

Planning Committee

20 November 2014

Reference:
APP/14/00951

Area Team:
North Team

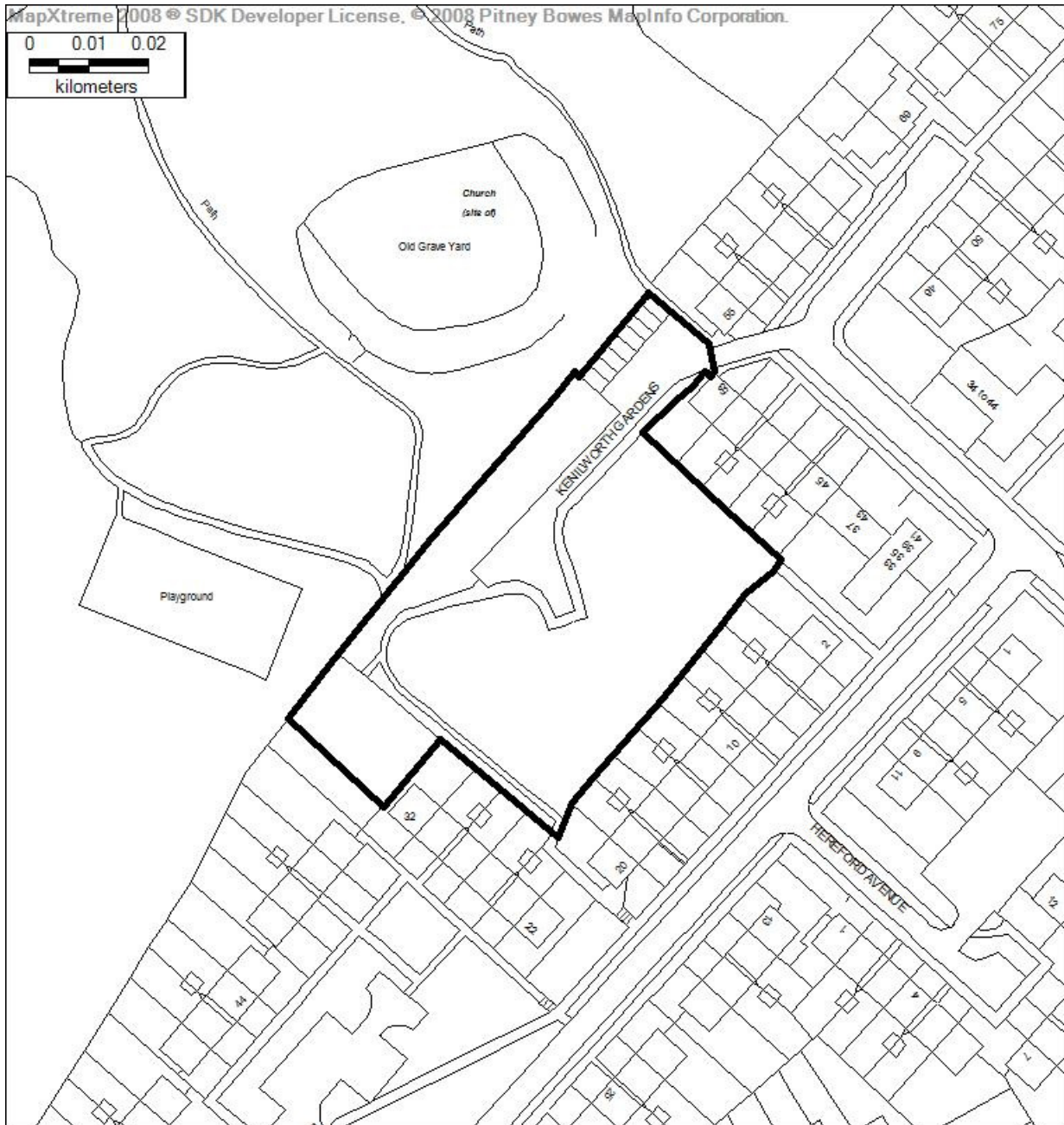
Case Officer:
Mr N Williams

Ward:
Upton

Location: Unused Land, KENILWORTH GARDENS, UPTON, CH49 4ND
Proposal: The proposal is to develop the site with residential units for affordable housing use, providing 11 no. two storey 2 bedroom houses, and 2 no. 2 bedroom bungalows (including 1 fully disabled access unit)

Applicant: Magenta Living
Agent : Ainsley Gommon Architects

Site Plan:



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Development Plan allocation and policies:

Urban Greenspace
Primarily Residential Area
Site of Biological Importance

Planning History:

There is no relevant planning history for this site.

Summary Of Representations and Consultations Received:REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 31 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there has been a petition of objection containing 394 signatures, and 23 individual letters of objection. The objections can be summarised as:

1. Highway and traffic safety;
2. Parking problems;
3. Overlooking, loss of privacy
4. Loss of light and overshadowing;
5. Visually overbearing;
6. Potential loss of trees;
7. Harm to bats and other wildlife;
8. Loss of amenity space;
9. Overdevelopment;
10. Unneighbourly form of development;
11. Noise and smell;
12. Potential safety hazard;
13. Loss of public right of way;

A petition of support was also received, containing 120 signatures.

