

## Planning Committee

26 November 2015

**Reference:**  
**OUT/15/00977**

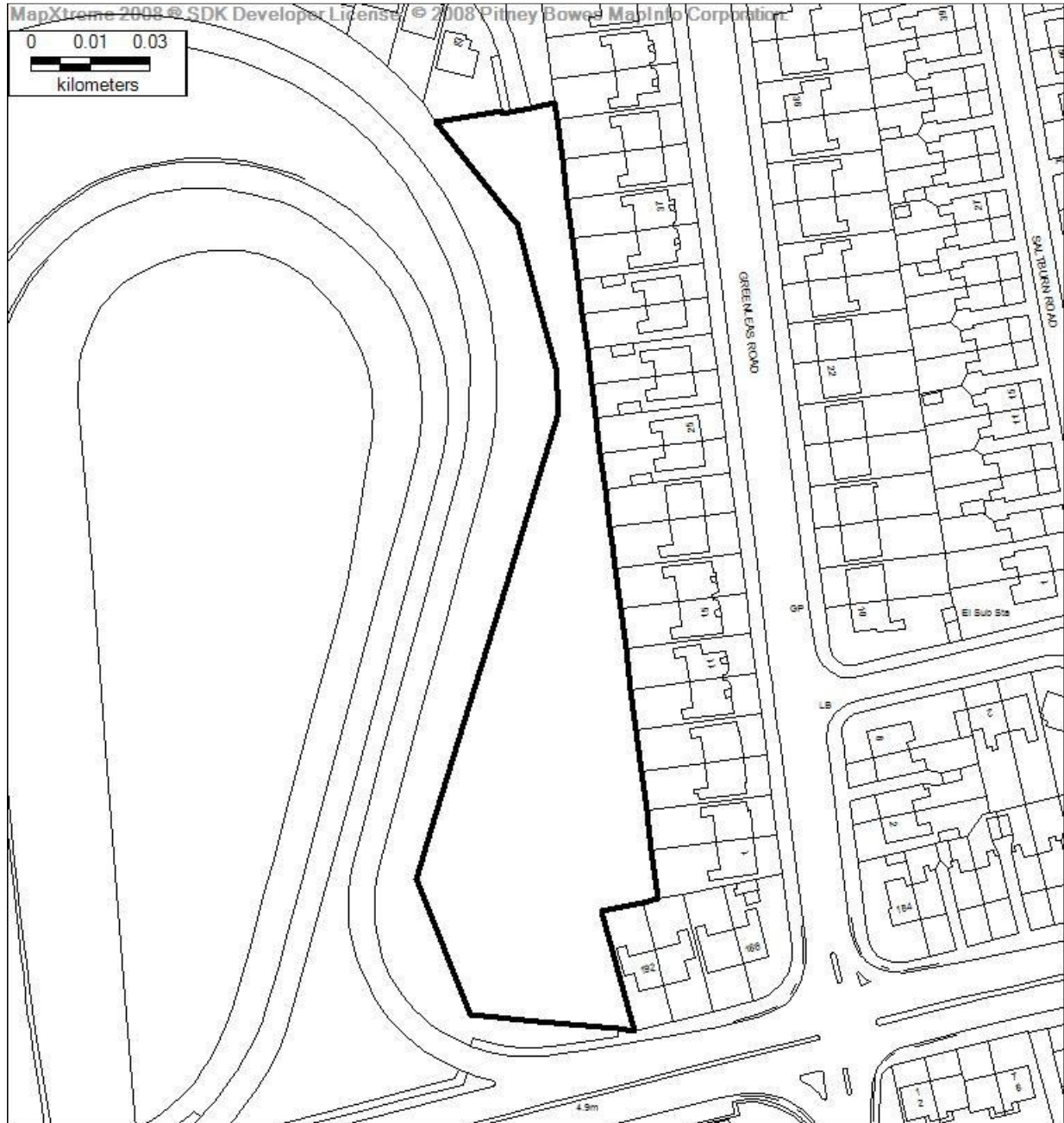
**Area Team:**  
**North Team**

**Case Officer:**  
**Ms J Storey**

**Ward:**  
**Wallasey**

**Location:** Grazing Land, LEASOWE ROAD, WALLASEY VILLAGE  
**Proposal:** Outline application for 10 dwellings  
**Applicant:** Mr D J Earlam  
**Agent :** Matthews and Goodman LLP

### Site Plan:



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**Development Plan allocation and policies:**  
Primarily Residential Area

