

# Planning Committee

19 February 2015

**Reference:**  
**APP/14/01341**

**Area Team:**  
**South Team**

**Case Officer:**  
**Mrs C Parker**

**Ward:**  
**Heswall**

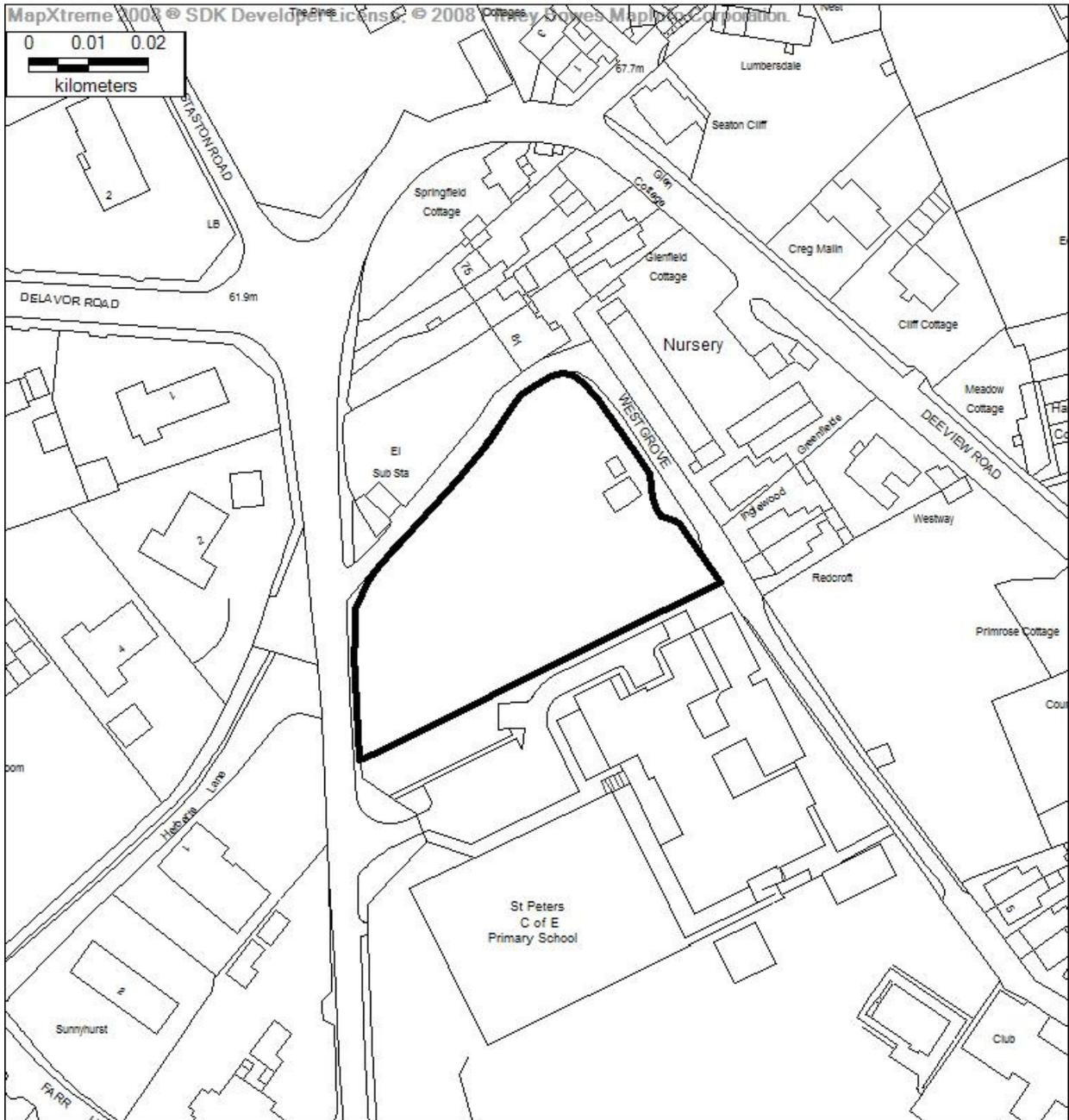
**Location:** Land Adjacent to, St Peters CE Primary School, Nursery Allotment Gardens, THURSTASTON ROAD, HESWALL, CH60 4SA

