

Planning Committee

24 June 2015

Reference:
APP/14/00942

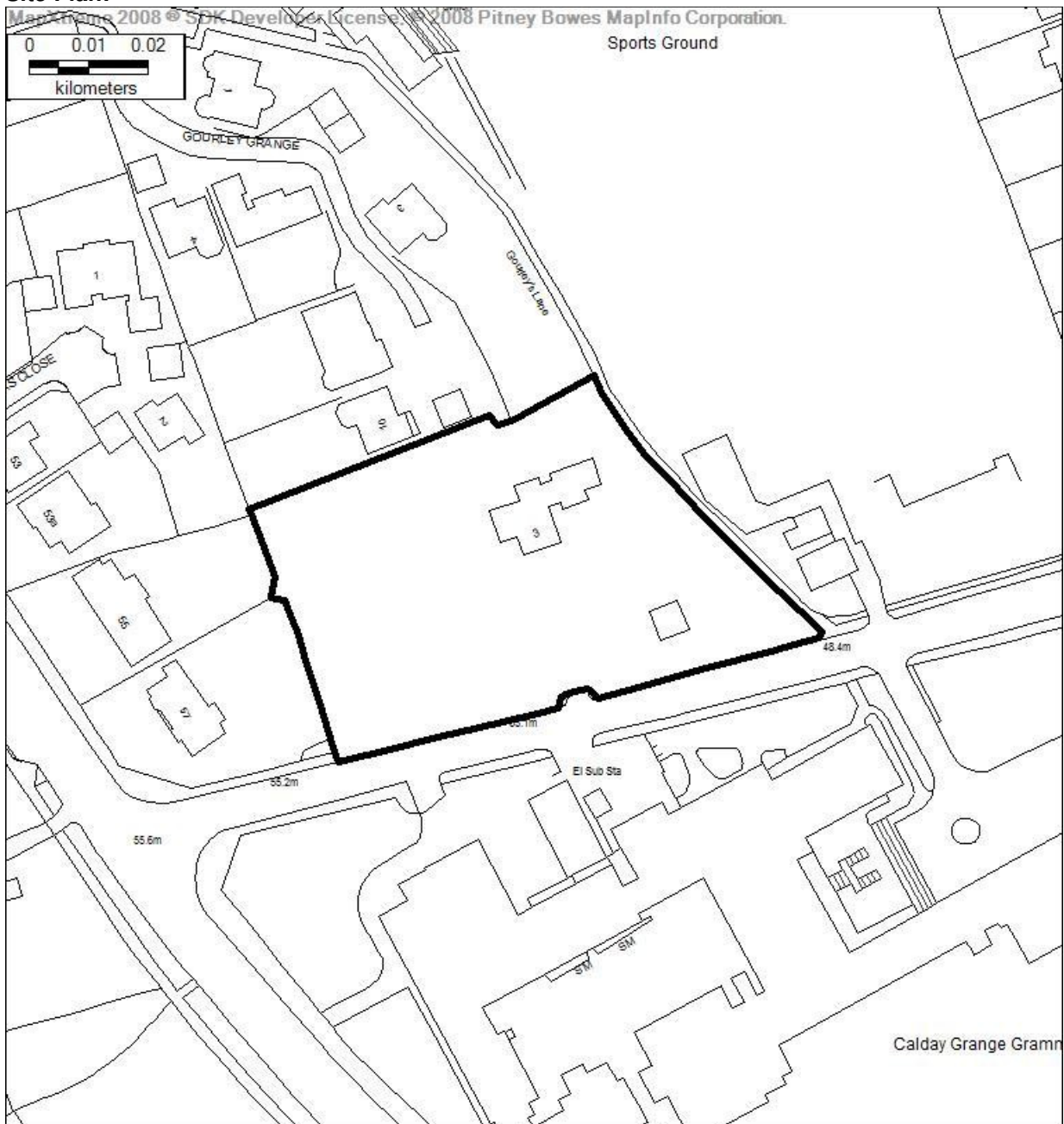
Area Team:
North Team

Case Officer:
Mrs S Lacey

Ward:
**West Kirby and
Thurstaston**

Location: 3 GRAMMAR SCHOOL LANE, NEWTON, CH48 8AY
Proposal: Erection of 3 new dwellings (AMENDED PLANS).
Applicant: Mrs J Boulton
Agent : SDA Architects & Surveyors