## Planning History:

Location: Grazing Land, LEASOWE ROAD, WALLASEY VILLAGE  
Application Type: Outline Planning Permission  
Proposal: Resubmission of outline application for 16 dwellings Planning Application  
Reference: OUT/13/00810  
Application No: OUT/14/00105  
Decision Date: 16/05/2014  
Decision Type: Refuse

Location: Webster Market Garden, Green Lane, Wallasey Village, Wirral, L45 8LZ  
Application Type: Outline Planning Permission  
Proposal: Erection of 31 dwellings and access road (outline).  
Application No: OUT/98/05354  
Decision Date: 24/04/1999  
Decision Type: Approve

Location: West of 1-43 Greenleas Road and west of 192 Leasowe Road, Wallasey Village, CH45 8  
Application Type: Outline Planning Permission  
Proposal: Erection of 8 no. detached houses with access road to Greenleas Close  
Application No: OUT/02/06143  
Decision Date: 11/07/2002  
Decision Type: Withdrawn

Location: Webster Market Garden, Green Lane, Wallasey Village, Wirral, CH45 8LZ  
Application Type: Full Planning Permission  
Proposal: Erection of 35 dwelling houses and garages and construction of foul and surface water sewer link to Leasowe Road  
Application No: APP/99/06431  
Decision Date: 19/10/1999  
Decision Type: Approve

Location: Grazing Land, LEASOWE ROAD, WALLASEY VILLAGE  
Application Type: Outline Planning Permission  
Proposal: Outline planning application for the erection of 16no. residential units.  
Application No: OUT/13/00810  
Decision Date: 07/11/2013  
Decision Type: Refuse

## Appeal Details

Application No	OUT/14/00105
Appeal Decision	Dismissed
Appeal Decision Date	29/01/2015

## Summary Of Representations and Consultations Received:

### REPRESENTATIONS:

Having regard to the Councils Guidance for Publicity on Applications 32 notifications were sent to adjoining properties and a Site Notice was displayed near the site. At the time of writing, a qualifying petition containing 69 signatures and 46 individual letters of objection have been received against the proposal. The objections can be summarised as follows:-

1. Overdevelopment of the site
2. Access not wide enough for emergency vehicles and refuse lorries
3. No consideration is made for pedestrian traffic from the new development into Greenleas Close, residents gardens go right to the roadside
4. No pedestrian route up to the school which will lead to an increase in accidents
5. The traffic survey submitted is wrong and not subjective

6. Development shows utter disregard for current residents
7. No justification for the quantum of development or that it meets UDP Policy HS4
8. No supporting studies have been provided
9. Not in support of the Settlement Area Policy document
10. Reduced delineation between Leasowe/Wallasey
11. Why wasn't this site developed when the other houses were first built
12. Site is partly in the Green Belt
13. Loss of Green Space
14. Surface Water Flood Risk
15. Effect of the development on the character of the neighbourhood
16. Walkway through to Leasowe Road
17. Overlooking
18. Loss of trees and the building of houses will increase noise and light for the current residents
19. Loss of land at the bottom of Greenlease Close as a children's play area
20. Fall in Value of current values
21. Increase in traffic and congestion and on street parking
22. Highway Safety issues
23. Proposed Residents would suffer from noise from slip road
24. Footprint of the proposed houses are smaller than surrounding properties
25. Unadopted footpath that runs along rear of the back gardens
26. Access to the shared roadway into the proposed development is close to my property create noise pollution
27. Neighbour is disabled and proposal would overlook area where he is cared for
28. Make access to the rear of the houses on Greenlease Road a target for Burglars
29. There is a covenant on the land which restricts its use to Agriculture
30. The benefits of leaving a small piece of land far outweighs the greed of the developers
31. Parking survey performed during spring/summer. suspect lower level of traffic

A further petition containing 118 signatures has been received from the school. The objections can be summarised as follows:

1. the scheme is over development of the site
2. would result in an increase in nuisance and disturbance

#### CONSULTATIONS:

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

**Head of Environment and Regulation (Pollution Control Division) - No objections**

**Head of Environment and Regulation (Drainage Engineers) as Lead Local Flood Authority – no objections subject to conditions (see Conditions 9 & 10 below).**

**United Utilities - Will not permit building across an existing public sewer. Require an access strip of three metres either side**

**Wirral Society - object for the following reasons:**

1. The proposal does not relate to these adjacent dwellings and would cause a detrimental change in terms of residential amenity.
2. The proposal is such that distances to existing properties would create loss of privacy and outlook.
3. Building on the proposed site would outweigh any possible benefits as the original purpose of this land was to act as a buffer zone from descending traffic from the A554
4. To erect only even 10 dwellings In this position would put that particular development even nearer to the traffic than the dwellings in Greenleas Rd
5. To emphasise that the proposal will have 20mph traffic flow and speed bumps is not relevant. What is relevant is the traffic, always increasing on the slip road itself affecting the proposal.
6. This site and its relationship to the A554 is more suitable as an open space with the character it gives to the area.
7. The site has a superior environmental use in what it contributes to the approach to Leasowe Rd.