**Proposal:** Proposed erection of 4 No. residential units

**Applicant:** Mr T Stapledon

**Agent :** Paterson Macaulay & Owens

## Site Plan:



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**Development Plan allocation and policies:**

Conservation Area (for illustrative purposes)  
Primarily Residential Area

**Planning History:**

No relevant history

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

Having regard to the Council Guidance on Publicity for Applications, 15 notifications were sent to adjoining properties and a site notice was also displayed. At the time of writing this report 23 representations have been received objecting to the proposal on the following grounds:

1. Inadequate vehicular access
2. Lack of pavement
3. Too close to the school
4. Safety issues for children and other pedestrians
5. The houses will alter the setting of the conservation area in a detrimental way
6. Highway safety issues, dangerous next to the school
7. Existing highway issues, difficult junction and poor sight lines, narrow pavement
8. Increase in traffic and congestion
9. Design and context is out of keeping with the conservation area

3 petitions have been received. One contains 26 signatures and one contains 85 signatures and are therefore qualifying. One is not classed as qualifying as it contains 19 signatures. However, all three petitions contain the same description of objection "object on the grounds that the proposed access arrangements onto Thurstaston Road are inadequate and in conflict with UDP Policy HS4 (iii) and request that planning permission should not be granted"

**Heswall Society** - object to the proposal as the access would add to the already great complexity of movement in the area and introduce new hazards and risks. The use of timber cladding should not be used in the development; the setting of the conservation area is important and more emphasis should be given to the openness and the proposal does not take the opportunity to make a positive contribution to the Conservation Area.

CONSULTATIONS

**Head of Environment and Regulation (Traffic and Transportation Division)** - no objection subject to conditions

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

**DIRECTORS COMMENTS:****REASON FOR REFERRAL TO PLANNING COMMITTEE**

Qualifying petitions of objection have been received relating to the proposals. As such, under the provisions of the Scheme of Delegation for Determining Planning Applications (approved March 2014) the application is required to be considered and determined by the Planning Committee.

**INTRODUCTION**

The proposal is for the erection of 4 detached dwellings on the former nursery and allotment site fronting Thurstaston Road, Heswall.

**PRINCIPLE OF DEVELOPMENT**

The site is within a Primarily Residential Area where the principle of a residential development is acceptable. The site is also within Heswall Conservation Area where a residential development should make a positive contribution to the local character and distinctiveness quality of the area.

**SITE AND SURROUNDINGS**

The application site fronts onto Thurstaston Road and is bounded by West Grove at the rear. St Peters

Primary School is located to the south immediately adjacent to the site with residential properties set back to the north of the site. The site is currently vacant and was formerly a nursery and allotment. West Grove is an unadopted lane that provides access to a small number of dwellings. The surface is uneven, rutted and poorly drained. It is bounded in one section by a good quality stone wall (which will be retained) and elsewhere by hedges, and on the school side by an unattractive spiked fence. The adjacent buildings are set back from the road and this site benefits from an open aspect on a prominent corner.

## **POLICY CONTEXT**

The site is located within Heswall Conservation Area and the Primarily Residential Area. The application site is within 425 metres of Heswall Dales (28.8ha) and 326 metres of the Green Space at Feather Lane (1.1ha) and 200 metres of Dawstone Park (0.7ha). The total amount of accessible public open space in Heswall Ward exceeds the UDP/Emerging Core Strategy standard of 2.4ha per 1,000 population. The site is currently unlikely to be suitable for use as a sports pitch.

The National Planning Policy Framework (NPPF) states that new development in conservation areas should make a positive contribution to the local area in terms of character and distinctiveness. In terms of the setting within the Conservation Area, the NPPF states that applicants should describe the significance of any heritage assets affected. This should be included within a Heritage Statement to be submitted with the planning application. When determining a planning application, the Local Planning Authority will take account of:

- The desirability of sustaining or enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

The NPPF supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should make a positive contribution to an area and use opportunities to improve the character and quality of an area. Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in particular locations to reflect local demand.

