

Planning Committee

23 January 2014

Reference:
APP/13/01375

Area Team:
South Team

Case Officer:
Mrs C Parker

Ward:
**Pensby and
Thingwall**

Location: Land to the rear of 1-4 MILL ROAD, THINGWALL
Proposal: Construction of 3no. split level houses on land to the rear of 1-4 Mill Road. Amendment to plot 2
Applicant: Ascot Property Group
Agent : Paddock Johnson Partnership

Site Plan:



Development Plan allocation and policies:

Primarily Residential Area

Planning History:

- Location: Land east of (rear) 1-4, Mill Road, Thingwall. L61 7UT
Application Type: Outline Planning Permission
Proposal: Erection of three dwellings, (outline).
Application No: OUT/89/06667
Decision Date: 12/10/1989
Decision Type: Approve
- Location: Land at the rear of 1- 4 MILL ROAD, THINGWALL, CH61 7UT
Application Type: Full Planning Permission
Proposal: Construction of Two Houses on Land to the rear of 1 -4 Mill Road
Application No: APP/11/00742
Decision Date: 09/07/2012
Decision Type: Non-determination (following an appeal) Appeal dismissed 09/07/2012
- Location: Land at the rear of 1-4 MILL ROAD, THINGWALL
Application Type: Full Planning Permission
Proposal: Construction of 2no. dwellings and associated works.
Application No: APP/12/01029
Decision Date: 29/10/2012
Decision Type: Refuse
- Location: Land rear of 1 to 4, Mill Road, Thingwall. L61 7UT
Application Type: Outline Planning Permission
Proposal: Erection of three dwellings, (outline).
Application No: OUT/89/05452
Decision Date: 14/04/1989
Decision Type: Withdrawn
- Location: Land east of (rear) 1-4, Mill Road, Thingwall. L61 7UT
Application Type: Outline Planning Permission
Proposal: Extension of outline planning permission for the erection of three bungalows.
Application No: OUT/92/06328
Decision Date: 16/10/1992
Decision Type: Approve
- Location: East of (rear) 1 - 4 Mill Cottages, Mill Road, Thingwall, Wirral, CH61 7UT
Application Type: Full Planning Permission
Proposal: Retention of a container
Application No: APP/02/06077
Decision Date: 09/08/2002
Decision Type: Refuse
- Location: Land east of (rear) 1-4 Mill Road, Thingwall, Wirral, CH61 7UT
Application Type: Full Planning Permission
Proposal: Erection of three detached dormer bungalows and double garage.
Application No: APP/01/06224
Decision Date: 16/11/2001
Decision Type: Refuse
- Location: Land at rear of 1-3 Mill Road ,Thingwall ,L61 7UT
Application Type: Full Planning Permission
Proposal: Erection of detached dwelling and garage
Application No: APP/78/11438
Decision Date: 08/03/1979
Decision Type: Refuse

Location: Land to the rear of, 14 Mill Road, Thingwall
Application Type: Full Planning Permission
Proposal: Erection of 2 detached and 2 semi-detached houses
Application No: APP/83/23699
Decision Date: 31/01/1984
Decision Type: Withdrawn

Location: Land to the East, 1-3 Mill Road, Thingwall, L63 8Q
Application Type: Full Planning Permission
Proposal: Erection of 1 detached two-storey house and 1 detached
Application No: APP/84/24320
Decision Date: 22/03/1984
Decision Type: Conditional Approval

Location: Land east of (rear) 1-4, Mill Road, Thingwall. L61 7UT
Application Type: Outline Planning Permission
Proposal: Erection of three bungalows, (outline).
Application No: OUT/96/05606
Decision Date: 05/07/1996
Decision Type: Approve

Location: Land east of (rear) 1-4 Mill Road, Thingwall, Wirral, CH61 7UT
Application Type: Outline Planning Permission
Proposal: Extension of outline planning permission for the erection of three bungalows.
Application No: OUT/99/05981
Decision Date: 09/07/1999
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 29 notifications were sent to adjoining properties and a site notice was also displayed. At the time of writing this report. A qualifying petition containing signatures from 28 separate addresses had been received and six representations have been received from the occupiers of 28, 30, 32, 35 Beverley Gardens and 3, 20 Mill Road. The objections can be summarised as follows:

1. The effect on the character of the area as the proposal will look too modern and out of place
2. Possible noise and disturbance due to additional traffic
3. The proposal will add to existing parking problems in the area
4. Dominant and prominent outlook from Beverley Gardens
5. Massing remains an issue
6. Loss of light and privacy due to close proximity to the boundary
7. Devalue property

Further consultation has been carried out following the receipt of amended plans. At the time of writing this report a further letter from the occupier of 32 Beverley Gardens has been received maintaining their objecting due to the detrimental impact on their living conditions.