8. Whilst the scheme has been reduced by 6 dwellings to reflect the Inspectors comments, the proposal will have an adverse effect on some properties in Greenleas Rd.

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

Consideration of this application was deferred at Planning Committee on 21 October 2015 to allow for a formal Member's Site Visit to take place.

#### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition of objection has been received signed by 69 signatures. As such the application is required to be considered and determined by the Planning Committee having regards to the provisions of the Scheme of Delegation for Determining Application as approved by Council in March 2014.

#### **INTRODUCTION**

This is an outline application with all matters reserved for the erection of 10 no residential units on grazing land between Leasowe Road and Greenleas Close. The site measures approximately 6,000m<sup>2</sup>. Drawings have been submitted indicating a proposed layout and indicative elevations. The proposed scheme proposes 3, detached two storey dwellings, 6, semi-detached two storey dwellings and a bungalow.

There have been two previous applications on the site. The first (OUT/02/06143) for 8 dwellings was withdrawn and the second (OUT/13/00810) for 16 dwellings was refused and subsequently dismissed on appeal.

The two reasons for refusing the later application related to over development of the site by reason of the quantum and scale of the proposed development and highway safety and additional traffic generation fronting Greenlease school.

The inspector in dismissing the appeal stated that "the elongated nature of the site and its awkward configuration of the site necessitates confining most of the proposed dwellings to the southern portion of the plot. The density would be greater and that, together with the relative narrow plots and smaller dwellings would create a cramped impression out of keeping with the detached dwellings in Greenleas Close or the established semi-detached suburban villas along Leasowe Road.....I consider the illustrative layout to be mediocre with little form or focus.

The Inspector further notes that Greenleas Close ends in a shared surface approximately 30m in length that curves between some six properties. While the use of this section by the traffic generated from the proposed development, might at first sight, appear to meet the guidance in Manual for Streets, it seems to me that there would be elements in the configuration of the cul-de-sac that would undermine the proper application of that concept. Drivers from almost all of the proposed dwellings would approach the shared surface via a virtually straight stretch of carriageway, about 130m in length, and accommodating only 3 fairly modest chicane's. Given the likely tidal nature and low level of traffic, I do not accept that such a configuration would be commensurate with a design speed suitable to appropriately negotiate the shared surface. For these reasons, I consider that the limited level of traffic likely to materialise would not greatly exacerbate road hazards.

#### **PRINCIPLE OF DEVELOPMENT**

The site is designated as a Primarily Residential Area in the Wirral Unitary Development Plan, and the principle of residential dwellings are acceptable subject to UDP Policy HS4 'New Housing Development and the National Planning Policy Framework.

#### **SITE AND SURROUNDINGS**

The site comprises a grassed and hard surfaced piece of land with stables, grazing and riding areas. It is designated as a Primarily Residential Area in the Wirral Unitary Development Plan. There are mature trees to the west boundary outside the site, screening the proposal from the slip road off the A554. Greenleas Road to the east of the site is characterised by traditional semi-detached properties with 15m rear gardens, and is positioned lower than the site. Greenleas Close to the north is characterised by an open plan estate of detached brick dwellings. There is a Primary School at the head of Greenleas Close.

## **POLICY CONTEXT**

### **The Development Plan**

The site is designated as part of the Primarily Residential Area in the Wirral Unitary Development Plan (UDP saved by direction of the Secretary of State on 27 September 2007).

Policy HS4 (Criteria for New Housing Development) of the UDP sets out the parameters for acceptable residential development stating that the proposal should be of a scale which relates well to the surrounding properties with particular regards to existing form and density.

Policy HSG2 (Affordable Housing) of the UDP states that the Local Planning Authority will negotiate with developers and housing associations the provision of affordable housing where appropriate.

Policy GR5 (Landscaping and New Development) of the UDP requires applicants to submit full landscape proposals before planning permission is granted.