UDP Policy HS4 - New Housing Development states 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; should provide appropriate landscaping and boundary treatment that contributes to a secure environment; access and services capable of satisfactory provision with the provision of adequate vehicular access.

UDP Policy CH2 - Development Affecting Conservation Areas states that proposals Policy CH14 in relation to Heswall Lower Village Conservation Area states that the principal planning objectives for the area will be to:

- (i) preserve the character of the old village core, including the setting and character of its former farm buildings and cottage scale dwellings;
- (ii) preserve the character and setting of the surrounding area characterised by substantial property in large, well-landscaped grounds and by the denser more modest scale development to the north of Dawstone Park;
- (iii) retain unifying features such as stone walls, the character of narrow lanes such as School Hill, Brow Lane, West Grove and Feather Lane and areas of mature landscaping. Notwithstanding designation as Urban Greenspace under Proposal GR2, special attention will be given to retaining the historic character of Dawstone Park.

The reasoned justification for the criteria set out in Policy CH14 states that Heswall Lower Village Conservation Area was designated in April 1979. Its boundaries are drawn to encompass the original nucleus of the small fishing village which pre-dated the suburban expansion of Heswall after the arrival of the railway in the late nineteenth century, as well as some of the earliest and best of the later suburban development.

A Character Appraisal has been approved for the conservation area. This sets out a description of the area in terms of plot sizes, topography and scale and design of older, and original traditional dwellings as well as the more recent developments in the area. The heart of the original settlement, based around Village Road, Raby Close and The Lydiate, can still be discerned and retains much of the character of a typical English Village, including its church and rectory, public house, village hall, shops and groups of cottage scale dwellings, and former farm buildings such as Lydiate Farm and The Old Smithy. One objective of Policy CH14 is, therefore, to ensure that the distinctive character of the old village continues to be preserved.

Policy CH14 also seeks to preserve the setting and appearance of the surrounding area. This area can be split into two distinct segments: the area characterised by substantial houses set in large grounds, situated towards and along Dawstone Road; and the more clustered modest scale development, based around Dee View Road, The Mount and the upper part of School Hill. In accordance with Policy CH14, new proposals will be required to reflect the specific character of the sub-area in which it is located.

The special character of Dawstone Park, and the significance of its location at the junction of these three distinct areas in the historic development of the Village, also merits special protection. Policy CH14, therefore, provides for the historic character of this open space to be preserved.

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.

### **APPEARANCE AND AMENITY ISSUES**

As set out in the Policy Section above, any development on this site needs to contribute positively to the character of the conservation area. The need to make a positive contribution to the conservation area does not preclude the principle of development rather that such development should respect its surroundings in terms of layout, design and use of materials. In this case, the number of dwellings proposed and the layout within the site is considered acceptable and retains the open aspect in order to contribute to the character of the area.

The properties within the immediate vicinity are a mix of detached and terraced properties that consist of a variety of materials. The materials for the proposed dwellings have been chosen to reflect those of the neighbouring properties and include the use of render, brick and grey/blue slate. The materials originally included an element of timber cladding but this has been removed in response to concerns raised about the appropriateness of timber cladding in the conservation area.

It is considered that the scale, layout and design of the proposed dwellings is appropriate within the site and serves to make a positive contribution to the Conservation Area. The proposal has regard to the character of the conservation area and is designed to preserve both the character of the older village core as well as the modest scale developments and the setting of the surrounding area characterised by larger properties set in substantial grounds.

### **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. The houses at the rear of the site along West Grove are set at a higher level than the proposed dwellings and there is a separation distance of 23 metres. This complies with the current guidance on separation distances.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

The majority of the objections relate to the access and the proximity to the adjacent school. The local residents have stated that there is an existing highway issue in the locality mainly due to the lack of pavement, poor sight lines and existing traffic movements and this proposal would increase this hazard.