CONSULTATIONS

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

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

Director's Comments:

The application was deferred from Planning Committee on 25th September in order for Members to conduct a Committee site visit, and deferred from Planning Committee on 22nd October for further consideration.

REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Matthew Patrick requested that the application be taken out of delegation on the basis of concerns over traffic and highway safety. The Council is also in receipt of a qualifying petition of objection.

INTRODUCTION

The application is for the erection of thirteen dwellings, comprising of eleven two-storey dwellings and two bungalows. The applicant is Magenta Living, and the dwellings will be for affordable housing purposes.

PRINCIPLE OF DEVELOPMENT

The principle of the development is acceptable, subject to relevant policy guidelines.

SITE AND SURROUNDINGS

The site is a grassed area which was formerly the site of two blocks of flats. These flats were

demolished approximately ten years ago, and the site has laid empty since. It has been grassed over and appears to be used for informal recreation by local residents, although it is private land and is not designated within Wirral's Open Space Assessment 2012. The access into the site remains, but has been fenced and gated off.

The area is designated as a Primarily Residential Area in Wirral's Unitary Development Plan. It is surrounded on three sides by traditional two-storey dwellings, with a woodland and park directly adjoining the north west of the site. There is a Scheduled Ancient Monument (SAM) to the north of the site, and the Overchurch area is one of the most historically significant sites in Wirral, likely of prehistoric origin with a church existing on this site until Georgian times. The part of the application site which is to be developed is outside of the SAM boundary, however, a condition has been attached to ensure that any archaeological interest within the development site is dealt with satisfactorily.

POLICY CONTEXT

The proposal is subject to Wirral Unitary Development Plan Policy HS4: Criteria for New Housing Development. The National Planning Policy Framework states there is a presumption in favour of sustainable development and encourages Local Planning Authorities to provide a wide choice of high quality homes.

APPEARANCE AND AMENITY ISSUES

The site is designated as a Primarily Residential Area within Wirral's Unitary Development Plan. Although the site is currently 'green', it offers little visual amenity to the area and limited recreational use. In addition, the site is private land and access to the public is therefore not a right. Given these issues, the development of the site for dwellings is considered to be acceptable, and in keeping with the nature of the surrounding area. There is informal access to the woodland and park towards the corner of the site, and this is to be retained. The removal of the existing fence and gate (which closes off the road) will formally open this access up to the public and is therefore seen as beneficial to the wider community.

The grass verge to the north west of the site, which adjoins the park and includes a number of trees, will also be retained. This area will add greatly to the visual amenity of the development, and together with a small feature garden at the heart of the scheme, will soften the appearance of the development.

There is no trees on the main part of the site to be developed. Two trees are proposed to be felled in the corner of the site (where Block E will be located). These trees are not considered worthy of retention and their loss if therefore acceptable. The trees which run along the North West boundary of the site will mostly be retained, notably the Oak which is the main tree within this area and it is proposed that a Tree Preservation Order will be placed on these trees. There will be some thinning of the tree belt, but the general quality and visual amenity this tree belt offers to the area will be retained.

The rear windows of the six proposed dwellings in Blocks A and B will be a minimum distance of 21 metres from the rear windows of 45-53 Gainsborough Road. The side elevation of Block B, which contains no habitable windows, will be a distance of approximately 14 metres from the rear windows of 2-8 Inman Road. Each of the proposed dwellings will have a rear garden areas of more than 10 metres. These distances will ensure that Blocks A and B do not have an unacceptable impact on existing dwellings, in terms of loss of light or privacy.

The rear windows of the five proposed dwellings in Blocks C and D will be a minimum distance of 21 metres from the rear windows of 10-20 Inman Road. The side elevation of Block D, which contains no habitable windows, will be a distance of approximately 14 metres from the rear windows of 28-32 Inman Road. Each of the proposed dwellings will have a rear garden area of more than 10 metres. These distances will ensure that Blocks C and D do not have an unacceptable impact on existing dwellings, in terms of loss of light or privacy.

The two properties in Block E are within close proximity to 32 Inman Road. However, these two properties have been designed as bungalows so as to minimise any impact on the neighbouring property. As such, it is considered that these proposed bungalows will have little impact on existing residents.

The design of the proposed dwellings, whilst fairly standard, is considered to be acceptable for this

location. The inclusion of front door canopies, and render detailing around the windows provides sufficient interest to ensure that the development does not harm the general character of the area. There is little defining characteristics of dwellings in the area, and therefore the proposed design is acceptable.

Overall, the proposal will not harm the amenities of neighbouring properties and it is considered that the scale and number of dwellings proposed is in keeping with the density of the surrounding area. The design of the properties will not harm the character of the area, whilst there will be sufficient landscaping and retention of important existing trees to ensure that it does not harm the appearance and nature value of the adjoining woodland and park.

SEPARATION DISTANCES

All separation distances are met, and are dealt with in more detail above.