Policy GR7 (Trees and New Development) of the UDP sets out the criteria to assess the need to protect trees by having regard to health and structure of existing trees with a view to provide replacement trees.

Policy WA2 (Development and Land Drainage) of the UDP states that conditions may be imposed requiring surface water storage where there could be a significant increase in surface water run-off from the area.

Policy WA5 (Protecting Surface Waters) of the UDP only permits development which does not exacerbate existing problems such as increased frequency of discharges through storm sewer overflows due to inadequate infrastructure or lack of sewer capacity.

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, and Policy WM9 also requires development to provide measures for waste collection and recycling.

### **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that good design is a key aspect which should contribute positively for making places better for people.

Sustainable housing development should encompass good design and widen the choice of high quality homes. Paragraph 64 states that development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions should be refused

## **APPEARANCE AND AMENITY ISSUES**

The application is for outline consent with all matters reserved, however, the applicants have provided an indicative layout and possible elevational treatments. The site is to be accessed via Greenlease close to the north and will utilise a single road running through the site. To this end, the scheme will integrate well into its surroundings by reinforcing existing connections and creating a new one. The submitted drawings also identify a possible pedestrian/cycle access onto Leasowe Road which will ensure that the site is permeable from west to east. It has been suggested that a barrier could be provided that prohibited cars from gaining access.

The indicative scheme proposed a mix of semi-detached and detached dwellings and a bungalow that should create a broad based community and is commensurate with the surrounding development. Off street parking will be provided for each property. The proposal also includes for a small public landscaped area to the east of the site that could incorporate a suds scheme in addition to creating and enhancing a wildlife habitat.

The applicant has provided a street scene which indicates the design scale and height of the proposed dwellings. It is considered that the elevations as proposed exhibit a certain architectural quality and detailing. The scale and height of the proposed houses are similar to the surrounding area.

In addressing the Inspectors previous concerns with earlier schemes, the proposed layout is not confined to the southern portion of the plot. The density is now lower and the plots wider and the footprint of the dwellings similar to surrounding properties.

The site is located close to community facilities such as shops, schools and a mix of public transport providers.

### **SEPARATION DISTANCES**

Habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three-storey development adjacent to two-storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres.

The applicants have advised that the exact location of bellow ground services will be determined prior to the submission of a reserved matters application. There is a 10m easement through the site, which may require modification to the submitted layout. This is a matter reserved for future approval.

The illustrative layout provided for 25m interface distance between the rear elevations of existing properties along Leasowe Road and the proposed two storey dwellings. There is a shorter distance of 20m between the proposed dwelling on plot 2; however, it is proposed that this is to be a bungalow where the potential for overlooking can be mitigated by boundary treatment. The proposed scheme can therefore be accepted having regards to interface distances.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

A volume of objections have been received from local residents and parents with concerns to the additional traffic, parking and congestion the proposed 16 new dwellings would bring. This is exacerbated by the position of Greenleas Primary School at the junction into Greenleas Close.

There has been some concerns from residents that there is a public right of way through the site. However, this is not the case. The proposed scheme will in fact provide access for pedestrians and cyclist through the site.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

Objections were received regarding flood risk, loss of trees and wildlife habitat. The site is located within the lowest risk zone, Flood Zone 1. However the concerns of the neighbours regarding flooding from rainfall on the ground surface and rising groundwater overwhelming sewers and drainage systems are relevant. The proposal is to remove a large amount of permeable surface and replace the majority with hard surfacing. As such it will be essential in the application for reserved matters the applicant sets out a proposal for sustainable urban drainage system. There is a copse of trees adjacent to the site but not within the boundary. The applicant proposes a small landscaped/wooded area. In addition, it is considered that this reduction in the number of dwellings will allow for a better landscaping scheme. A landscaping scheme is considered necessary given the previous open use of the site.

### **Section 106 for Affordable Housing**

Proposals for new market housing of 5 dwellings or above will normally be required to provide affordable housing on-site at the following rates:

- within areas of greatest need - 10%
- outside areas of greatest need - 20%

A reduced level of provision will be approved where an independently verified site-specific assessment has been submitted to demonstrate that the site would not be viable for housing development at the rate specified.

In this instance the applicant has agreed to the required level of affordable housing which will be delivered through a Section 106 agreement.