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

Location: 3 GRAMMAR SCHOOL LANE, NEWTON, CH48 8AY
Application Type: Full Planning Permission
Proposal: Four new build dwellings
Application No: APP/13/01559
Decision Date: 24/03/2014
Decision Type: Withdrawn

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 6 letters of notification were sent to neighbouring properties. A site notice was displayed. 2 individual letters of objection from 55 & 57 Column Road were received and one further letter of observation from the Head teacher at Calday Grange Grammar School, citing the following concerns:

1. Four additional dwellings will contribute to congestion on an already busy road;
2. There are no pavements on that side of the road and it is dangerous for children in the school opposite to cross;
3. The application has been timed during the summer holidays when the school is closed;
4. There are constraints on the site including a large quarry;
5. Lack of parking for visitors, adding to on-street congestion;
6. The proposed dwellings are not in keeping with the surrounding properties;
7. The proximity of the proposed dwellings to the school opposite.

Following receipt of amended plans and the reduction of the number of units from 4 to 3, an additional letter has been received from 55 Column Road repeating concerns and objections raised earlier and a further letter of observation has been received from Calday Grange Grammar School that welcomes some of the proposed amendments but nevertheless repeats its previous concerns in relation to the redevelopment of this site.

CONSULTATIONS:

The Head of Environment and Regulations (Traffic & Transportation Division): objected to the original set of proposals on the grounds of lack of a footway and pedestrian/highway safety. Amended plans received on 6 May 2015 now overcome that objection with the provision of a 1.8 metres wide footpath along the full frontage of the site.

Merseyside Fire & Rescue Service: It is considered that the premises, if constructed, will not present an unacceptable hazard to the neighbouring properties. Access for fire appliances should comply with the requirements of Building Regulations.

Head of Environment & Regulation (Pollution Control Division): No objections.

United Utilities: No objections.

Wirral Wildlife: The application site is adjacent to Caldy Hill Site of Biological Importance, but separated from it by the A540. Caldy Hill is designated for lowland heathland, woodland, invertebrates, lizards and badgers. Most of these will not be impacted on by the development on this site. It is possible that badgers will cross road to forage but there is no evidence of them using the site. The plans suggest that some trees will have to be cleared for the proposals. It is expected that birds will use the trees on site for nesting and therefore, it is important that no clearance takes place during the nesting season.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

This application is presented to Planning Committee as the agents making the application are SDA

Architecture & Surveying, a partner and architect within which is an Elected Member of the Council. Given that the Council is in receipt of 2 objections to the proposed development, the Council's Scheme of Delegation for Determining Planning Applications requires these proposals to be considered and determined by the Planning Committee.

INTRODUCTION

The proposals as amended seek planning permission for a development of three detached dwellings located on land to the south of the existing property at 3 Grammar School Lane. The existing dwelling will be retained as part of these proposals. The amended proposals also provide for a footway to be created across the full width of the site.

SITE AND SURROUNDINGS

The site is located within the Primarily Residential Area, which contains large number of protected trees and other well-established, mature landscape features such as shrubs and hedges. The area is residential in character. To the north and west of the site sit residential properties. East of the site is located school playing fields used in connection with Calday Grange Grammar School, which itself sits immediately south of the application site on the opposite side of Grammar School Lane.

PRINCIPLE OF DEVELOPMENT & POLICY CONTEXT

The site is located within the Primarily Residential Area and as such, Policy HS4 (New Housing Development) is relevant. This policy states that new housing development within the Primarily Residential Area will be permitted subject to criteria listed for that policy. In addition, Policy GR5 (Landscaping and New Development) and GR7 (Trees and New Development) are also relevant to these proposals.