In terms of providing adequate access to the site from Thurstaston Road, an adoptable standard access for 4 or more dwellings with a minimum 1.8 metre footway co-extensive with its frontage onto Thurstaston Road is required. This is due to the location adjacent to a primary school. The submitted plans show a 2 metre wide foot way and this is considered acceptable and in fact offers an opportunity to improve the current situation i.e. by providing a wider footway. In addition, adequate sight lines into the site are provided and it is considered that the erection of 4 dwellings would not significantly increase traffic movements to a degree that would warrant refusal of the application.

### **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**

The layout, scale and design of the proposed dwellings represents an appropriate development within the Conservation Area. The proposal is considered to make a positive contribution to the local area in terms of character and distinctiveness. The proposal is a sustainable housing development which encompasses good design and widens the choice of high quality homes. The proposed development will not result in any harm to the amenities of the occupiers of adjacent houses and is in keeping with the pattern of development and character of the Conservation Area. The proposal therefore accords with the National Planning Policy Framework and UDP Policies CH2, CH14, HS4 and SPG3

### **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 layout, scale and design of the proposed dwellings represents an appropriate development within the Conservation Area. The proposal is considered to make a positive contribution to the local area in terms of character and distinctiveness. The proposal is a sustainable housing development which encompasses good design and widens the choice of high quality homes. The proposed development will not result in any harm to the amenities of the occupiers of adjacent houses and is in keeping with the pattern of development and character of the Conservation Area. The proposal therefore accords with Policies CH2, CH14, HS4 of the Wirral Unitary Development Plan, SPG3 and the National Planning Policy Framework

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

### **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 (insert date) and listed as follows: (insert plan/drawing numbers & date)

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

3. A 2 metre wide footway shall be provided along the frontage of Thurstaston Road, full details including the new access arrangements of which shall be submitted to and approved in writing by the Local Planning Authority PRIOR TO THE COMMENCEMENT OF DEVELOPMENT. The approved footway shall be provided in accordance with the

approved details prior to the first occupation of the development hereby approved.

**Reason:** In the interest of highway safety having regard to Policy HS4 of the Wirral Unitary Development Plan

4. NO DEVELOPMENT SHALL TAKE PLACE until full details of the road markings relating to school safety have been submitted to and approved in writing by the Local Planning Authority. The details shall include the amendment of the existing 'School Keep Clear' carriageway markings that extend across the proposed access to be replaced by a 'no waiting at any time' on the Thurstaston Road frontage. The approved road markings shall be completed in accordance with the approved details prior to the first occupation of the development hereby approved.

**Reason:** In the interest of highway safety having regard to Policy HS4 of the Wirral Unitary Development Plan

5. NO DEVELOPMENT SHALL TAKE PLACE until 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 CH4 of the Wirral Unitary Development Plan.

6. PRIOR TO FIRST OCCUPATION OF THE DEVELOPMENT details of a scheme for all boundary treatment shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in full and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In the interest of amenity

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

**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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the property unless expressly authorised.

**Reason:** In order to protect the residential amenities of nearby occupants and to accord with Policy HS4 and CH2 of the Wirral Unitary Development Plan.

9. 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.

10. 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.

11. Notwithstanding the submitted details, NO DEVELOPMENT SHALL TAKE PLACE until full details of all fencing, walls, gateways and means of enclosure has been submitted to and approved by the Local Planning Authority. The fencing/walls/gateways and means of 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 Policies CH2 and HS4 of the Wirral Unitary Development Plan

12. Notwithstanding the submitted details showing the site sections, NO DEVELOPMENT SHALL TAKE PLACE until 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.

13. NO DEVELOPMENT SHALL TAKE PLACE until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the drainage system has been constructed and completed in accordance with the approved plans.

**Reason:** In the interests of providing satisfactory drainage of the site and to accord with Policy HS4 of the Wirral Unitary Development Plan.

14. 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.

15. 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:**

1. Consent under the Highways Act is required for the construction of a new or the

amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. In order to comply with Condition 4, you will be required to contact the Council's Highway Maintenance team on 0151 606 2004 prior to the commencement of development for further information about a Traffic Regulation Order.

**Last Comments By: 10/12/2014 17:34:05**

**Expiry Date: 03/02/2015**