### **CONCLUSION**

The proposed development is considered to be acceptable and it will not have an unacceptable adverse

impact on the amenities of neighbouring properties through overlooking, poor outlook or through the amount of traffic generated or highway safety issues. The application site is in a sustainable location close to shops and good public transport links. The proposal is therefore considered to comply with the Wirral Unitary Development Plan Policy HS4, and the National Planning Policy Framework

#### **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 proposed development is considered to be acceptable and it will not have an unacceptable adverse impact on the amenities of neighbouring properties through overlooking, poor outlook or through the amount of traffic generated or highway safety issues. The application site is in a sustainable location close to shops and good public transport links. The proposal is therefore considered to comply with the Wirral Unitary Development Plan Policy HS4, and the National Planning Policy Framework.

**Recommended Decision:**                      **Approve subject to a Section 106 Legal Agreement**

#### **Recommended Conditions and Reasons:**

1.     The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.

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

2.     Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (a)    Layout
- (b)    Scale
- (c)    Appearance
- (d)    Access and
- (e)    Landscaping

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92(as amended) of the Town and Country Planning Act 1990.

3.     NO DEVELOPMENT SHALL TAKE PLACE until full details and samples of materials for all external work has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory development which does not prejudice the amenity of the locality.

4.     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.

5. 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.

6. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 20th July 2015 and listed as follows: L(80)001

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

7. NO DEVELOPMENT SHALL TAKE PLACE (including any demolition, earthworks or vegetation clearance) until a scheme of landscaping, phased in relation to any phasing of the development, which shall include details of both hard and soft landscaping works and earthworks, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include for but not restricted to the following details:

- a. existing trees and shrubs not directly affected by the buildings and works.
- b. walls and fences
- c. proposed walls and fencing, indicating materials and heights.
- d. screen planting on boundary
- e. existing contours and any alteration, such as earth mounding,
- f. details of the proposed arrangements for maintenance of the landscaping

The scheme as approved shall be carried out prior to the first occupation of any of the dwellings hereby approved. Any trees, shrubs or plants that die within a period of 5 years from the completion of the development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written approval for any variation.

**Reason:** To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, having regard to Policy HS4 and Policy GR5 of the Wirral Unitary Development Plan.

8. 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 WM9

9. NO DEVELOPMENT SHALL TAKE PLACE until a scheme for the provision and implementation for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. As a minimum, such a scheme shall include:

- a. Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 years +30% allowance for climate change);



- b. Discharge rates and volumes (both pre and post development);
- c. Temporary storage facilities;
- d. Means of access for maintenance and easements where applicable;
- e. Methods employed to delay and control surface water discharged from the site;
- f. Measures taken to prevent flooding and pollution of the receiving ground water and/or surface waters, including watercourses
- g. Flood water exceedance routes, both on and off site;
- h. A timetable for implementation, including phasing where applicable;
- i. Site investigation and test results to confirm infiltration rates.

The drainage scheme should demonstrate that the peak run off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 years rainfall event should never exceed the peak greenfield run off rate for the same event.

The development shall not be brought into use or the dwellings first occupied until the scheme as approved has been fully implemented in accordance with the timing/phasing arrangements embodied within the scheme and shall be subsequently maintained as such thereafter.

**Reason:** To prevent increase risk of flooding by ensuring that the development can be adequately drained and to comply with Policies WA2 and WA5 of the Wirral Unitary Development and Paragraph 103 of the National Planning Policy Framework.

10. NO DEVELOPMENT SHALL TAKE PLACE until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum, such a scheme shall include:

- a. The arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company;
- b. Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i. On-going inspections relating to performance and asset condition assessments; and
  - ii. Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- c. Means of access for maintenance and easements where applicable

The development shall not be brought into use or the dwellings first occupied until the scheme as approved has been fully implemented and shall be subsequently managed and maintained as such thereafter.

**Reason:** To prevent increase risk of flooding by ensuring that the development can be adequately drained and to comply with Policies WA1, WA2, WA3 and WA5 of the Wirral Unitary Development and Paragraph 103 of the National Planning Policy Framework.

11. NO DEVELOPMENT SHALL TAKE PLACE until full details of the access road has been submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be restricted to any footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls,, surface water outfall, embankments, visibility splays, carriageway gradients, drive gradients, street furniture and traffic calming measures, and shall include the timetable for the provision of such works. The development shall not be first occupied until the details as agreed have all been constructed and laid out in accordance with the approved details.

**Reason:** To ensure the access road is laid out and constructed in a safe and satisfactory

manner, having regard to Policy HS4 of the Wirral Unitary Development Plan.

**Further Notes for Committee:**

**Last Comments By:** 10/09/2015 15:32:09  
**Expiry Date:** 19/10/2015