Policy HS4 sets out a number of criteria which must be addressed if planning permission is to be granted for new development – including: the requirement that a proposal is of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development; the proposal not resulting in a detrimental change in the character of the area; access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access; the provision of appropriate landscaping and boundary treatment; the provision of adequate individual private or communal garden space to each dwelling. For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings.

Considering the first of these criteria - scale and form - the proposed dwellings are considered to be of an appropriate scale and achieves a density of development commensurate with surrounding property. The new dwellings would be comfortably spaced from adjoining properties and each other with elevations and windows positioned to avoid any adverse impact on adjoining properties or within the site.

Considering character, the application seeks permission for 2.5 storey dwellings, split across different levels with the 2nd floor entirely accommodated within the roof space of each property. A number of design decisions have been incorporated to ensure that each of the new dwellings would not negatively impact on character. A planning condition would be imposed to require samples of the materials to be used to be agreed by the Local Planning Authority.

In terms of access and parking, permission is sought for a three residential units. Four bedrooms are indicated within Plots 1 & 2 of the development with five bedrooms proposed for Plot 3. Given this, the Council's current parking standards – set out in Supplementary Planning Document 4: Parking Standards (SPD4) would set a maximum of two parking spaces. The application indicates that integral garages would provide space for parking together with driveways/hardstanding areas for each property. In this instance, it is considered that the proposed access and parking arrangements are appropriate to the development proposed.

Lastly, a good sized garden space would be retained by No.3 Grammar School Lane, and garden/private amenity area is also provided for each of the new dwellings.

Landscaping is one of several matters that should be specifically addressed when considering applications for planning permission. The provision of improvements to the physical environment and

to provide for the conservation of the natural beauty and amenity of an area are important elements when considering any proposal for new housing development. Policy GR5 - Landscaping and New Development - sets out the criteria which seeks to secure the protection and enhancement of visual amenity. All landscaping proposals should be appropriate in terms of its nature and location to the visual prominence of the site and surrounding area. It should provide for new planting and the protection, enhancement or replacement of existing features such as ponds, trees, bushes, shrubs and hedges.

In addition to landscaping, the role that trees play in the street scene and surrounding landscape is also important. Policy GR7 - Trees and New Development together with Supplementary Planning Guidance SPG17- expects applicants to provide detailed plans identifying individual trees alongside with information on their health and condition to enable the local planning authority to assess and consider the implications for trees on development sites. In doing so, the general health, structure, size and life expectancy of trees, their visual value within the locality and their value for nature conservation will be taken into consideration and should help to inform the layout of any proposed development. It is important to ensure that all buildings and hard surface areas are sited in order to provide for the protection of those trees with the greatest visual and/or wildlife value and where development involving the loss of trees is proposed, replacement trees shall be planted elsewhere on the site in order to protect and preserve local amenity. A Tree Preservation Order (WR 0253) has been in place across this whole site since February 2001.

UDP Policy NC7 – Species Protection also makes it clear that the Local Planning Authority would not permit development that would have an adverse effect on wildlife protected by law unless protection can be secured through the use of planning conditions or obligations.

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

APPEARANCE AND AMENITY ISSUES

The area is characterised by dwellings that all have their own unique character and appearance. The proposed dwellings have been sited to avoid any undue overlooking or loss of privacy to existing, adjoining properties or one another. Habitable rooms within the new dwellings are proposed to be located to secure sufficient interface distances between the new dwellings and existing neighbouring properties so that privacy is maintained and any potential for overlooking is reduced to a minimum.

Each of the new dwellings make use of existing gradients and land levels running across the site. All three are similar in design making use of the same palette of materials but each of the proposed dwellings also has an individual feel to them giving rise to a unique character in the streetscene. The new dwellings have been carefully sited to ensure any impact on existing trees to be retained is kept absolutely minimal.