CONSULTATIONS:

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

Head of Environment & Regulation (Pollution Control Division) - No objection

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Mike Sullivan requested that the application is removed from delegation and considered by

Planning Committee following concerns from local residents over the impact of the development. A qualifying petition of objection has been received which requires the application to be considered by Planning Committee under the provisions of the current Scheme of Delegation for Determining Planning Applications.

INTRODUCTION

The proposal is for the construction of 3 split level houses on land to the rear of 1-4 Mill Road. There is an extensive planning history to the site that includes both approvals and refusals for residential development. The most recent applications relate to a appeal against non-determination APP/11/00742 that was dismissed and a more recent refusal under reference APP/12/01029. The reasons for refusal for both of these proposals relate to the prominence of the 'outrigger' element when viewed from the adjacent houses in Beverley Gardens and that this would be unneighbourly due to the height, massing and location of the proposed dwellings - more so the position of the plot closest to Beverley Gardens.

The applicant has resubmitted this proposal with a view to overcome the previous reasons for refusal. The plans have been amended further since the original submission following discussions with the Case Officer as there was concern over the 'outrigger' element on Plot 2 (closest to Beverley Gardens). An additional site section and rear contextual elevation (drawing no. 1870-109-D) has also been submitted that seeks to demonstrate that the gable of Plot 2 will not be visible from the ground level of the houses immediately to the rear (28, 30 and 32 Beverley Gardens). This plan shows that the gable is obscured by a proposed 2.4 metre high fence and only the roof slope will be visible as it slopes away from Beverley Gardens into the site.

PRINCIPLE OF DEVELOPMENT

The site is located within a Primarily Residential Area where proposals for residential development is acceptable subject to meeting the criteria set out in Policy HS4 of the Wirral Unitary Development Plan.

SITE AND SURROUNDINGS

The site is a vacant, undeveloped plot and is currently overgrown and derelict in appearance. The levels within the site vary and fall by approximately 4m from its highest point on the eastern boundary with the cottages of Mill Road, to the rear gardens of the houses in Beverley Gardens. Consequently those properties to the north and west are set higher than those properties to the east of the site at Beverley Gardens as the land continues to fall away.

The site slopes from the access point down to the eastern boundary. There is a drop in levels of between 4 and 5 metres. Nos 26-32 and Nos 35 Beverley Gardens back onto the eastern boundary at around the lowest level of the site. Mill Cottage and Lavender cottage are separated from the northern boundary by a public footpath. No 17 Mill Road adjoins the southern boundary and Nos 1-4, a terrace of 3 and a detached cottage abut the western boundary. The site is surrounded on all sides by residential properties that vary in age, style and appearance. Access to the site is gained via an access road between Mill Cottage and 1-3 Mill Road.

POLICY CONTEXT

UDP Policy HS4 indicates that proposals should be an appropriate scale that relates well to surrounding property, in particular with regard to existing densities and form of development. The development should not result in a detrimental change in the character of the area and should not result in a loss of amenity to the occupiers of adjacent properties. The provision of appropriate landscaping, boundary treatment, adequate garden space and off street parking facilities is also required. 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

The National Planning Policy Framework (NPPF) also supports sustainable housing development which encompasses good design and widens the choice of high quality homes. NPPF makes it clear that good design is a key aspect of sustainable development and should contribute to making places better for people.

APPEARANCE AND AMENITY ISSUES

Following the recent refusal and previous appeal decision the applicant has attempted to address the issues by amending the plot types from two-storey houses to split level properties. Given that the levels vary both within and outside the site, the properties are now designed to reflect a 'bungalow' style whilst making use of the levels to utilise the lower part of the site to form the split level design. This ensures that the property (Plot 2) immediately adjacent to the houses in Beverley Gardens will be single storey as it is close to the boundary and the first floor element will face inwards within the site. In addition, the first floor element has been amended to Plot 2 so the 'outrigger' is no longer considered to result in a dominant feature. This is considered to address concern raised through the previous appeal in which the Inspector concluded that "the height and form of the outriggers would create a prominent and dominant outlook when viewed from the rear of the houses" (in Beverley Gardens).

It is considered that the amended proposal as shown on the amended plans dated 20.12.13 overcome the previous concerns both within the Inspector's decision and the most recent refusal (APP/12/01029). The main impact was considered to be the plot closest to the boundary with the houses in Beverley Gardens. This proposal addresses the concerns set out in the Inspector's decision as the outrigger is no longer positioned at the rear and the plot closest to the boundary with Beverley Gardens and now reflects a bungalow with only the roof sloping away within the site visible above the fence line. As such the overall height and massing has been adequately reduced to a degree that would overcome the previous reasons for refusal. It is considered that this proposal would not result in any loss of amenity to the occupiers of the adjacent properties to a degree that would warrant refusal of this application.

