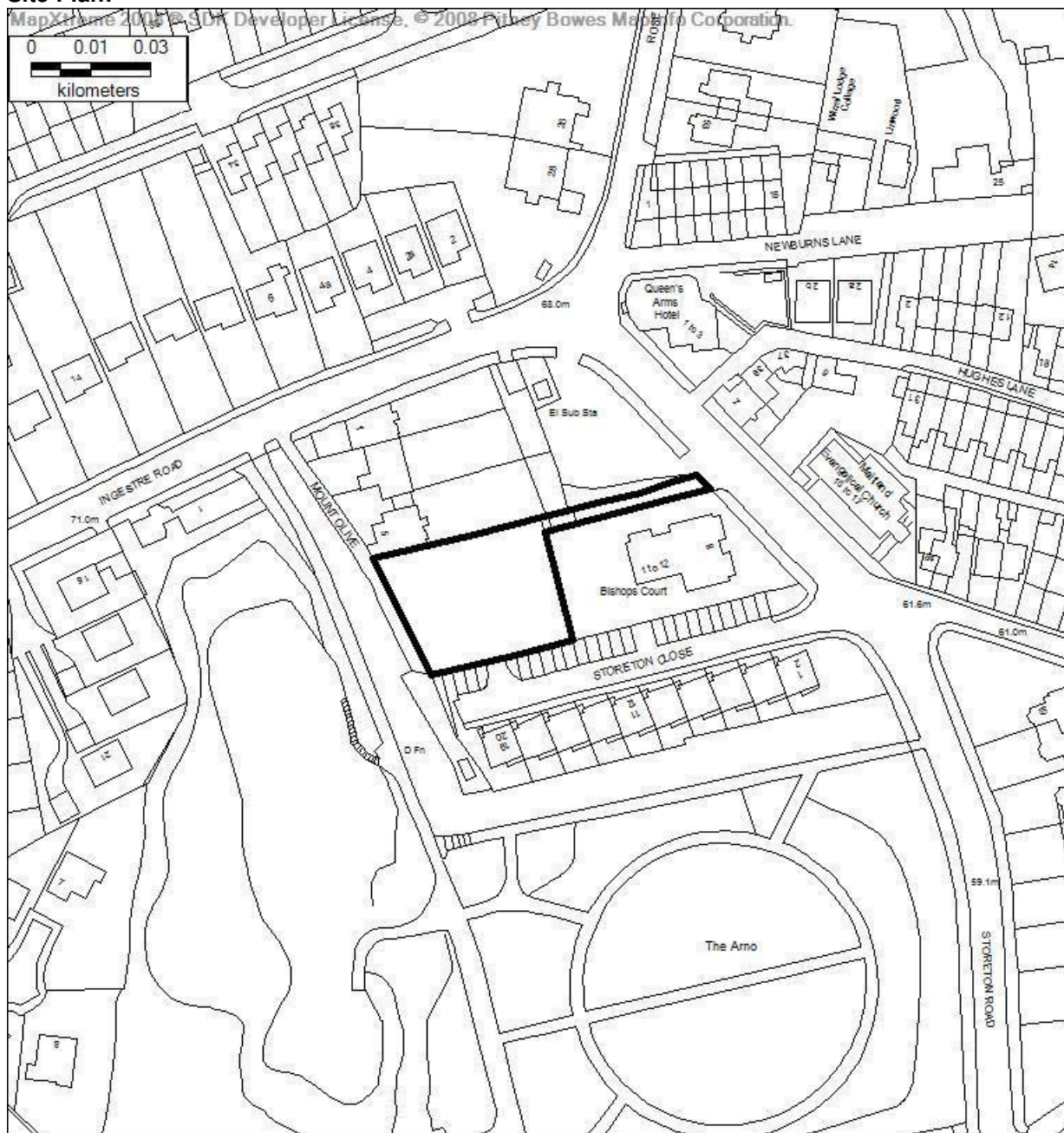
**Location:**  
**Proposal:**

LAND ADJACENT TO 5 MOUNT OLIVE, OXTON, WIRRAL CH43 5TT  
Development of 2 no. two storey detached four bedroom dwellings on land adjacent to 5 Mount Olive, with associated highways and landscaping. The proposed works also include the demolition of a single storey detached garage to create a new access point to the application site.