The immediate area is characterised by a diversity of design and house types. All dwellings in the area are individual in terms of their scale and appearance. Some are more modern in appearance whilst others are older and more reflective of traditional design. It is considered that the scale of the proposed new dwellings relates well to surrounding property, particularly having regards to the reduction of units across the site from 4 to 3.

A significant number of the trees throughout the site are self-set natural regeneration and are situated adjacent to Grammar School Lane. The larger stemmed trees are located along the periphery of the site with some individual specimen trees scattered throughout the landscaped garden area. The application has been supported with the submission of an Arboricultural Appraisal, prepared by qualified arboriculturists. A number of trees will be removed from the site as part of these proposals. The removal of these trees would allow for the continuation and better management of the healthy population of trees to be retained on site, together with replacement planting of trees of a suitable size and species in suitable locations within the site that will ensure the sustainable long term future of the site. Suitably worded planning conditions relating to tree protection measures and protective fencing to be erected would form part of any permission issued for this site.

SEPARATION DISTANCES

Care has been taken to ensure layout of internal rooms and the positioning of windows would not give rise to adverse loss of amenity, over-looking or loss of privacy. All standard interface and separation distances are met both in terms of the relationship of the new properties with one another and also in terms of their relationship with existing and neighbouring properties.

HIGHWAY/TRAFFIC IMPLICATIONS

There are considered to be no highway/traffic implications arising as a result of approving this development. Adequate sightlines and visibility are proposed with each property and off-street parking is secured. The provision of a new footpath across the full front of the site improves on the current situation as currently the lack of footway fronting the site puts pedestrians at risk of conflict with vehicles using Grammar School Lane. Therefore, the provision of the new footway should be considered as a highway gain and improvement.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The removal of some trees accepted as being in poor and/or declining health would allow for the continuation and better management of the healthy population of trees to be retained on site, together with replacement planting of trees of a suitable size and species in suitable locations within the site that will ensure the sustainable long term future of the site.

CONCLUSION

The site is located within a Primarily Residential Area and as such the erection of new dwellings is acceptable. The new dwellings are considered to be of a scale which relates well to surrounding properties and has regard to existing densities in the area. The design, scale and siting of the new dwellings is not considered to detrimentally impact on the character of the area. Access to each property together with off-street parking and the provision of vehicle turning area(s) and a new footway across the front of the site are considered to be acceptable. There is existing landscaping and boundary treatment within the site and around the site perimeters which will be retained and relates the proposed development to its surroundings. The provision of private amenity (garden) space is secured to each new dwelling with sufficient garden space retained for 3 Grammar School Lane. The proposed development is therefore considered to comply with Policies HS4 (Criteria for New Housing Development), GR5 (Landscaping and New Development) and GR7 (Trees and New Development) of the Wirral Unitary Development Plan and the National Planning Policy Framework and is recommended for approval subject to the following conditions.

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. In reaching this decision the Local Planning Authority has considered the following:-

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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. NO DEVELOPMENT SHALL TAKE PLACE UNTIL samples of the materials to be used in the external construction of this development, including facing bricks and roofing tiles, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

Reason: To ensure a satisfactory relationship between the various components of the developments 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 or hedgerows and the amenities of neighbouring properties, having regard to Policy HS4 of the Wirral Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order or statutory provision revoking, revising or re-enacting the provisions of that Order with or without modification), there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.

Reason: In order to protect the character of the area and visual amenities of the area and to residential amenities of adjoining occupiers, having regards to Policy HS4 of the Wirral Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order or statutory provision revising, revoking or re-enacting the provisions of that Order with or without modification), no additional new windows, doors or other openings other than those expressly authorised by this permission shall be added to the property unless expressly authorised.

Reason: In order to protect the character of the area and visual amenities of the area and the residential amenities of nearby occupants having regards to Policy HS4 of the Wirral Unitary Development Plan.