The overall site area is considered suitable to accommodate the three houses as now proposed. Each plot provides for a driveway and adequate garden areas. Suitable provision is made for bin storage and recycling and the imposition of a planning condition will secure this provision. The design of each plot is considered acceptable and will not detract from the character of the area. The access is from an existing part, private drive (from Mill Road) that will extend the private drive into the site with a small turning head, that in turn provides access to the driveways to each plot.

The site is currently overgrown with self seeded shrubbery with some tree screening located along the site boundaries. The overgrowth and shrubbery will be removed and the existing trees that provide screening along the boundary with the houses on Mill Road in Beverley Gardens will be retained. The proposed plans show that new landscaping will be provided and a condition is recommended to ensure a satisfactory scheme.

Objections have been received stating that the dwellings will appear out of place in this area. There are mix of properties that vary in age, size and design in the immediate area and it is considered that the scale and design of the proposed dwellings is appropriate and will not detract from the character of the area. The objections state that the massing, dominance and outlook, especially from Beverley Gardens remain an issue. It is considered that the amendments reducing the height and removing the outrigger is sufficient and reduces the dominance and harmful impact when compared to the previous schemes. In particular the dwelling at Plot 2, which is closest to the boundary with 28 and 30 Beverley Gardens has been reduced to single storey height (when viewed from Beverley Garden) and the roof slopes away from this boundary. This addresses the point raised by the Inspector in the previous appeal decision in terms of dominance and impact. The siting of the dwellings takes account of the usual separation distances to ensure no loss of light and there are no windows proposed that will overlook the adjacent houses.

Issues have been raised relating to the increase in traffic and the possibility of parking along Mill Road. The proposal will not result in any undue increase in traffic movements that will result in highway safety issues or an increase in noise or disturbance. The existing private road from Mill Road will extend into the site providing vehicular access to each plot with a provision of off-road car parking.

The issue that the proposal will devalue property is not a Planning matter.

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. This development achieves the required separation distances. The blank rear gable wall of Plot 2 (although obscured by the proposed boundary fence) is single storey but maintains a distance of 14 metres to the two-storey rear elevation of the house immediately to the rear (30 Beverley Gardens). Plot 1 is set within the site so its elevations do not directly face the adjacent property Lavender Cottage.

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.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

It is considered that the site can be developed for residential purposes and the 3 split level houses as proposed will not harm the character of the area. The proposed dwellings will not result in any overlooking of adjacent properties and the scale, size and design will not result in any loss of amenity to the occupiers of adjacent properties. The proposed development represents a sustainable regeneration opportunity by the re-use of the site within an existing residential area that weighs in favour of a residential development. Subject to compliance with planning conditions, the proposal would be compliant with UDP Policy HS4, Policy WM8 and WM9 in Waste Local Plan; the National Planning Policy Framework and is recommended for approval.

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 and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

It is considered that the site can be developed for residential purposes and the layout of 3 split level properties as proposed will not harm the character of the area. The proposed dwellings will not result in any overlooking of adjacent properties and the scale, size and design will not result in any loss of amenity to the occupiers of adjacent properties. The proposed development represents a sustainable regeneration opportunity by the re-use of the site within an existing residential area that weighs in favour of a residential development. Subject to compliance with planning conditions, the proposal would be compliant with UDP Policy HS4, Policy WM8 and WM9 in Waste Local Plan; the National Planning Policy Framework.

Recommended Approve
Decision:

Recommended Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on the 4 November 2013 and 20 December 2013 and listed as follows: Drawing numbers 1870-119, 1870-117, 1870-120 and 1870-118 dated 24/10/13, 1870-110-D dated 10/12/2013, 1870-109-D, 1870-124, 1870-123 dated 19/12/2013

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

3. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, notwithstanding the submitted details showing the site sections a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

4. BEFORE THE DEVELOPMENT HEREBY APPROVED IS COMMENCED, notwithstanding the submitted details, full details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved by the Local Planning Authority. The approved means fencing, walls, gateways and means of enclosure shall be implemented in full prior to the first occupation of the development hereby granted permission, in accordance with the details so approved, and shall be retained as such thereafter.

Reason: To ensure a proper standard of separation from, and standard of amenity with respect to neighbouring property and having regard to Policy HS4 of the Wirral Unitary Development Plan

5. NO DEVELOPMENT SHALL BE COMMENCED 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 GR5 of the UDP.

6. Any trees or shrubs 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.

7. BEFORE ANY CONSTRUCTION COMMENCES, samples of the facing and roofing materials to be used in the external construction of this development 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 a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the building(s) hereby approved.

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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no building, enclosure or swimming pool falling within Part 1, Class E, shall be erected on any part of the land.

Reason: To safeguard the amenities of the adjoining occupiers & appearance of the area and to accord with Policy HS4 of the Wirral Unitary Development Plan.

10. 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.

11. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS 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 to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan.

Further Notes for Committee:

Last Comments By: 10/01/2014 14:08:40

Expiry Date: 30/12/2013