**Applicant:**  
**Agent :**

Mrs M Metcalfe  
Condy & Lofthouse Ltd

### Site Plan:



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**Development Plan allocation and policies:**

Conservation Area (for illustrative purposes)  
Primarily Residential Area  
Density and Design Guidelines Area

**Planning History:**

Location: 5 Mount Olive, Oxton  
Application Type: Full Planning Permission  
Proposal: Erection of two detached houses with garages  
Application No: APP/80/15576  
Decision Date: 22/09/1980  
Decision Type: Approved

Location: Land south of 5, Mount Olive, Ingestre Road, Oxton. L43 5TF  
Application Type: Full Planning Permission  
Proposal: Extension of permission (W/APP/15576/E) for two detached houses and garages, with access to Storeton Road.  
Application No: APP/85/06169  
Decision Date: 10/12/1985  
Decision Type: Approved

Location: Land south of 5, Mount Olive, Oxton. L43 5TT  
Application Type: Full Planning Permission  
Proposal: Extension of permission for erection of two detached houses.  
Application No: APP/90/07448  
Decision Date: 04/01/1991  
Decision Type: Approved

Location: Land south of 5, Mount Olive, Oxton. L43 5TT  
Application Type: Full Planning Permission  
Proposal: Extension of planning permission for the erection of two detached houses.  
Application No: APP/95/06565  
Decision Date: 05/01/1996  
Decision Type: Approved

Location: Land south of 5 Mount Olive, Oxton, Wirral, CH43 5TT  
Application Type: Full Planning Permission  
Proposal: Extension of planning permission (APP/95/6565/E) for the erection of two detached houses.  
Application No: APP/00/06975  
Decision Date: 08/12/2000  
Decision Type: Approved

Location: 5 Mount Olive, Oxton, Wirral, CH43 5TT  
Application Type: Full Planning Permission  
Proposal: Extension of planning permission (APP/2000/6975/E) for the erection of two detached houses.  
Application No: APP/05/07452  
Decision Date: 22/12/2005  
Decision Type: Approved

**Summary Of Representations and Consultations Received:****REPRESENTATIONS:**

Having regard to the Council Guidance on Publicity for Applications, 40 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 2 objections have been received, listing the following grounds:

1. overlooking
2. noise and disturbance
3. highway safety

#### CONSULTATIONS:

**Head of Environment & Regulation (Traffic & Transportation Division) - No Objections**

**Oxton Society** - Objects to the proposal as the current proposed development differs from the previous approvals granted for this site in that it creates an inward looking scheme with a less sympathetic for development in terms of the relationship that would result with 5 Mount Olive and other properties within the vicinity. The Society considers the application to be at odds with the Oxton Village Conservation Area Management Plan and the general conservation policies of CH2 and CH10 of the Wirral UDP.

#### **Director's Comments:**

#### **REASON FOR REFERRAL**

Councillor Brighthouse has requested that the planning application be taken out of delegation due to the concerns and objections raised by The Oxton Society.

#### **INTRODUCTION**

The proposal is for the erection of two detached dwellings.

The application site has a long history of planning approval for two dwellings on this site however this application proposes repositioning and revised external appearance. The last application 05/07452 was approved in December 2005.

#### **PRINCIPLE OF DEVELOPMENT**

The principle of developing this site has previously been considered appropriate, therefore the principle of development is acceptable.

#### **SITE AND SURROUNDINGS**

The application site currently forms part of the side garden of 5 Mount Olive, Mount Olive is a small unadopted road containing three dwellings and is accessed off Ingestre Road. No.5 Mount Olive is a large plot that includes a garage to the side of a new build block of flats Bishops Court, the garage is accessed via Storeton Road, the proposal is to remove this garage and utilise this access for the proposed dwellings.

The plot is within Oxton Conservation Area and there are a mix of property types, the properties on Mount Olive are well screened from the adjoining highways and are good examples of historic buildings within the immediate area taking into account the more recent new build developments nearby such as Storeton Close and Bishops Court.

#### **POLICY CONTEXT**

The proposal is for two new dwellings to the side of an existing house at 5 Mount Olive and within Oxton Conservation Area, the proposal will be assessed in accordance with Wirral's UDP Policies HS4, CH2 and CH7.