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

Reason: To safeguard the visual amenities of the area and of adjoining occupiers having regards to Policy HS4 of the Wirral Unitary Development Plan.

7. Notwithstanding the approved plans, NO DEVELOPMENT SHALL TAKE PLACE BEFORE full details of the new access arrangements, including a 2 metre wide footway across the frontage of the site, have been submitted to, and approved in writing, by the Local Planning Authority. The footway shall be constructed in accordance with the approved details and

before construction of the new dwellings hereby approved is commenced. The footway shall be retained and maintained permanently thereafter.

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

8. NO DEVELOPMENT (including any demolition, earthworks or vegetation clearance) SHALL TAKE PLACE BEFORE a scheme of landscaping, phased in relation to any phasing of the development, which shall include full details of both hard and soft landscaping works and earthworks, has been submitted to and approved in writing by the Local Planning Authority. The details of the scheme shall include:
- a. indications of all existing trees, shrubs and hedgerows on the lands;
 - b. details of any to be retained, together with measures for their protection throughout the course of the development;
 - c. details of all species, planting sizes and densities of all proposed enhancement and/or replacement planting;
 - d. finished levels and contours;
 - e. all proposed means of enclosure;
 - f. hard surfacing materials for footpaths, driveways and all other areas of hard-standing.

The scheme shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory landscaped setting for the development approved and the protection of existing important landscape features, having regards to Policies HS4, GR5 and GR7 of the Wirral Unitary Development Plan.

9. All soft landscaping comprised in the approved details of landscaping under condition eight shall be carried out in the first planting and seeding season following the completion of each development phase. Any trees, shrubs or plants that die, are removed, or become seriously damaged or diseased within a period of five years from the completion of each development phase shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, having regards to Policies HS4, GR5 and GR7 of the Wirral Unitary Development Plan.

10. The detailed landscaping plans to be submitted pursuant of Condition 8 above shall include a plan at not less than 1:200 scale, showing the position of any trees proposed to be retained.
- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars detailed in the landscaping plan(s) pursuant of Condition 8. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - b. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as approved in writing by the Local Planning Authority.
 - c. No equipment, machinery or materials shall be brought onto the site for the purpose of the development until a scheme showing the exact positioning of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): (Trees in Relation To Construction) has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in

accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition, "retained" tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity, having regard to Policy GR7 of the Wirral Unitary Development Plan.

11. 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.

12. 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.

13. 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.

14. NO DEVELOPMENT SHALL TAKE PLACE (including any demolition works) UNTIL a Construction Management Plan or Construction Method Statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved details.

Details submitted in respect of the method statement shall provide for routes for construction traffic, the provision of parking facilities for contractors and visitors during all stages of the development, hours of operation, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and shall provide for wheel cleaning facilities during the demolition, excavation, site preparation and construction stages of the development and/or method(s) of prevention of mud being carried onto the highway.

Reason: In the interests of the safe operation of the local highway network and having regard to visual and residential amenities of the area.

15. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 6 May 2015 and listed as follows: Proposed Site Plan Revision F (received 06.05.2015); Proposed Site Plan & Grammar School Lane Elevation Revision F (received 06.05.2015); Proposed Plans & Elevations: Plot 1 Revision F

(Received 06.05.2015); Proposed Plans & Elevations: Plot 2 Revision F (Received 06.05.2015) and Proposed Plans & Elevations: Plot 3 Revision F (Received 06.05.2015)

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

16. No removal of trees/scrub/hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority unless searched beforehand for birds' nests and nesting activity by a suitably qualified ecologist. Where nests are found in trees, scrub or hedgerows, clearance of vegetation within a 5 metre radius of the nest must be postponed until the young are confirmed to have fledged.

Reason: It is an offence under Part I, section 1(1) of the Wildlife and Countryside Act 1981 (as amended) to damage or destroy the nest of any wild bird whilst that nest is in use or being built and having regards to Policy NC7 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 03/06/2015 08:35:06

Expiry Date: 06/10/2014