HIGHWAY/TRAFFIC IMPLICATIONS

From a traffic and highway safety view point, whilst the existing access road is particularly narrow, the road was previously an access to two separate blocks of flats and the proposal is therefore unlikely to create a significant change in terms of increased traffic movements. Furthermore, although the access point into the site is narrow, the existing surrounding roads are also quite narrow with tight bends making the route to and from the site quite tortuous and therefore limiting vehicle speed.

It is the intention of both the developer and the Council to stop up the access road into the site (from the boundary of the application site, near the corner of 53 Gainsborough Road). This will result in the road becoming unadopted. Whilst the narrow width of this access road would fail to comply with normal standards for residential roads, this requirement is only relevant for adopted roads. There is no requirement for unadopted roads to meet these standards and therefore the narrow width of the carriageway would not be a matter which the application should be refused over. Whilst it is accepted that the road is currently adopted, a condition has been attached which will ensure that no development can take place until this highway has been formally stopped up and unadopted. Given this, it is considered that there are no traffic and highway safety reasons why the application should not proceed.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

A bat survey was submitted with the application, finding that there was low numbers of Common pipistrelle bats recorded along the northwest site boundary. The site is already subject to moderate levels of disturbance from street lighting which is unlikely to increase as a result of the proposed development. However, to ensure that the plans provide acceptable roosting and foraging opportunities for bats locally, a condition has been attached to ensure bat boxes are provided within the new buildings.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

In conclusion, it is considered that the proposal will not have an unacceptable adverse impact on the amenities of neighbouring properties, nor will it harm the overall character of the area or the street scene and therefore complies with 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 and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal will not have an unacceptable adverse impact on the amenities of neighbouring properties, nor will it harm the overall character of the area or the street scene and therefore complies with Wirral Unitary Development Plan Policy HS4 and 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 external finishes of the development hereby permitted shall match those submitted with the application and shown on drawing 1319-WD-314, unless otherwise agreed in writing with the Local Planning Authority.

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.

3. Prior to the commencement of development, a scheme for the provision of affordable housing to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the occupancy criteria to be used in determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy can be enforced. The approved scheme shall be implemented in full and in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt having regard to part 9 of the NPPF, UDP Policy HS2 and the Strategic Housing Market Assessment Update.

4. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 18th July 2014 and listed as follows:
1319-SI-07 Rev F; 1319-SI-12 Rev D; 1319-GA-A-106.1; 1319-GA-A-106.2;
1319-GA-A-103; 1319-GA-A-107.01; 1319-GA-A-107.03; 1319-GA-A-107.02;
1319-GA-B-106.1; 1319-GA-B-106.2; 1319-GA-B-103; 1319-GA-B-107.01;
1319-GA-B-107.03; 1319-GA-B-107.02; 1319-GA-C-106.1; 1319-GA-C-106.2;
1319-GA-C-103; 1319-GA-C-107.01; 1319-GA-C-107.03; 1319-GA-C-107.02;
1319-GA-D-106.1; 1319-GA-D-106.2; 1319-GA-D-103; 1319-GA-D-107.01;
1319-GA-D-107.03; 1319-GA-D-107.02; 1319-GA-E-106.1; 1319-GA-E-103;
1319-GA-E-107.1; 1319-GA-E-107.02;

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

5. No development shall take place on the application site until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard any archaeological interest of the site and to accord with Policy CH25 of the Wirral Unitary Development Plan.

6. No works or development shall take place until a scheme for the protection of the retained trees- The Tree protection plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme shall include:

- A. a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree work-Recommendations.

An arboricultural method statement (section 6 BS 5837) containing;

- B. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- C. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).
- D. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).
- E. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).
- F. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.5.6 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- G. the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- H. the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 6.2.2.3 of BS5837).
- I. the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837).
- J. the timing of the various phases of the works or development in the context of the tree protection measures.

Reason: To protect tree which are of significant amenity value to the area and having regard to Policy GR7 (Trees and New Development) of the Wirral Unitary Development Plan. To ensure that the arboricultural work is carried out to a satisfactory standard and having regard to Policy GR7 (Trees and New Development) of the Wirral Unitary Development Plan

7. The following activities must not be carried out under any circumstances:
- a. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
 - b. No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
 - 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 mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
 - e. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

Reason: To protect tree which are of significant amenity value to the area and having regard to Policy GR7 (Trees and New Development) of the Wirral Unitary Development Plan

8. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the installation of bat boxes and bat bricks, including their locations, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the biodiversity of the area and having regard to Policy NC7 of the Wirral Unitary Development Plan.

9. NO DEVELOPMENT SHALL TAKE PLACE BEFORE the access road within the application site has been formally stopped up and unadoptioned

Reason: In the interest of highway safety

Further Notes for Committee:

1. A formal closure of the existing highways within the site is required under a Section 247 of the Town and Country Planning Act 1990.
The footpath link between Gainsborough Road through to the woodlands will be maintained and upgraded. A new diverted footpath is to be provided from the new footway within the development to the woodland amenity area.
All costs will be recharged to the applicant, who should contact the Council's Highway Management team on 0151 606 2004 for further information.

Last Comments By: 27/08/2014 10:28:23

Expiry Date: 17/10/2014