Policy HS4 states; Proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal fulfilling all the following criteria:

- (i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;
- (ii) the proposal not resulting in a detrimental change in the character of the area;
- (iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;
- (iv) the provision of appropriate landscaping and boundary treatment which relates the proposed

development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;

(v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;

(vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and

(vii) the provision of adequate individual private or communal garden space to each dwelling.

For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

Policy CH2 states: Development located within, adjacent to, or otherwise affecting the setting or special character of a Conservation Area, will be permitted where the visual and operational impact of the proposals can be demonstrated to preserve or enhance:

(i) the distinctive characteristics of the Area, including important views into and out of the designated Area;

(ii) the general design and layout of the Area, including the relationship between its buildings, structures, trees and characteristic open spaces; and

(iii) the character and setting of period buildings and other elements which make a positive contribution to the appearance and special character of the Area.

When granting consent, special regard will be given to matters of detailed design, especially within main frontages and prominent elevations, and to the nature, quality and type of materials proposed to be used.

Policy CH7 states: In relation to Oxton Village Conservation Area the principal planning objectives for the area will be to:

(i) retain the character of the early Victorian commuter settlement;

(ii) preserve the sense of contrast between houses in spacious grounds and cottage-scale groups of dwellings;

(iii) retain unifying features throughout the Area, such as narrow roads and paths, mature trees, and stone walls; and

(iv) retain visual coherence within the retail area, in terms of elevational treatment and the design of shop fronts.

Outside the retail area, only primarily residential uses will be permitted.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

## **APPEARANCE AND AMENITY ISSUES**

The proposal is for two detached houses located to the side of no.5 Mount Olive and to the rear of the three storey block of flats at Bishop Court, the properties will have vehicle access via the existing driveway that is part of the residential curtilage of no.5 Mount Olive off Storeton Road to the side of Bishops Court, to gain clear access the development includes the demolition of a detached flat roof garage.

The original properties on Mount Olive, of which there are three, have the front elevations facing over

the gardens to the east and the access road of Mount Olive to the rear, west elevation. No.5 Mount Olive by far has the largest residential plot, the side garden adjoins the garages of the properties on Storeton Close and the Bishops Court development which was approved (planning reference APP/01/6623) in 2002. The removal of the existing garage does not have an impact onto the conservation area, the removal of the garage allows for access through the established driveway and into the site without using Mount Olive, the roadway has a width of 4m, not including the pedestrian access into Bishops Court, Bishops Court has been granted a right of access via the roadway to enter the rear car park, it should be noted however that the driveway is part of the curtilage of 5 Mount Olive.

The subdivision of the existing plot will result in the curtilage of no.5 being of a similar scale to the plots at 1 and 3 Mount Olive. The two proposed plots are substantial in size with the houses orientated so that the rear elevation faces south towards the garages on Storeton Close and the front elevations faces north towards the garden of no.5 Mount Olive.

The previous approvals were set out differently so that the houses fronted the access road and what is now Bishops Court and the rear faced Mount Olive, the two properties were side by side but staggered within the plot, the main difference between the proposal and the previously approved schemes is the siting of plot 2 as plot 1 still contributes to the Mount Olive elevation. The changes to the siting have been made due to the construction of Bishops Court, provision of suitable useable gardens and the land levels across the site.

The repositioning of the properties and the principal outlook is to meet the Councils separation distances, concerns have been raised with regards to plot 2 overlooking the garden of no.5 Mount Olive however the front elevation of plot 2 is set over 10m from what will be the boundary between the two sites. The west elevation of Bishops Court currently has outlook over the Bishops Court car park, the introduction of a dwelling to this elevation will not have any additional harmful impact, the buildings also meet the separation distances given the difference in building heights. It is not considered that the proposed dwellings will have an adverse impact onto established residential amenity, the proposed buildings address the interface distances.

#### Conservation

The design of the two properties results in a pair of dwellings that have been designed together; whilst they have different front elevations, they have been designed to compliment and sit well together visually, taking a modern influence from the traditional Oxtun Conservation Area properties using lower sills, chimney breasts, rough cast render and sandstone detailing.

The design and siting of the buildings reflect the grouping of houses on Mount Olive, without have a dominant or detrimental impact on the setting of the original three dwellings. There are also numerous properties within Oxtun Conservation Area that are set back from the main road ways and accessed via long driveways, generally tree lined or containing mature shrubbery.

#### **SEPARATION DISTANCES**

The proposed dwellings are located within a plot that is well screened but is bounded by a number of neighbouring properties such as Bishops Court and Storeton Close. The bulk of plot 2 is located over 26m from the west elevation of Bishops Court, Bishops Court is three storey, having regard to the Councils interface distances the buildings exceed this distance of 16m window to blank elevation. The properties on Storeton Close are located over 23m from the rear elevations of plot 1 and 2, this also meets the Councils window to window interface distances of 21m.

The relationship between the two plots and the host house no.5 Mount Olive has been sensitively set out so that there is a visual break when viewed from Mount Olive and viewed from the access road off Storeton Road, there are first floor windows proposed to the north towards the garden of no.5 however these windows are between 8m and 10m from the boundary which is considered an adequate interface distance from windows to garden boundaries, these proposed windows do not overlook neighbouring windows.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal.

## ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

## CONCLUSION

The siting, scale and appearance of the two dwellings proposed is considered acceptable having regard to Wirral's UDP Policies HS4, CH2 and CH7.

### Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The siting, scale and appearance of the two dwellings proposed is considered acceptable having regard to Wirral's UDP Policies HS4, CH2 and CH7.

**Recommended Decision:** **Approve**

### Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 25 April 2016 and listed as follows: 15-175-110 Rev.C, 15-175-120 Rev.B, 15-175-121 Rev.B & 15-175-122 Rev.A.

**Reason:** For the avoidance of doubt and to define the permission.

3. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all materials to be used in the external construction (facing bricks, roof tiles/slates etc) of this development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

4. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the proposed finished floor levels; ridge and eaves heights of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of neighbouring property. The development shall be carried out as approved.

**Reason:** To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land, to ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees and hedgerows and the amenities of neighbouring properties, having regard to Policy HS4 and GR7 of the adopted Wirral Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) there shall be enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining property and the area

generally and to accord with Policy HS4 of the Wirral Unitary Development Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) no garages, outbuildings or enclosure shall be constructed within the applications site without the prior written approval of the Local Planning Authority.

**Reason:** In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

7. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development have been submitted to and approved in writing by the Local Planning Authority. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.

**Reason:** To satisfactorily protect the character and appearance of the area and the residential amenities of adjoining properties, having regard to Policy HS4 and GR7 of the Wirral Unitary Development Plan.

8. NO DEVELOPMENT SHALL TAKE PLACE until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policies WM8 and WM9 of the Waste Local Plan

9. PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT, arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details previously submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Waste Local Plan Policy EM9.

10. NO WORKS OR DEVELOPMENT SHALL TAKE PLACE BEFORE a scheme for the protection of the existing trees (other than those the removal of which has been granted express permission in writing by the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme will comply with provisions of BS5837 ("Trees in relation to construction - 1990") and BS3998 ("Recommendations for tree works - 1989"). The approved scheme for the protection of existing trees to be retained shall be implemented BEFORE DEVELOPMENT COMMENCES and be maintained in full until the development has been completed.

**Reason:** To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure the character and amenities of the area are not impaired or harmed and to comply with Policy GR7 of the Wirral Unitary Development Plan.

11. NO DEVELOPMENT SHALL TAKE PLACE until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features. The approved scheme shall be implemented in full in the first planting season following first occupation of the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with Policy HS4 of the UDP.

12. Any trees or shrubs in connection with the approved landscaping scheme required by Condition 11 that are removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with Policy GR5 of the UDP.

13. The following activities must not be carried out under any circumstances:

- a. No fires to be lit within 20 metres of existing trees and shrubs to be retained.
- b. Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.
- c. No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- d. No builder's debris or other materials to be stored within the Root Protection Areas.
- e. No mixing of cement, associate additives, chemicals, fuels, tar and other oil based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be a used and located not within 10 metres of any Root Protection.
- f. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.
- g. No excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

**Reason:** To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure the character and amenities of the area are not impaired or harmed and to comply with Policy GR7 of the Wirral Unitary Development Plan.

**Last Comments By:** 08/06/2016  
**Expiry Date:** 20/06/2016